

IN THE COUNTY COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

JUN 27 1 47 PM '01

KAREN R. LEBRETON
COUNTY CLERK

IN THE MATTER OF THE ADOPTION)
OF AN ORDINANCE RELATING TO)
THE ENFORCEMENT OF THE) ORDINANCE
ENVIRONMENTAL HEALTH PROGRAM))
IN WASCO COUNTY, OREGON.)

The County Court of Wasco County ordains as follows:

SECTION 1 - SHORT TITLE.

This Ordinance shall be referred to as the Environmental Health Enforcement Ordinance (referred to hereinafter as "this Ordinance").

SECTION 2 - PURPOSE.

The purpose of this Ordinance is to implement the County's authority to enforce the environmental health programs delegated to the County by the State Health Division under ORS 446.425, 448.100, and 624.510.

SECTION 3 - ADOPTION.

The County adopts the following State Statutes and Administrative Rules as County Ordinances:

A. Tourist Facilities (including travelers' accommodations, hotels, picnic parks, recreation parks, and organizational camps): ORS 446.310 to 446.350, and Administrative Rules adopted by the State Health Division thereunder, including OAR Chapter 333, Divisions 29, 30, and 31.

B. Pool Facilities (including public swimming pools, public spa pools, public wading pools, and bathhouses): ORS 448.005 to 448.100, and

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1 Administrative Rules adopted by the State Health Division thereunder, including
2 OAR Chapter 333, Divisions 60 and 62.

3 C. Restaurants and Bed and Breakfast Facilities (including limited
4 service restaurants, and temporary restaurants): ORS 624.010 to 624.130, and
5 624.992 and Administrative Rules adopted by the State Health Division
6 thereunder, including OAR Chapter 333, Divisions 150, 151, 152, 153, 154, 155,
7 156, 157, 158, 159, 160, 161 and 170.

8 D. Commissaries, mobile units and vending machines (including
9 warehouses): ORS 624.310 to 624.440, and 624.992, and Administrative Rules
10 adopted by the State Health Division thereunder, including OAR Chapter 333,
11 Divisions 162, 163, 164, 165, 166, 167 and 168.

12 E. Administrative Procedures: ORS 183.090, 183.310, and 183.413 to
13 183.502, and OAR 333-012-0050 to 333-012-0065, and 137-003-0001 to
14 137-003-0092.

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17 SECTION 4 - VIOLATION PROCEEDINGS.

18 A. The Public Health Administrator is delegated the authority to
19 designate, from time to time, specific employees of the Wasco-Sherman Public
20 Health Department of Wasco County (referred to hereinafter as the "Health
21 Department" that are authorized to issue citations for the commission of
22 violations of this Ordinance. The employees so designated shall be deemed to
23 be "enforcement officers", within the meaning of ORS 153.005 to 153.145.

24 B. Violations of this Ordinance shall be deemed to be "violations",
25 within the meaning of ORS 153.008. Violations of this Ordinance are punishable
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1 by fines as established by the State Court Administrator for unclassified
2 violations.

3 C. The sentence to pay a fine for a violation committed by a
4 corporation shall be in an amount twice the fine established for a violation by an
5 individual.

6 D. Violation proceedings shall follow the process set forth in
7 ORS 153.005 to 153.145.

8 E. Pursuant to ORS 153.058(7), violation proceedings must be
9 commenced by an enforcement officer.

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11 SECTION 5 - CONTESTED CASE PROCEEDINGS.

12 Enforcement officers of the Health Department may enforce violations of
13 this Ordinance through the contested case proceedings process set forth in
14 ORS 183.090, 183.310, and 183.413 to 183.502, and OAR 333-012-0050 to
15 333-012-0065, and 137-003-0001 to 137-003-0092.

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17 SECTION 6 - PUBLIC NUISANCE.

18 Any facility that is operated in violation of this Ordinance is a public
19 nuisance and dangerous to health and may be abated or enjoined in any manner
20 provided by law.

21 SECTION 7 - AMENDMENTS.

22 All amendments to the Oregon Revised Statutes and Oregon
23 Administrative Rules adopted herein shall automatically be adopted into this
24 Ordinance as well, with the same effective dates as that set forth in such
25 amended statutes and rules.

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1 SECTION 8 - REMEDIES NOT EXCLUSIVE.

2 None of the remedies available to the County as set forth in this
3 Ordinance are exclusive. Nothing in this Ordinance shall preclude any remedy
4 otherwise available to the County, either in law or equity.

5 SECTION 9 - DELEGATION; CONSULTATION.

6 A. The Public Health Administrator is delegated the authority to carry
7 out the provisions of this Ordinance.

8 B. The Public Health Administrator shall consult with the County Court
9 before taking action pursuant to Section 6 of this Ordinance.

10 C. The Public Health Administrator shall report on a quarterly basis to
11 the County Court on all activity taken pursuant to Sections 4 and 5 of this
12 Ordinance.

13 D. The Public Health Administrator is delegated the authority to set
14 fees and penalties according to law and shall report on a regular basis to the
15 County Court on fees and penalties set according to this Subsection.

16 SECTION 10 - SEVERABILITY.

17 If any section or part thereof of this Ordinance shall be held illegal,
18 unconstitutional, or void, this shall not be construed to render void any other
19 provision or requirements of this Ordinance.

20 SECTION 11 - EMERGENCY.

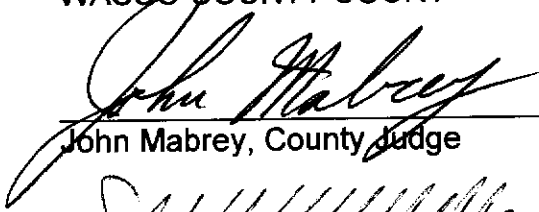
21 This Ordinance being necessary for the immediate preservation of the
22 public peace, health and safety, an emergency is declared to exist, and this
23 Ordinance shall take effect immediately upon passage.

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Regularly passed and adopted by a unanimous vote of all members of the
County Court of the County of Wasco, State of Oregon, this 27th day of June,
2001.

WASCO COUNTY COURT



John Mabrey, County Judge




Scott McKay, County Commissioner

absent


Dan Ericksen, County Commissioner

ATTEST:



Kathy McBride
Clerk of the Court

APPROVED AS TO FORM:



Eric J. Nisley
Wasco County District Attorney

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