

ARTICLE ELEVEN -- ENFORCEMENT

DIVISION ONE - ENFORCEMENT PROCEDURES

[Adopted as Division One of Article Eleven  
On January 9, 2007]

SECTION 11.01.010                      PURPOSE

- (1) The purpose of this ordinance is to establish that the offense of certain County ordinances constitute a violation subject to enforcement by citation, and to set forth the procedures to be used for the enforcement of such violations.
- (2) The enforcement procedures set forth in this division shall be in addition to and not in lieu of, all other civil and criminal enforcement authority delegated to the County by law.

SECTION 11.01.020                      DEFINITIONS

- (1) As used in this Division the terms "enforcement officer," "violation," and "violation proceeding," have the meanings set forth in ORS 153.005, as may subsequently be amended.
- (2) The term "Board" shall mean the Coos County Board of Commissioners.
- (3) The term "County" shall mean Coos County, a political subdivision of the State of Oregon.
- (4) The term "Prosecutor" shall mean either the District Attorney, County Counsel, or their designee.

SECTION 11.01.030                      VIOLATIONS DESCRIBED

- (1) An offense is a violation under this Division if:
  - (a) The offense is the failure to comply with a County ordinance that provides that the offense is a violation enforceable under this division; or,
  - (b) The offense is the failure of any person to comply with a County ordinance that either requires or prohibits specific conduct.
- (2) Violations are classified for the purpose of sentencing, in accordance with ORS 153.012, into the following categories:
  - (a) Class A violations;
  - (b) Class B violations;
  - (c) Class C violations;
  - (d) Class D violations;
  - (e) Unclassified violations as described in subsection (3) of this section; and
  - (f) Specific fine violations as described in subsection (4) of this section. [18-04-003L]
- (3) An offense described in subsection (1) that is

designated as a violation, but does not specify the classification of the violation, is an unclassified violation. An unclassified violation is a Class B violation.

- (4) A specific fine violation is any offense described in subsection (1) that:
  - (a) Is not designated as a crime or as a class A, B, C or D violation; and
  - (b) Is punishable by a specific fine as the penalty for committing the offense.

SECTION 11.01.040

SCHEDULE OF PENALTIES

- (1) The penalty for committing a violation is a fine. The ordinance creating a violation may impose other penalties in addition to a fine, but may not impose a term of imprisonment.
- (2) Except as otherwise set forth in this section, a sentence to pay a fine for a violation shall be a sentence to pay an amount not exceeding the amounts set forth in ORS 153.018 for the applicable violation class. [18-04-003L]

SECTION 11.01.050

STATUTE OF LIMITATIONS; VENUE

- (1) The statute of limitations for proceedings under this Division is as provided for Violations in ORS 131.125.
- (2) All violation proceedings shall be commenced in Coos County.
- (3) At the discretion of the Enforcement Officer or Prosecutor, violation proceedings may be commenced in the circuit court of Coos County or, if the violation was committed within a city, in the municipal court for a city.
- (4) Except as specifically provided in this Section, venue in violation proceedings in circuit courts is governed by ORS 131.305 to 131.415.

SECTION 11.01.060

ISSUANCE OF CITATIONS

- (1) An enforcement officer may not arrest, stop or detain a person for the commission of a violation except to the extent provided in ORS 153.039 and ORS 810.410.
- (2) An enforcement officer may only issue a violation citation:
  - (a) In accordance with the provisions of ORS 153.042, except as provided therein; and
  - (b) That conforms to the requirements of ORS 153.045, except as provided therein.
- (3) The complaint in a violation citation must contain at least the information required by ORS 153.048(1).
  - (a) If the complaint does not conform to the

requirements of this Section, the court shall set the complaint aside upon motion of the defendant made before the entry of a plea. A pretrial ruling on a motion to set aside may be appealed by the County.

- (b) A court may amend a complaint in its discretion.
- (4) A summons in a violation citation is sufficient if it contains the information set forth in ORS 153.051.
- (5) An enforcement officer issuing a violation citation shall comply with the requirements of ORS 153.054, except as provided therein.

SECTION 11.01.070

ENFORCEMENT BY PRIVATE PARTY

- (1) A person other than an enforcement officer may commence a violation proceeding by filing a complaint with a court that has jurisdiction over the alleged violation. The filing of the complaint is subject to ORS 153.048. The complaint shall be entered by the court in the court record.
- (2) A complaint under this section must contain:
  - (a) The name of the court, the name and address of the person bringing the action and the name and address of the defendant.
  - (b) A statement or designation of the violation that can be readily understood by a person making a reasonable effort to do so and the date, time and place at which the violation is alleged to have occurred.
  - (c) A certificate signed by the complainant stating that the complainant believes that the named defendant committed the violation specifically identified in the complaint and that the complainant has reasonable grounds for that belief. A certificate conforming to this Section shall be deemed equivalent of a sworn complaint. Complaints filed under this Section are subject to the penalties provided in ORS 153.990.
- (3) Upon the filing of a complaint under this Section, the court shall cause a summons to be delivered to the defendant and shall deliver a copy of the complaint to the District Attorney and County Counsel for the county in which the complaint is filed. The court may require any enforcement officer to serve the summons.
- (4) If the complaint does not conform to the requirements of this Section, the court shall set it aside upon motion of the defendant made before the entry of a plea. A pretrial ruling on a motion to set aside may be appealed by the state.
- (5) A court may, acting in its sole discretion, amend a complaint filed under the provisions of this

- Section.
- (6) A court shall dismiss a complaint filed under this Section upon the motion of the Prosecutor if:
- (a) The Prosecutor has brought a proceeding against the defendant named in the complaint or intends to bring a proceeding against the defendant named in the complaint; and
  - (b) The proceeding is brought by the Prosecutor by reason of the same conduct alleged in the complaint.

SECTION 11.01.080

VIOLATION PROCEEDINGS; JUDGMENT;  
FINES

The provisions of ORS 153.061 to 153.145, shall apply to violation proceedings brought under this Division, except that all references to district attorney or city attorney in the foregoing statutes shall be amended to Prosecutor, as that term is defined in this Division.

DIVISION TWO - ACCELERATION OF REDEMPTION PERIOD FOR  
TAX FORECLOSED PROPERTY  
[Adopted as Division Two of Article Eleven on  
April 21, 1993]

SECTION 11.02.010 DEFINITIONS

Except where the context otherwise requires, the definitions given in this section govern the construction of this Division.

- (1) "Board" means the Coos County Board of Commissioners.
- (2) "Foreclosed property" means real property that has been foreclosed upon pursuant to ORS 312.090 but for which the redemption period has not run.
- (3) "Interested party" means any person, corporation or entity which has a recorded legal interest in a particular piece of real property, including judgment lien holders.
- (4) "Owner" means that person or persons last reflected in the County tax roll.
- (5) "Redemption period" means that period of time provided for in ORS 312.120 during which an owner or person with an interest in foreclosed property may redeem the property by paying all taxes, interest and penalties due and owing.
- (6) "Waste" means any action which reduces the value of the foreclosed property, including, but not limited to, physical damage to any or all of the foreclosed property or the failure to protect the foreclosed property from the elements or from trespassers, irrespective of whether the action is done with or without the knowledge of the owner or possessor of the property.

SECTION 11.02.020 FORFEITURE OF REDEMPTION PERIOD

- (1) Pursuant to ORS 312.200, the Board may enter an order requiring the Tax Collector of Coos County to deed to the County any real property sold to the County under ORS 312.100. Notice and hearing shall be provided as set forth below. This order may be entered only if:
  - (a) The property is subjected to waste which results in a forfeiture to the County of the right to possession under ORS 312.180; or
  - (b) The property is not occupied by the owner or any person or entity that appears in the records of the County to have a lien or other interest in the property for a period of six (6) consecutive months, and the property has suffered a substantial depreciation in value or will suffer a substantial depreciation in value if not occupied.

- (1) Upon determining that real property sold to the County under ORS 312.100 may be subject to waste or abandonment, the Board shall set a date, time and place for a hearing for the purpose of determining whether the property should be deeded to the County.
- (2) Not less than thirty (30) days prior to the hearing provided for in subsection (1) of this section, the County shall notify the owner and any interested party of the hearing. The notice shall contain:
  - (a) The date, time and place of the hearing.
  - (b) The date of the Judgment and Decree of Foreclosure.
  - (c) The normal date of expiration of the period of redemption under ORS 312.120.
  - (d) A warning to the effect that if the County determines that the property is subject to waste or abandonment as provided in this Division, the property will be deeded to the County thirty (30) days from the date of the Board's action so determining, and that every right or interest of any person in the property will be forfeited forever to the County, unless the property is redeemed within that thirty (30) day period.
  - (e) A legal description of the property and a tax account number.
  - (f) The name of the owner as it appears on the latest tax roll.
- (3) The notice provided for in subsection (2) of this section shall be given by both certified mail and by regular first class mail.
  - (a) Notice given to an owner shall be addressed to the owner or owners, as reflected in the County records of deeds, at the true and correct address of the owner as appearing on the instrument of conveyance under ORS 93.260 or as furnished under ORS 311.555 or as otherwise ascertained by the Tax Collector of the County pursuant to ORS 311.560.
  - (b) Notice given to a lienholder, or person or entity other than the owner, having or appearing to have a lien or other interest in the property, shall be addressed to the lienholder, person or entity at the address which the County knows or, after reasonable inquiry, has reason to believe to be the address at which the lienholder, person or entity will most likely receive actual notice.

SECTION 11.02.040 HEARING

At the scheduled time and place, the Board shall hold a public hearing for the purpose of determining if the property is subject to waste or abandonment. The following procedures shall apply to that hearing:

- (1) The Board shall first hear from any Coos County staff member with knowledge of the circumstances relating to the property.
- (2) Persons wishing to testify in favor of the forfeiture of the redemption rights shall then be allowed to testify.
- (3) The owner of record may then testify.
- (4) Any interested party that then appears in the records of the County may then testify.
- (5) Any person otherwise opposing the forfeiture may then testify.
- (6) Any person testifying shall be subject to cross-examination by either the Board or the owner of record.
- (7) Written testimony will be accepted if submitted to the Board at least five (5) business days prior to the date of the hearing.
- (8) An owner or interested party may be represented by an attorney or other person of their choice.
- (9) There shall be no rebuttal allowed except that the Board may recall any witness for further testimony.
- (10) The Board may, by resolution, establish such rules relating to the conduct of a hearing in order to promote the efficiency of the hearing, provided that such rules are consistent with this section.
- (11) The Board may continue the hearing, from time to time, upon verbal notice at the hearing, giving a specific date, time, and place for the continued hearing.

SECTION 11.02.050 ORDER

Following the hearing, the Board shall determine if the property is subject to waste or abandonment and whether the property should be deeded to Coos County pursuant to ORS 312.200. Any order entered by the Board shall be served upon the Tax Collector and by first class mail upon the owner and any person who appeared, either in person or in writing, at the hearing provided for in this Section. An order requiring the Coos County Tax Collector to deed the foreclosed property to the County shall be effective after the expiration of thirty (30) days from the date of the order, at which time the Tax Collector shall deed the property to Coos County, unless it is sooner redeemed by the owner or any interested party.

SECTION 11.02.060 APPEAL

An appeal from the order entered pursuant to Coos County Code Section 11.02.050 shall be taken through the Writ of Review process as set out in ORS 34.010 et seq.



DIVISION THREE - ALCOHOL RULES ENFORCEMENT IN THE OREGON  
DUNES NATIONAL RECREATION AREA  
[Adopted as Division Three of Article  
Eleven on May 21, 2003]

SECTION 11.03.010                      PURPOSE

The purpose of this Division is to provide local alcohol rules enforcement assistance to the United States Forest Service (USFS), which operates the Oregon Dunes National Recreation Area in Coos County (Dunes).

SECTION 11.03.020                      FINDINGS

The Board of Commissioners finds that:

- (1) Under the Code of Federal Regulations, [36 CFR 261.50(a) and (b); 36 CFR 261.58(bb)] and federal Order No. 12-18.4, the United States Forest Service has banned possession of alcoholic beverages in off-highway vehicle riding areas outside of developed sites.
- (2) The consumption of alcohol outside of developed sites contributes to conditions which endanger the public health, safety and welfare.
- (3) The USFS has requested that Coos County provide assistance in enforcing the alcohol ban.
- (4) Coos County can only provide such assistance with an ordinance in place.
- (5) This ordinance would promote the public health, safety and welfare in Coos County, and is a matter of local concern.

SECTION 11.03.030                      AUTHORITY OF COUNTY

This Division is adopted under the authority granted to counties under ORS 203.035, which provides that a county may exercise authority within the county over matters of county concern to the fullest extent allowed by Constitutions and laws of the United States and this state, as fully as if each particular power comprised in that general authority were specifically listed in ORS 203.030 to 203.075.

SECTION 11.03.040                      DEFINITIONS

As used in this Division:

- (1) An "alcoholic beverage" means any liquid or solid containing more than one-half of one percent alcohol by volume and capable of being consumed by a human being. ORS 471.001(1).
- (2) "Possession" of an alcoholic beverage includes:
  - (a) containment within a motor vehicle, tent, or other structure by the owner, operator, or

- other person having the authority or control of the location; and,
- (b) possession on a person or in an area within the immediate control of that person.
- (3) Possession does not include any lawful consumption prior to entering the off-highway vehicle riding areas designated in Section 11.03.050.
  - (4) "Developed site," means a campground, picnic area or day use area that provides services, including but not limited to, restrooms, tables, trash cans, water, and parking sites.

SECTION 11.03.050

APPLICATION

- (1) This Division applies to the areas in the Dunes designated in the federal Order, which prohibits possession of alcoholic beverages as follows:
  - (a) In the area within two hundred (200) feet of Hall Lake and Schuttpelz Lake, Township 23 South, Range 13 West, Section 1; and,
  - (b) within two hundred (200) feet of all designated off-road vehicle areas, or within lands administered as such, including dispersed off-highway vehicle campsites; or,
  - (c) on lands adjacent to the Dunes, or encompassed within the Dunes, at the request of the property owner.
- (2) This Ordinance does not apply to:
  - (a) developed sites;
  - (b) any federal, state, or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty;
  - (c) persons who are using National Forest land strictly for direct and lawful access to or from private property, or other public land not subject to the federal Order; and,
  - (d) any other person meeting exemption requirements specified in the federal Order.

SECTION 11.03.060

PENALTY

- (1) The offenses set forth in this ordinance are declared to be Class D violations. [18-04-003L]
- (2) The continuance or reoccurrence of a violation of this Division shall be considered a separate violation and shall be cited as such.
- (3) All fines paid for violations under this ordinance shall be deposited into the county general fund, pursuant to ORS 153.630(2)(d).

- (1) A duly appointed peace officer may issue a citation  
for offenses committed under this Division if:
  - (a) the conduct alleged to constitute a violation takes place in the presence of the enforcement officer; and,
  - (b) the enforcement officer has reasonable grounds to believe that the conduct constitutes a violation.
- (2) Citations issued for offenses under this Division shall conform to requirements of ORS 153.045.
- (3) Violations of this Division shall be prosecuted in Circuit Court, and shall be governed by the procedures set forth in ORS Chapter 153.
- (4) If the person receiving the citation is a firm, corporation or other organization, the citation may be issued to an employee, agent or representative of the firm, corporation or organization.

ORS 153.042(2).

DIVISION FOUR - DEMAND FOR COMPENSATION OR WAIVER  
[Article Eleven, Division Four was amended  
by Ordinance 04-12-014L, effective January  
19, 2005.]

SECTION 11.04.010                      POLICY AND PURPOSE

The purpose of this ordinance is to implement the provisions added to Chapter 197 of the Oregon Revised Statutes (ORS) by Ballot Measure 37 (November 2, 2004). This ordinance establishes the minimum information and evidence that must be included in a valid demand for compensation under the law enacted by Ballot Measure 37.

The decision by the Board to pay compensation or to waive a restricting county land use regulation is a final decision. However, development of the property remains subject to the claimant's complying with other county land use regulations that were adopted prior to the claimant's purchase of the property, development standards and public health and safety standards exempted by ORS Chapter 197 and seeking and obtaining the appropriate decision from any other affected governmental agencies.

SECTION 11.04.020                      EFFECTIVE DATE

This ordinance, as amended, became effective on January 19, 2005.

SECTION 11.04.030                      DEFINITIONS

For the purposes of this ordinance:

"Board" means the Coos County Board of Commissioners.

"Claimant" means the sole owner of the property, or the representative of all joint owners, as the case may be, who files a demand with the county pursuant to the provisions of this Ordinance.

"Counsel" means the Coos County Office of Legal Counsel.

"County" means Coos County.

"Demand" and "Demand for Compensation" mean a written demand that complies with the requirements set forth in Section 11.04.040 of this ordinance. A demand for compensation is not an application for a land use decision.

"Family member" shall include the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner of the property, an estate of any of the foregoing family members, or a legal entity owned by any one or combination of these family members or the owner of the property.

"Just compensation" shall be equal to the reduction in the fair market value of the affected property interest resulting from enactment or enforcement of the land use regulation as of the date the owner makes written demand for compensation under this ordinance.

"Land use regulation" has the meaning set forth in Subsection 11(B) of Ballot Measure 37, except that it shall not include those regulations described in Subsection 3 of Ballot Measure 37.

"Owner" is the present owner(s) of the property, or any interest therein

"State" means the State of Oregon.

"Subject property" means the real property for which an owner has submitted a demand for compensation.

"Waive" or "waiver" means the act or decision by the Board to modify, remove, or not to apply a restrictive county land use regulation(s) that has the result of reducing the fair market value of claimant's property and allows the claimant to use the property for a use permitted by the county at the time the owner acquired the property.

#### SECTION 11.04.040 DEMAND FOR COMPENSATION

- (1) Pursuant to ORS Chapter 197, an owner of property located in Coos County, may make a demand for compensation to the County based on any County action described in ORS Chapter 197.
- (2) A demand for compensation must be filed within the period set forth in ORS Chapter 197.
- (3) A demand for compensation may be submitted using the Coos County Demand for Compensation Form. It is suggested the Demand contain, at a minimum, the following information:
  - (a) Owner Information: The name(s), address(es) and telephone number(s) of all owners of the subject property and all persons holding any current interest in the subject property.

Evidence that the claimant is an owner, or an authorized agent of an owner(s) of the subject property, including the owner's date of acquisition, and the nature and scope of the owner's ownership.

- (b) Property Information: The address, township, range, section, tax lot, and legal description of the subject property, together with a current assessor's map or survey clearly delineating the entire subject property.
  - (c) Uses the current owner will accept in lieu of compensation.
  - (d) Existing Land Use Regulation(s): A copy, or description, of the current County land use regulation(s) that allegedly restricts or prevents the proposed use of the subject property and allegedly causes a reduction in the fair market value of the subject property, together with a list of the date(s) that the land use regulation(s) was enacted by the County.
  - (e) Land Use Regulation(s) in Effect at Acquisition: A copy, or description, of the comparable land use regulation(s) in effect at the time the owner acquired the subject property, or statement indicating that no comparable land use regulation(s) existed at the time of acquisition.
  - (f) Just Compensation: The amount of the demanded just compensation supported by evidence showing the difference between
    - (A) the current fair market value of the subject property at it's current highest and best use, assuming that the existing land use regulations were applied to the subject property, and;
    - (B) the current fair market value of the subject property assuming the proposed use described in Subsection (3)(c) of this section was allowed.
  - (g) Owner Consent: A notarized statement signed by each owner indicating that they concur in the filing of the demand for compensation and the contents of the demand.
  - (h) Other Documents: A copy of any other documents the claimant intends to rely upon in support of their demand.
- (4) If the demand for compensation relies in whole or in part upon the date of acquisition by a family member, then in addition to providing the information set forth in subsection (3) of this

section, the owner should also provide the following additional information:

- (a) Ownership records: A certified copy of all deeds or other records documenting the transfer of property among family members.
  - (b) Family Relationship Records: A certified copy of all documents, such as birth certificates, marriage licenses, adoption orders, etc., that prove a family relationship among owners of the subject property whose claim of relationship is the basis of the demand for compensation.
- (5) (a) The demand for compensation shall be filed with the County Clerk, who shall collect and provide a receipt for demand.
- (b) Upon receipt and filing, the Clerk shall immediately forward the demand for compensation to the Board of Commissioners.

SECTION 11.04.080

DECISION OF THE COUNTY BOARD OF COMMISSIONERS

- (1) Public meeting scheduled. Following review, the Board shall schedule a time for the matter to be decided by the Board at a regular public meeting and cause notice thereof to be given to the claimant, and to the public pursuant to ORS 192.610 to 192.690 and county policy .
- (2) Demand to be acted on in a public meeting: The Board shall consider all demands in a public meeting before taking final action.
- (3) Final decision on the demand: The Board shall consider the matter and make a final decision and adopt a written resolution thereon with findings of fact supporting the decision within the timelines specified in ORS Chapter 197. Such final decision must do one of the following:
  - (a) Deny the demand: Determine that all information necessary to deem the demand as a valid demand under ORS Chapter 197 and this Ordinance has not been satisfied and denies the demand;
  - (b) Compensate the claimant: Determine that all information necessary to deem the demand as a valid demand under ORS Chapter 197 and this Ordinance has been satisfied and that compensation in whole or in part is due to the claimant. The amount of compensation shall be supported by the evidence in the record. Payment of any compensation is subject to the availability and appropriation of funds for that purpose;

- (c) Waive the restrictive land use regulation: Determine that all information necessary to deem the demand as a valid demand under ORS Chapter 197 and this Ordinance has been satisfied and waives in whole or in part the restrictive land use regulation in accordance with this Ordinance.
- (d) Other actions: Take such other actions as the Board deems appropriate not inconsistent with ORS Chapter 197 and this Ordinance, which may include, but not be limited to, a combination of the above remedies.
- (4) Decision not a land use decision: The decision by the Board shall not be considered a land use decision as defined in ORS 191.015(10).
- (5) Notwithstanding a claimant's failure to provide all of the information required in Section 11.04.040 (3) and (4), the Board may review and act on a claim.

SECTION 11.04.070

WAIVERS

- (1) To grant a waiver may include, but not be limited to, modifying, removing or choosing not to apply a land use regulation(s) to the subject property. A waiver shall be in the form of an order which is authorized to be recorded in the deed records kept by the County Clerk.
- (2) Transfer of Waivers: Waivers of land use regulations, when granted in lieu of compensation and when properly recorded in the deed records of the county, survives the sale or transfer of property.
- (3) The right to obtain a waiver does not survive the sale or transfer of property if an application for waiver was not made, awarded and recorded by the owner who was eligible to obtain such waiver.

SECTION 11.040.090

REVOCAION OF WAIVER

- (1) The Board may revoke any waiver if it is determined that the waiver was issued on erroneous information or on account of false statements made in the demand hearing or false representation made at a public meeting.
- (2) No waiver shall be revoked unless:
  - (a) revocation proceedings are initiated within 30-days of the date of the Board's order granting a waiver;
  - (b) a public hearing is held to consider the revocation;
  - (c) the County has provided thirty-days notice of



- the hearing to the claimant by certified and first class mail to the address provided with the demand for compensation; and
- (d) the waiver was granted in substantial reliance on the erroneous information, false statement, or false representation.
- (3) The Board may initiate revocation proceedings on its own motion or at the request of an interested person when there is substantial evidence to believe that the provisions of this ordinance or ORS Chapter 197 have been violated.
  - (4) Any person requesting that the Board hold a revocation hearing may initiate revocation proceedings by submitting a written request for revocation containing the grounds for revocation accompanied by a fee of \$250. The revocation fee shall be fully refunded if the Board issues an order revoking the waiver.
  - (5) If the Board issues an order revoking a waiver, the order shall be recorded in the deed records kept by the County Clerk.

SECTION 11.040.090 GENERAL CONDITIONS

Interpretation: This Ordinance shall be interpreted and applied consistently with the provisions of ORS Chapter 197. If there should be any conflict between the provisions of this Ordinance and ORS Chapter 197, the provisions of ORS Chapter 197 shall control.

DIVISION FIVE -- VACANT RESIDENTIAL PROPERTY REGISTRATION  
[Adopted as Division Five of Article Eleven  
on November 20, 2018]

SECTION 11.05.010

PURPOSE AND POLICY

The purpose of this ordinance is to protect the health, welfare, and safety of the citizens of Coos County by protecting neighborhoods and communities from becoming blighted through the lack of adequate maintenance and security of vacant properties.

SECTION 11.05.020

DEFINITIONS

For the purpose of this Division the following terms shall apply:

- (1) Borrower means any person who becomes obligated on a real property loan agreement, either directly or indirectly, and includes, but is not limited to, mortgagors, vendees under conditional land sales contracts, and grantors under trust deeds.
- (2) Evidence of vacancy means any condition that on its own, or combined with other conditions present, would indicate to a reasonable person, when considering the totality of the circumstances, that the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers and/or mail; past due utility notices and/or disconnected utilities; accumulation of trash, junk and/or debris; the absence of window coverings such as curtains, blinds and/or shutters; the absence of furnishings and/or personal items consistent with residential habitation; evidence of trespass or criminal mischief; or statements by neighbors, passerby, delivery persons, or others that the property is vacant.
- (3) Lender means person who makes, extends, or holds a real property loan agreement and includes, but is not limited to, mortgagees; beneficiaries under trust deeds; vendors under conditional land sales contracts; trustees and a successor in interest to any mortgagee, beneficiary, vendor, or trustee. The term also includes any mortgagee, beneficiary, or trustee that accepts a deed in lieu of foreclosure.
- (4) Notice of Default means a written notice to a borrower stating that a default on a real property loan agreement has occurred and that legal action may be taken.
- (5) Out of area means any person outside of Coos County shall be deemed "out of area" for the

- purposes of this Division.
- (6) Person means any public or private corporation, local governmental unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity, contractor, subcontractor or combination thereof.
  - (7) Real property loan agreement means any agreement providing for a loan on residential property, secured in whole or part by real property located within Coos County, or any interest therein, and includes, but is not limited to mortgages, trust deeds and conditional land sales contracts.
  - (8) Vacant means any property that is not legally occupied.

SECTION 11.05.030

INSPECTION

- (1) Immediately upon default of the borrower under the terms of any real property loan agreement, and in no event later than recording any notice of default with the Coos County Clerk's Office, a lender shall perform, or cause to be performed, an inspection of the property that is the security for the applicable real property loan agreement.
- (2) If inspection reveals that the property is vacant, or shows evidence of vacancy as defined in Coos County Code 11.05.020(2), the lender shall, within fourteen (14) days of inspection, register the property with the Coos County Planning Department.
- (3) If the property is occupied but the borrower remains in default of the real property loan agreement, the property shall be inspected by the lender on a monthly basis until the borrower remedies the default. If any subsequent inspection shows that the property is vacant or shows evidence of vacancy, the lender shall, within fourteen (14) days of the inspection, register the property with the Coos County Planning Department.
- (4) This ordinance also applies to properties that have been the subject of a foreclosure sale where title has transferred from one lender to another lender; and a property transferred under a deed in lieu of foreclosure.

SECTION 11.05.040

REGISTRATION

- (1) The vacant property registration required pursuant to this Division shall contain the following information:
  - (a) The name of the lender;
  - (b) The mailing address of the lender;
  - (c) The direct contact name and phone number for the lender;
  - (d) The physical address for the lender's agent

- authorized to receive service of process, if applicable; and
- (e) The direct contact information of the local property management company responsible for security, maintenance and marketing of the property, if applicable.
- (2) There shall be no registration fee. A lender who has registered a property under this ordinance shall report any change of information contained in the registration under subsection (1) above within ten (10) days of the change. Properties subject to this ordinance shall remain under the registration requirement as long as the property remains vacant.
  - (3) Registration forms shall be available at the Coos County Planning Department and online at the Coos County Website.

SECTION 11.05.050

MAINTENANCE AND SECURITY  
REQUIREMENTS

- (1) A lender shall maintain properties subject to this ordinance. Maintenance includes all of the following:
  - (a) Keeping the premises free of dead vegetation, graffiti, trash, accumulated newspapers, circulars, flyers, discarded personal items, and any other item or condition that would cause a person to form a reasonable belief that the property is vacant;
  - (b) Ensuring that the property is maintained, protected, and managed in a manner that ensures that the property, or the use of the property by any individual while it is abandoned, does not constitute a violation of the Coos County Code or any Coos County Ordinance;
  - (c) Ensuring that the property remains secure and locked. Windows and doors may be boarded up if damaged. Otherwise, damaged windows and doors shall either be repaired or replaced within ten (10) business days; and
  - (d) Compliance with this section does not relieve a person subject to this ordinance of any obligations set forth by state law, or any covenants, conditions and restrictions which may apply to the subject property.

SECTION 11.05.060

LOCAL PRESENCE OF LENDER OR  
LENDER'S AGENT REQUIRED

An out of area lender shall retain the services of a local property management company to ensure compliance with this ordinance. The property management company shall post a

direct contact name and 24-hour contact phone number for persons to report problems or concerns, and the posting shall be placed on the exterior of a window facing the street to the front of the property, so it is visible from the street. If no such area exists, then the posting shall be placed on the exterior of the property in a location visible from the street to the front of the property. Such exterior postings shall be constructed of and printed with weather resistant materials.

SECTION 11.05.070

VIOLATION; PENALTY

- (1) A lender that violates any section of this Division shall be subject to enforcement by Coos County pursuant to Coos County Code, Article Eleven, Division One. A violation of this Division shall be a Class A Violation.
- (2) Violation of Section 11.05.050 is declared to be a public nuisance, and may be abated in any manner authorized under the Coos County Code and Oregon Law.

DIVISION SIX - VEHICLE NOISE ENFORCEMENT IN THE OREGON  
DUNES AND ADJACENT AREAS  
[Adopted as Division Six of Article  
Eleven on June 1, 2021 and effective  
August 30, 2021]

SECTION 11.06.010

PURPOSE

The purpose of this Division is to provide an effective means of regulating and controlling loud and offensive noise from motor vehicles that are operating within the Coos County Portion of the Oregon Dunes National Recreation Area and adjacent areas as defined in this Division (Dunes).

SECTION 11.06.020

FINDINGS

The Board of Commissioners finds that:

- (1) Under Oregon Law, [ORS 467.100(1)] a county may adopt and enforce noise ordinances or noise standards otherwise permitted by law.
- (2) OAR 340-035-0030 requires that no person shall operate any off-road recreational vehicle which exceeds the stationary noise level for off-road vehicles of 97 dBA (except motorcycles which is set at 99 dBA).
- (3) The current sound limit for motor vehicles operated within Dunes set by the Forest Service is 93 dBA.
- (4) The provisions of this Division are necessary to promote the public health, comfort, convenience, safety, welfare, and peace and quiet of the inhabitants of the County residing in the area described and depicted in Exhibit 1. The County finds that the area set forth in Exhibit 1 has significant off-road vehicle noise issue that requires regulation by the County.
- (5) Coos County can more effectively regulate off-road vehicle noise level violations in the regulated area by implementing county-level regulations.

SECTION 11.06.030

AUTHORITY OF COUNTY

This Division is adopted under the authority granted to counties under ORS 203.035, which provides that a county may exercise authority within the county over matters of county concern to the fullest extent allowed by Constitutions and laws of the United States and this state, as fully as if each particular power comprised in that general authority were specifically listed in ORS 203.030 to 203.075. This Division is also adopted under the authority of ORS 467.100(1).

SECTION 11.06.040 DEFINITIONS

Unless otherwise specified in this Division, all words used herein shall be defined in accordance with OAR 340-035-015, which sets forth the definitions for the Oregon Department of Environmental Quality noise control regulations. For ease of reference, as used in this Division:

- (1) "Decibel" or "dBA" means a unit used to express the relative intensity of a sound as it is heard by the human ear. The lowest volume a normal ear can detect under laboratory conditions is zero (0) dB, the threshold of human hearing. Since the decibel scale is logarithmic, ten (10) decibels are ten (10) times more intense and twenty (20) decibels are a hundred (100) times more intense than one (1) db.
- (2) A "motor vehicle" means a vehicle that is self-propelled or designed for self-propulsion including motorcycles and off-road recreation vehicles.
- (3) "Motorcycle" means any motor vehicle, except farm tractors, designed to travel on not more than three wheels which are in contact with the ground.
- (4) "Noise Level" means weighted sound pressure level measured by use of a metering characteristic with an "A" frequency weighting network and reported as dBA.
- (5) "Off-Road Recreational Vehicle" means any motor vehicle, including watercraft, used off public roads for recreational purposes. When a road vehicle is operated off-road the vehicle shall be considered an off-road recreational vehicle if it is being operated for recreational purposes.

SECTION 11.06.050 Noise Level Limits in Regulated Area

- (1) This Division sets the maximum noise level for any off-road recreational vehicle operated within the area

described in Exhibit 1 as follows: When measured from a stationary position 20 inches from the off-road recreational vehicle, the maximum noise level shall be 97 dBA.

- (2) Tests shall be conducted according to the procedures in the Oregon Department of Environmental Quality's Motor Vehicle Sound Measurement Procedures Manual (NPCS-21) or to standard methods approved by the County.

SECTION 11.06.060

Exceptions

- (1) Off-road vehicles and events that have been or are in the future granted an exemption by the Oregon Department of Environmental Quality under OAR 340-035-0010 are excluded from the noise limits of the Division.
- (2) This Division pertains only to the use of off-road recreational vehicles as defined in OAR 340-035-015. This Division does not impose regulations on motor sports vehicles and facilities as defined in OAR 340-035-015 and regulated under OAR 340-035-0040, with the exception that, in a manner consistent with OAR 340-035-0040(5), the noise limits set forth in Section 11.06.050 above shall apply when a motor sports facility is used as a recreation park for the operation of off-road recreational vehicles.
- (3) This Division does not supersede the provisions of any more stringent regulations promulgated by the State of Oregon, the United States Government, or any agency thereof. This Division, where equal to or less stringent than other regulations, may be enforced as a supplement to existing regulations.

SECTION 11.06.070

PENALTY

- (1) The offenses set forth in this Division are declared to be Class B violations, punishable by a fine not to exceed \$1,000.
- (2) The continuance or reoccurrence of a violation of this Division shall be considered a separate violation and shall be cited as such.
- (3) All fines paid for violations under this Division shall be deposited into the county general fund, pursuant to ORS 153.630(2)(d).



- (1) A duly appointed peace officer may issue a citation for offenses committed under this Division if:
  - (a) the conduct alleged to constitute a violation takes place in the presence of the enforcement officer; and,
  - (b) the enforcement officer has reasonable grounds to believe that the conduct constitutes a violation.
- (2) Citations issued for offenses under this Division shall conform to requirements of ORS 153.045.
- (3) Violations of this Division shall be prosecuted in Circuit Court, and shall be governed by the procedures set forth in ORS Chapter 153.
- (4) If the person receiving the citation is a firm, corporation, or other organization, the citation may be issued to an employee, agent or representative of the firm, corporation or organization.

Exhibit 1 -  
Regulated Area

Vehicle Noise Emission Zone Oregon  
Dunes National Recreation Area

Being that portion of the following described property  
lying West of

U.S. Highway 101 and North of the Coos Bay estuary:

Sections 6 and 7, Township 23 South, Range 12  
West of the Willamette Meridian;

Sections 1, 2, 10, 11, 12, 13, 14, 15, 22, 23, 24, 26, 27,  
33, 34 and 35,  
Township 23 South, Range 13 West of the Willamette  
Meridian;

Sections 2, 3, 4, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22,  
27, 28, 29, 31, 32, 33  
and 34, Township 24 South, Range 13 West of the  
Willamette Meridian;

Sections 3, 4, 5, 6, 7, 8, 18 and 19, Township 25 South,  
Range 13 West of the Willamette Meridian;

Sections 12, 13, 23, 24, 25, 26 and 35, Township 25  
South, Range 14 West of the Willamette Meridian;

All lying within Coos County, Oregon.

Exhibit 1 - Map of Regulated Area  
Regulated Area Shown in Light Green Shading



DIVISION SEVEN - ADMINISTRATIVE PROCEDURES FOR CODE ENFORCEMENT AND CODE COMPLIANCE HEARINGS OFFICERS [Adopted as Division Two of Article Eleven on January 18, 2022 and effective April 18, 2022 -Renumbered for administrative efficiency by the Office of Legal Counsel pursuant to Coos County Code Section 01.06.030]

SECTION 11.07.010      PURPOSE; POLICY; APPLICABILITY

- (1) The purpose of this chapter is to provide for effective and efficient enforcement and fair and impartial adjudication of alleged violations of Coos County Ordinances. All Ordinances enforceable by citation to court under Division One are likewise enforceable under this Division.
- (2) This chapter also serves the purpose of providing for procedures necessary for the efficient resolution of violations of Coos County Ordinance such as obtaining administrative search warrants and creating a process for enforcing consent agreements and compliance plans. These specific administrative procedures may be used in any enforcement context, whether or not the County intends to issue a citation to a hearings officer under this Division.
- (3) Nothing in this section is intended to preclude the County from enforcing provisions in the County Code or State Law that allow or require the County to use a different enforcement procedure.

SECTION 11.07.020      DEFINITIONS

- (1) "Board" shall mean the Coos County Board of Commissioners.
- (2) "Violation" under this Division has the meaning set forth in Division One, and includes all violations described in Division One. Additionally, failure to comply with an order, condition, or restriction lawfully imposed by a hearings officer under this Division shall be considered a violation.
- (3) "Enforcement Officer" means any law enforcement officer, code enforcement officer, or employee authorized to enforce all or a part of the Coos County Code. Employees, such as the County Roadmaster and Public Health Director may be authorized by law to enforce provisions of the County Code. The Board may by order delegate enforcement authority to specified County employees as it sees fit.
- (4) "Hearings Officer" means the hearings officer designated by the Board to be a hearings officer in a particular proceeding or group of proceedings.

- (5) "Defendant" means the person or business allegedly responsible for the conduct constituting a violation, for curing or remedying the violation, or paying monetary fines association with the violation. This is the person named on the notice of violation. The definition of defendant includes, but is not limited to, the following:
- (a) The owner of the property or the owner's manager or agent or other person in control of the property on behalf of the owner;
  - (b) The person occupying or controlling the property including bailer, lessee, tenant or other person having possession;
  - (c) The person or business who is alleged to have committed or authorized the commission of the violation or omitted to perform some action required by ordinance and constituting a violation;
  - (d) The person who procures, aids or abets another in the commission of a violation; or
  - (e) The owner or keeper of an animal alleged to have committed a violation.

SECTION 11.07.030 JURISDICTION OF HEARINGS OFFICER; JUDICIAL REVIEW

A duly appointed hearings officer shall have jurisdiction and authority to enforce violations under this Division. Furthermore, any provision of the Coos County Code specifically authorizing enforcement under Article Eleven, Division One shall be enforceable under this Division. In cases brought by the County before a hearings officer, the hearings officer's decision shall be the County's final determination. Judicial review of a hearings officer's final order shall be by writ of review as provided in ORS Chapter 34, unless the hearings officer makes a land use decision, in which case the land use decision may be reviewed by the Land Use Board of Appeals pursuant to ORS Chapter 197. Nothing in this Division shall preclude the County from appointing hearings officers pursuant to other provisions of law or this Coos County Code.

SECTION 11.07.040 GENERAL ADMINISTRATIVE PROCEDURES

- (1) When an alleged violation is reported to the County, staff shall evaluate the complaint and conduct a preliminary investigation to identify the priority level, subject to any established priorities. The County shall refer the matter to outside agencies when necessary. The County shall not proceed further if there is not sufficient evident to support the allegation of a violation.
- (2) If problem is resolved, referred, or determined not to be a



violation, the County shall notify the defendant's complainant, if any. If resolution of the violation involves the filing of a permit application, further enforcement action shall be suspended pending completion of the permit process.

- (3) If the County determines that there is a violation, an enforcement officer may take enforcement actions under this Division. Where practical under the circumstances, enforcement officers should take reasonable steps to achieve voluntary compliance.

SECTION 11.07.050 VOLUNTARY COMPLIANCE AGREEMENT

- (1) The County may enter into a written voluntary compliance agreement with a defendant before or after a citation is issued. The agreement shall include the required corrective action, time limits for compliance, and shall be binding.
- (2) The County will delay further processing of the alleged violation during the time allowed in the voluntary compliance agreement for the completion of the corrective action. The County shall take no further action concerning the alleged violation if all terms of the voluntary compliance agreement are satisfied, other than steps necessary to terminate any proceedings against the defendant at that time.
- (3) Failure to comply with any term of the voluntary compliance agreement constitutes a separate violation. If a voluntary compliance agreement is violated, the County may also proceed on the alleged violation that gave rise to the voluntary compliance agreement.

SECTION 11.07.060 PROPERTY INSPECTION; ADMINISTRATIVE WARRANTS

- (1) The County is authorized to enter and inspect property believed to be operating as a violation subject to this Division and Division One of this Article Eleven. An enforcement officer shall first obtain consent of the owner or person with actual authority and ability to consent to entry of the premises. If consent cannot be obtained, the enforcement officer shall obtain an administrative search warrant prior to entry onto premises.
- (2) In order to obtain an administrative warrant, the County shall proceed as follows:
  - a. Prepare an affidavit in support of request for administrative warrant. The affidavit should describe the purpose for the inspection or search and describe why it is necessary. The warrant should describe the property to be

- inspected, the manner of inspection, and the timeframe for conducting the inspection.
- b. Present the circuit court judge with the affidavit and proposed warrant.
  - c. If the judge signs the warrant, make a copy and take both the original and copy of the warrant to the property to be entered to execute the warrant.
  - d. County representatives shall be accompanied by a sworn member of the Sheriff's Office while executing the warrant.
  - e. Upon arrival at the premises to be inspected, the County representative authorized to execute the warrant shall tell the resident or person in apparent control his or her identity, authority, and purpose for being there.
  - f. The person executing the warrant shall read the warrant out loud and give a copy of the warrant to the person in apparent control of the property. On the original warrant, note the date and time of entry into the property and sign.
  - g. If the property is unoccupied or there is no one in apparent control, the person executing the warrant shall post a copy of the warrant on the property, note on the posted warrant the date and time of entry, and sign the note.
  - h. Copies of the original executed warrant shall be retained in the County's file.
  - i. After execution, the original warrant shall be returned to the issuing judge along with a Return of Administrative Warrant.
  - j. Affidavits, Administrative Warrants, and Return of Administrative Warrants shall be in a form approved by the Office of Legal Counsel.

SECTION 11.07.070 CITATION AND SUMMONS TO HEARINGS OFFICER

- (1) An enforcement officer may issue a defendant with a citation for violation of the County Code and a summons for the defendant to appear before the hearings officer under this Division.
- (2) A citation issued under this Section shall contain the following information:
  - a. The name or names of the alleged defendant(s);
  - b. A short statement of the facts constituting the alleged violation;
  - c. The date, time, and place of the alleged violation;
  - d. The code provision or other provisions of law the defendant has allegedly violated;
  - e. The relief requested which may include a monetary civil penalty (hereinafter "fine") and/or curative action sought;

- f. A signed certification that the enforcement officer has probable cause to believe that the responsible party committed the violation; and
  - g. Any additional information as necessary and appropriate for the purposes of giving notice or administering the violation process.
- (3) The summons will inform the responsible party that the citation will be filed with the hearings officer and that the responsible party has the following options:
- a. Request a hearing by one of the following methods:
    - i. Appear in front of the hearings officer and request a hearing, or request a hearing in writing.
    - ii. The summons will provide the time and place in which the responsible party shall appear before the hearings officer and the date on which any written request for a hearing must be received. The deadline for responding in writing or appearing before the hearings officer shall be no less than fourteen (14) days from the date of the issuance of the summons.
  - b. Admit committing the violation, waive a hearing, and submit a check or money order for the monetary penalty, if any, on the violation with a written statement of mitigating circumstances and any proposed alternative civil penalty. The hearings officer, after considering the written statement and any other evidence presented, will order the responsible party to comply with all or part of the relief requested.
  - c. Admit or plead no contest to the alleged violation and comply with the relief requested, including submitted a check or money order for the monetary penalty, if any.
  - d. Failure to take action as prescribed in the summons will constitute an admission that the allegations in the citation are true and imply consent to any lawful civil penalty or curative action imposed by the hearings officer. The deadline for exercising the options set forth in in the summons shall be the time and date specified for requesting a hearing under subsection (3)(a) above.

SECTION 11.07.080      TIME LIMITATIONS ON CITATIONS

Service of a summons must be completed within six months of the occurrence of the violation or within six months of the County's reasonable discovery of the violation, whichever is later.



SECTION 11.07.090      SERVICE OF CITATION AND SUMMONS

A citation and summons issues under Section 11.07.070 above may be served by mailing, with return receipt requested, or by personal service on a defendant. If the location or mailing address of a defendant are not known, service may be accomplished by attached the citation and summons in a secure manner to the main entrance to a premises which a defendant has possession, or in any such other manner reasonably calculated under the circumstances to put the defendant on notice of the citation and summons.

SECTION 11.07.100      NOTICE OF HEARING

- (1) The hearings officer shall hold a hearing on any timely request for a hearing by a defendant under Section 11.07.070(3)(a) above.
- (2) The hearings officer shall set a date and time for the hearing and send notice to defendant no later than twenty five (25) days prior to the hearing. If a mailing address is known, notice shall be given by first class mail and shall be deemed complete upon mailing. If a mailing address is not known, notice may be given by personal service, posting on the main entrance to a premises which a defendant has possession, or in any such other manner reasonably calculated under the circumstances to put defendant on notice of the hearing.
- (3) The notice of hearing shall contain the date, time, and place of the hearing and shall inform the defendant that they have the right to be represented by legal counsel at the hearing.
- (4) Enforcement matters of the Coos County Zoning and Land Development Ordinance:
  - a. Notices and hearings procedures will be conducted pursuant to ORS 197.763.
  - b. Under the authority of ORS 215.422 the hearings officer or Board of Commissioners will be the final decision maker for these types of actions.
  - c. Appeals of the final decision by the hearings officer or Board of Commissioners shall be appealable to the Land Use Board of Appeals pursuant to ORS 197.726.

SECTION 11.07.110      POSTPONEMENTS

For good cause, the hearings officer may postpone the hearing upon request by either party or on the hearings officer's own motion. The hearings officer may deny a request for postponement if a postponement will prejudice the interests of either party, if good cause is not shown, or if the request for postponement was not timely.

SECTION 11.07.120     LEGAL COUNSEL

The defendant may be represented by legal counsel at the hearing, but counsel shall not be provided at public expense.

SECTION 11.07.130     CONDUCT OF HEARING

- (1) In order to find the defendant guilty of committing the violation, the County must prove the defendant committed the alleged violation by a preponderance of the evidence.
- (2) Coos County shall proceed first, has the burden of proof, and shall be allowed to call witnesses, present evidence and present arguments.
- (3) Defendant shall proceed second and shall be allowed to call witnesses, present evidence and present arguments.
- (4) After consideration of all the evidence and arguments presented at the hearing, the hearings officer shall determine whether the alleged violation occurred. When the Hearings Officer finds that a violation was not committed, a written order dismissing the violation shall be issued.
- (5) Upon a finding that the defendant committed the alleged violation, a guilty finding shall be entered into Coos County records and a fine assessed in accordance with Article 11, Division One of the Coos County Code and/or the County ordinance violated, whichever is applicable. The hearings officer shall have the discretion to assess fines within the ranges allowed under Article 11, Division One and/or the applicable Ordinance violated. The decision of the hearings officer shall be in the form of a written order. If a violation is ongoing, the order may require the defendant to take action to cure the violation and provide a timeline for doing so.

SECTION 11.07.140     EVIDENCE AT HEARING

- (1) Hearings subject to this Division are not subject to Oregon Evidence Code however the following rules apply:
  - a. Evidence must be relevant to the alleged violation.
  - b. All witness testimony shall be under oath and subject to cross examination, and affidavits and declarations may be admissible subject to the Hearings Officer's discretion.
  - c. Evidence that is cumulative, unfairly prejudicial, not credible, unreliable, or irrelevant may be excluded.
- (2) The hearings officer will make determinations of the admissibility of evidence.

SECTION 11.07.150      NONCOMPLIANCE WITH HEARINGS OFFICER ORDER

It is a Class A violation to not fully comply with an order of a hearings officer.

SECTION 11.07.160      VIOLATION PENALTY COMPLIANCE

- (1) Unless otherwise ordered, fines imposed by order of the hearings officer must be paid or complied with within ten (10) days of the final order. Such period may be extended upon order by the hearings officer.
- (2) Any delinquent fines shall be turned over to the Coos County Finance Department or assigned to a private collection company for collection, and shall be assessed an additional administrative collection fee equal to twenty-five percent of the fine.
- (3) Pursuant to ORS 30.460, if fines and costs are not paid by defendant within sixty (60) days after payment is ordered, the County may file and record the hearings officer order in the County Clerk Lien Record. The lien may be enforced in the same manner as a judgment lien and shall bear interest at the rate prescribed in ORS 82.010. The interest shall commence from the date of the hearings officer's order. The lien shall be given priority over all liens except those for taxes and assessments. The County may sell or assign said lien, any such assignment to be made without recourse to the County.
- (4) The County may institute appropriate suit or legal action, in law or equity, in any court of competent jurisdiction to enforce the provisions of any order of the hearings officer, including an action to obtain judgment for any fine imposed by the hearings officer.