FILED WASCO CTY
THE DALLES OR.
JUN 27 1 47 PM '01
KAREN R. LEBRETON
COUNTY CLERK

IN THE COUNTY COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

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

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

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

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

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

SECTION 4 - VIOLATION PROCEEDINGS.

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

B. Violations of this Ordinance shall be deemed to be "violations", within the meaning of ORS 153.008. Violations of this Ordinance are punishable

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by fines as established by the State Court Administrator for unclassified violations.

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

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

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

SECTION 5 - CONTESTED CASE PROCEEDINGS.

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

SECTION 6 - PUBLIC NUISANCE.

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

SECTION 7 - AMENDMENTS.

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

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SECTION 8 - REMEDIES NOT EXCLUSIVE.

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

SECTION 9 - DELEGATION; CONSULTATION.

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

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

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

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

SECTION 10 - SEVERABILITY.

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

SECTION 11 - EMERGENCY.

This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 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

Kathy McBride
Clerk of the Court

APPROVED AS TO FORM:

Eric J. Nisley
Wasco County District Attorney

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