

FILED

JUL 03 2023

Washington County
County Clerk

1 IN THE BOARD OF COUNTY COMMISSIONERS
2 FOR WASHINGTON COUNTY, OREGON

3
4 ORDINANCE No. 894

5 **ADOPTED**

An Ordinance Adopting Chapter 2.38 of the
Washington County Code Establishing
Procedures for Management and Use of the
County Lien Docket

6
7 The Board of County Commissioners of Washington County, Oregon ("Board") ordains
8 as follows:

9 SECTION 1. FINDINGS

10 A. The Board finds various portions of the Washington County Code authorize
11 certain instruments, assessments and liens to be filed in the County lien docket, which is not
12 otherwise provided for in the Washington County Code.

13 B. The Board finds establishing procedures relating to management and use of the
14 lien docket is necessary to maintain and improve the efficiency and effectiveness of the County
15 lien docket and to aid in the tracking and collection of certain judgments, assessments and liens
16 as provided by the Washington County Code.

17 C. The Board finds and takes public notice that it is in receipt of all information
18 necessary to consider this Ordinance in an adequate manner, and that this Ordinance complies
19 with the requirements set forth in the Washington County Charter and the Washington County
20 Code.

1 SECTION 2.

2 The following Exhibit A (4 pages), attached hereto and incorporated herein by reference,
3 adds Chapter 2.38 to Title 2, Administration and Personnel, of the Washington County Code.

4 SECTION 3.

5 A. Nothing herein is intended, nor shall be construed, as amending, replacing or
6 otherwise being in conflict with any other ordinance of Washington County unless expressly
7 stated.

8 B. If any portion of this Ordinance, including the exhibit, shall for any reason be
9 held invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be
10 affected thereby and shall remain in full force and effect. In the event that this Ordinance, or
11 any portion thereof, is invalidated, the provisions of Washington County Code amended or
12 repealed by the stricken portion of this Ordinance shall be revised and again be considered in
13 full force and effect.

14 SECTION 4.

15 The Office of County Counsel is authorized to codify this Ordinance, including deleting
16 and adding textual material and maps, renumbering pages or sections, and making any
17 technical changes not affecting the substance of this amendment, as part of the Washington
18 County Code.

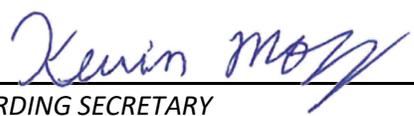
19 SECTION 5.

20 This Ordinance shall take effect thirty (30) days after adoption.
21
22

1 ENACTED this 1st day of August, 2023, being the 2nd reading
2 and 1st public hearing before the Board of County Commissioners of Washington
3 County, Oregon.

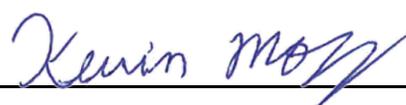
4 BOARD OF COUNTY COMMISSIONERS
5 FOR WASHINGTON COUNTY, OREGON

6 
7 _____
KATHRYN HARRINGTON, CHAIR

8
9 
10 _____
RECORDING SECRETARY

	<u>READING</u>	<u>PUBLIC HEARING</u>
13	First <u>7/18/23</u>	First <u>8/1/23</u>
14	Second <u>8/1/23</u>	Second _____
15	Third _____	Third _____
	Fourth _____	Fourth _____
	Fifth _____	Fifth _____

16 VOTE: Aye: Harrington, Fai, Treece,
Rogers, Willey Nay: _____

17
18 Recording Secretary:  Date: 8/1/23

CHAPTER 2.38
LIEN DOCKET

Sections:

2.38.010	Purpose
2.38.020	Definitions
2.38.030	Lien Docket
2.38.040	Lien Record
2.38.050	Release of Lien
2.38.060	Form of Payment
2.38.070	Issuance of Permits, Licenses and Other Approvals

2.38.010 Purpose.

The Board of County Commissioners of Washington County (“Board”) finds that various sections of the Oregon Revised Statutes and the Washington County Code direct and authorize certain instruments, assessments and liens to be filed in a lien docket. The Board finds it is necessary to improve the efficiency and effectiveness of collection of certain judgments, assessments, orders, penalties and liens by providing uniform procedures for use and management of the County Lien Docket.

2.38.020 Definitions.

For purposes of this chapter, words in the present tense include the future, the singular includes the plural, and the plural includes the singular, the word “shall” is mandatory and not discretionary, and the term “chapter” shall be deemed to include all amendments hereinafter made to this chapter. As used in this chapter, unless the context requires otherwise, the following words and their deviations shall mean:

A. “Lien Docket” shall mean that permanent record of instruments, assessments and liens to be kept by the county’s Chief Financial Officer, or their designee, which shall show all information as is required to keep a permanent and complete record of the lien and payments thereon.

B. “Lien Record” shall mean that permanent record of all instruments presented for recordation in the county records when required or permitted by law to be recorded that affect the title to or an interest in real property, other than instruments recorded in the deed and mortgage records or the statutory lien records, including tax liens, and kept by the county clerk.

2.38.030 Lien Docket.

- A. There shall be a Lien Docket by which the liens of Washington County can be accessed.
- B. The Board may, by ordinance, authorize the creation of a lien by filing the lien in the Lien Docket.
- C. The County's Chief Financial Officer, or their designee, shall enter in the County's Lien Docket:
 - 1. All liens on real property in favor of the county, including but not limited to, liens for:
 - (a) civil judgments and penalties in favor of Washington County;
 - (b) assessments for local improvements levied under Section 3.20 of the Washington County Code;
 - (c) system development charge installment payments authorized under Section 3.17.060 and ORS 223.230;
 - (d) real property special assessment apportionments;
 - (e) nuisance or hazard abatements and penalties.
 - 2. All releases, satisfactions, assignments, apportionments, amendments, installments and modifications of liens recorded in the Lien Docket. No transfer or assignment of any certificate of purchase of real property sold under ORS 223.505 to 223.590 is valid unless such transfer or assignment is noted by entry in the Lien Docket.
 - 3. Such other documents required or permitted to be recorded, filed or noted in the Lien Docket by law.
- D. In addition to filing liens and notices in a Lien Docket, the appropriate county department or county service district may record the lien in the Washington County Lien Record. Any lien recorded in the Lien Record shall comply with Section 2.38.040 of this Chapter.
- E. Each lien filed in the Lien Docket shall consist of:
 - 1. The effective date of filing;
 - 2. A reference to the location of source documents and files;
 - 3. A description of the real property affected by the filing including the county "R" number and a description of the property meeting the requirements of ORS 93.600;
 - 4. The lien account number or other account identifier;

5. The total amount of the original lien; and
6. The current amount of principal balance.

F. Each Lien Docket entry filed for the purpose of an assessment for local improvements shall also include the following information:

1. The name or number of the local improvement;
2. A description of each lot or parcel of land or other property against which the final assessment is made or which bears or is chargeable for a portion of the actual cost of the local improvement;
3. The name of record owner;
4. The amount and due date of installment payments, if any; and
5. The amount of the unpaid final assessment together with the amount of installment.

G. Payments of installments, interest, penalties, and late payment charges for assessments for local improvements shall be noted in the Lien Docket as they are received, with the date of payment. The payments so made and entered shall discharge the lien to the amount of the payment and from the date of the payment.

H. If the lien document was previously recorded in the Lien Record or deed records, in addition to the information above, the Lien Docket shall include the original recording date and reference to the location of the original recording.

I. Each lien filing shall be a lien in favor of the county against each lot or parcel of land or other property identified, until paid, for the following:

1. For the amount of the unpaid principal docketed, together with interest at the rate provided by law or determined by the county; and
2. For any additional penalties or collection charges imposed by the County or county service district with respect to any amounts that are not paid when due.

2.38.040 Lien Record.

A. Any lien filed in the Lien Docket may also be recorded in the Lien Record. Liens recorded in the Lien Record shall include the following information:

1. Clear title or statutory title of the lien;
2. Total lien amount;
3. Recorded title owner of obligated property;

4. A description of the real property affected by the obligation meeting the requirements of ORS 93.600 and any other identifying information such as address, map tax lot or a description; and
5. A clear statement of the purpose of the recording and a reference to the Lien Docket.

B. The Lien Record shall be kept by the County clerk.

2.38.050 Release of Lien.

The County may collect an administrative fee, as set forth in the fee schedule, for the release of any lien filed in the Lien Docket or the Lien Record.

2.38.060 Form of Payment.

The Chief Financial Officer, or their designee, may require payment to be tendered via any secure form of payment, including money order, cashier's check or electronic fund transfer.

2.38.070 Issuance of Permits, Licenses and Other Approvals.

In addition to any other collection method, if any applicant, or any person or firm affiliated with the applicant, seeking a permit, license or other approval from the County has any charge due to the County that is not paid when due, the issuance of such permit, license or other approval may be withheld until such time as the past due amount is paid. This section shall not apply to approvals pursuant to the Oregon Structural Specialty Codes.