



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE ADOPTION OF THE WASCO COUNTY CODE COMPLIANCE PENALTY ORDINANCE

ORDINANCE # 24-007

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board of Commissioners being present; and

WHEREAS, the Wasco County Planning Division has requested adoption of a new Code Compliance Penalty Ordinance;

WHEREAS, the proposed penalty ordinance includes listing fines for violations and prioritization schedule; and

WHEREAS, that on December 4, 2024 at the hour of 9:30 AM the Wasco County Board of Commissioners met to conduct the first of two legally notified public hearings on the above matter. The Board of County Commissioners reviewed recommendations by staff and received testimony from the public. The Board of County Commissioners tentatively approved the adoption; and

WHEREAS, that on December 18, 2024 at the hour of 9:30 AM the Wasco County Board of Commissioners met to conduct the second of two legally notified public hearings on the above matter. The Board of County Commissioners reviewed staff's presentation, and received testimony from the public. The Board of County Commissioners, by a vote of 3 to 3, approved/denied the adoption and conducted the second reading; and

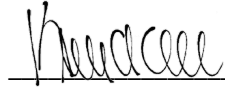
NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

1. That the request by the Wasco County Planning Department for adoption of the Wasco County Code Compliance Penalty Ordinance is hereby approved; and

2. Pursuant to Oregon Revised Statute 203.045, this ordinance shall take effect on the 90th day after the date of its adoption.

DATED this 18th day of December 2024.

APPROVED AS TO FORM:



Kristen Campbell, County Counsel

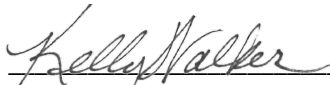
WASCO COUNTY BOARD OF COMMISSIONERS:



Steve D. Kramer, Commission Chair



Scott Hege, Vice-Chair



Kelly Walker, Executive Assistant



Phil Brady, County Commissioner

CHAPTER 1 - CODE COMPLIANCE PENALTY ORDINANCE

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Section 1.005 - Purpose

The purposes of this Ordinance are to establish administrative framework for classification of violations and determination of the amount of monetary penalties associated with violations of the Wasco County Code Compliance Ordinance, the Wasco County Land Use and Development Ordinance and the National Scenic Area Land Use and Development Ordinance.

Section 1.010 - Violation Classification

- A. Priority 1 violations are designated as Class A Violations.
- B. Priority 2 violations are designated as Class B Violations.
- C. Priority 3 violations are designated as Class C Violations.

Section 1.015 - Determination of Amount of Fine

The Code Compliance Officer or any employee authorized by the County to enforce this Ordinance, shall determine the amount of the fine to be assessed in accordance to the table "Schedule of Fines on Violations":

Schedule of Fines on Violations	Presumptive Fine	Minimum Fine	Maximum Fine (Individuals)	Maximum Fine (Corporations)
Class A	\$440	\$225	\$2,000	\$4,000
Class B	\$265	\$135	\$1,000	\$2,000
Class C	\$165	\$85	\$500	\$1,000
Class D	\$115	\$65	\$250	\$500

- A. No monetary penalty imposed under this Ordinance shall exceed the maximum fine per violation, per day.

- B. Except for illegal structures and illegal dwellings, the maximum accrued penalty plus all County charges shall not exceed \$10,000.
 - 1. Penalty for illegal structures and illegal dwellings ceases to accrue when it reaches the assessed value of the dwelling or structure or \$20,000, whichever is higher. If the assessed value is not available then the fine amount may be set to cease at \$20,000.
- C. For violations that are the second similar violation within 2 years from the date the first similar violation was resolved, the calculated penalty will be double.
- D. The Code Compliance Officer, Board of County Commissioners, Judge, or Hearings Officer may consider the following factors in deciding the priority and amount of the violation:
 - 1. The nature and severity of any violation as well as whether it is repeated or continuous;
 - 2. The number of violations;
 - 3. Whether the violation was due to unavoidable accident or other conditions or circumstances beyond the violations' reasonable control, or negligence or was an intentional act of the violator;
 - 4. The opportunity and degree of difficulty to correct the violation;
 - 5. The history of the violator in taking all feasible steps or procedures necessary or appropriate to correct the violation;
 - 6. The economic or financial benefit accrued or likely to accrue to the violator as a result of the violation;
 - 7. The violators' cooperativeness and efforts to correct the violation for which the penalty is to be assessed;
 - 8. The cost to the County of investigation and correction or attempted correction of the violation; and
 - 9. Any other factor(s) deemed relevant by the Code Compliance Officer or Hearings Officer.

Section 1.020 - Aggravating Circumstances

- A. Priority 2 and Priority 3 violations may have aggravating circumstances requiring they be elevated to a higher priority. The County may choose a different priority level or violations if one or more of the following circumstances are present:
1. The violation is severe and/or poses an immediate threat to public health, safety or welfare;
 2. The violation is significant in terms of physical size or extent of the violation;
 3. The violation has existed uncorrected for a significant length of time;
 4. Actions leading to the violation(s) were intentional; and/or
 5. There is little likelihood of obtaining voluntary compliance.

Section 1.030 - Definitions

For the purpose of this Ordinance, certain words and terms are defined as follows: Words used in the present tense include the future; words in the singular number include the plural, and words in the plural include the singular; the word “Building” includes the word “Structure”; the word “Shall” is mandatory and not directory.

Violation - Means failure to comply with (1) The Wasco County Code Compliance Ordinance, (2) The LUDO or NSA LUDO, (3) Conditions, requirements or other aspects of a land use permit, (4) Conditions, requirements or other aspects of a Hearings Officer Order, (5) Failure to comply with the terms of a voluntary compliance agreement.

Priority 1 Violation - Violations that involve land use activities that impact environmental and natural resources, may cause irreparable harm, pose significant health and safety issues or involve structures or buildings placed or under construction contrary to the provisions of the WCCCO, LUDO or NSA LUDO, including but not limited to:

- a. Floodplain, drainage, wetland, riparian area disturbances, including but not limited to grading and construction of roadway crossings;
- b. Dwellings or other structures without a permit;
- c. Violations of conditions of approval for development permits; and
- d. Overgrown vegetation or violations of Fire Safety standards/defensible space.

Priority 2 Violation - Violations that involve land use or nuisance activities that disturb the livability of the community, pose a lower health and safety risk, or involve development that does not meet standards, included but not limited to:

- a. Grading/excavating without permits;
- b. Commercial, industrial, or recreational activities without permits, including but not limited to home occupations and agricultural buildings converted to non-agricultural uses; and
- c. Outdoor parking or storage of five or more operable vehicles.

Priority 3 Violation - Violations that involve nuisance activities that pose potential health and safety issues or may have visual impacts, including but not limited to:

- a. Junk accumulation;
- b. Trash accumulation;
- c. Nuisance vehicle storage;
- d. Abandoned vehicles on public property or public right of way; and
- e. Unenumerated nuisances.