

Chapter 8.20

ENVIRONMENTAL HEALTH ENFORCEMENT ORDINANCE

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8.20.010 Short Title. This chapter shall be referred to as the Environmental Health Enforcement Ordinance (referred to hereinafter as "this ordinance"). (Ord. 2000-11-4, § 1, 2000)

8.20.020 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, pursuant to the State's delegation order dated December 15, 1975. (Ord. 2000-11-4, § 1, 2000)

8.20.030 Adoption. The County adopts the following state statutes and administrative rules as county ordinances:

A. Tourist Facilities (including travelers' accommodations, hostels, 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 administrative rules adopted by the State Health Division thereunder, including OAR chapter 333, divisions 60, and 62. (Ord. 2000-11-4, § 1, 2000)

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.

8.20.040 Violation Proceedings.

A. The Health Administrator is delegated the authority to designate, from time to time, specific employees of the Environmental Health Division of the Douglas County Health & Human Services Department (referred to hereinafter as the "Environmental Health Division") 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 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. (Ord. 2000-11-4, § 1, 2000)

8.20.050 Contested Case Proceedings. Enforcement officers of the Environmental Health Division 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.

8.20.060 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.

8.20.070 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.

8.20.080 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.

8.20.090 Delegation; Consultation.

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

B. The Health Administrator shall consult with the Board of Commissioners before taking action pursuant to section 8.20.060 of this ordinance.

C. The Health Administrator shall report on a quarterly basis to the Board of Commissioners on all activity taken pursuant to sections 8.20.040 and 8.20.050 of this ordinance.

D. The Health Administrator is delegated the authority to set fees and penalties according to law and shall report on a regular basis to the Board of Commissioners on fees and penalties set according to this subsection. (Ord. 2000-11-4, § 1, 2000)