

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the violation/ VIOLATION 28-96  
citation of  
MIKE and HELEN HENDERSON, Respondents

SEP 10 AM 10:33

This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon, on September 6, 1996, in the Klamath County Museum Meeting Room in Klamath Falls, Oregon. The hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related statutes and ordinances. The Klamath County Planning Department was represented by Mr. Kim Lundahl and the recording secretary was Assistant Planner Karen Burg. The Klamath County Planning Department file and all the exhibits and other contents therein is incorporated by this reference into this matter. The Klamath County Planning Department staff report was received. Based upon the evaluation of the staff report and consideration of the evidence received, the hearings officer makes the following findings of fact and conclusions and makes the following decision.

## FINDINGS OF FACT

Respondents were represented by AAA Property Management. The allegations of violation were supported by written statements and photographs and no rebuttal was offered. AAA Property Management, on behalf of the Respondents, contends that the tenants of the property should have been served with the citation instead of serving the property owners and that the county must deal with the tenants directly. Respondents have served the tenants with notice to vacate within thirty days. The thirty days have passed. The

issue raised by Respondents is whether property owners can be held responsible for use of their property by tenants when the use is in violation of the Klamath County Land Development Code.


# CONCLUSION

The Respondents are ultimately responsible for maintaining their property in compliance with the law and a lease agreement or rental contract with a tenant does not relieve owners of that responsibility. Respondents are in violation.

# ORDER

It is hereby ordered that the Respondents shall bring their property into compliance within thirty (30) days of the date of this order. Timely commencement of legal action by Respondents to enforce compliance will be considered evidence of reasonable effort to comply. In the event Respondents fail to comply with this order the Code Enforcement Officer shall cite Respondents into Klamath County District Court. Bail to be set at \$1000.00.

Dated this 6th day of September 1996 .

  
Michael L. Brant  
Hearings Officer

KLAMATH COUNTY LAND DEVELOPMENT CODE SECTION 24.060 PROVIDES:

"An Order of the Hearings Officer may be appealed to the Board of County Commissioners within seven (7) days of its mailing as set forth in Article 33."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 10th day  
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Bernetha G. Letsch  
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