

48. CLATSOP COUNTY ENVIRONMENTAL HEALTH PROGRAM

48.1 PURPOSE

48.1.1 The purpose of this Ordinance is to implement the County's authority to enforce the environmental health programs delegated to Clatsop County by the State of Oregon for Food Service Facilities, Tourist Facilities, and Pool Facilities.

48.2 ADOPTION

48.2.1 The following Oregon State Statutes and Administrative Rules are adopted as part of this Chapter and are incorporated into this Chapter by this reference:

48.2.2 Restaurants and Bed and Breakfast Facilities (including limited service restaurants, and temporary restaurants): ORS 624.010 to 624.035, 624.060 to 624.110, 624.130 and 624.992 and Administrative Rules adopted by the Department of Human Services (or its successor agency) pursuant to those statutes, including OAR Chapter 333, Divisions 150, 157, 158, 160 and 170.

48.2.3 Commissaries, mobile units and vending machines (including warehouses): ORS 624.310 to 624.440, and 624.992, and Administrative Rules adopted by the Department of Human Services (or its successor agency) pursuant to those statutes, including OAR Chapter 333, Division 162.

48.2.4 Tourist Facilities (including travelers' accommodations, hostels, picnic parks, recreation parks, and organizational camps): ORS 446.310 to 446.320, 446.322 to 446.349, and Administrative Rules adopted by the Department of Human Services (or its successor agency) pursuant to those statutes, including OAR Chapter 333, Divisions 29, 30, and 31.

48.2.5 Pool Facilities (including public swimming pools, public spa pools, public wading pools, and bathhouses): ORS 448.005 to 448.060, 448.095 to 448.100, and Administrative Rules adopted by the Department of Human Services (or its successor agency) pursuant to those statutes, including OAR Chapter 333, Divisions 60 and 62.

48.2.6 Administrative Procedures: ORS 183.310, 183.413 to 183.502, and 183.745, and OAR 333-012-0050 to 333-012-0070, and 137-003-0001 to 137-003-0092.

48.3 VIOLATION PROCEEDINGS

48.3.1 The Public Health Administrator is delegated the authority to designate, from time to time, specific employees of the Clatsop County Public Health Department that are authorized to issue citations for the commission of violations of this Chapter. The employees so designated shall be deemed to be "Enforcement Officers", within the meaning of ORS 153.005 to 153.145.

48.3.2 Violations of this Chapter shall be deemed to be "violations", within the meaning of ORS 153.008. Violations of this Chapter are punishable by fines as

established by ORS 153.015 for unclassified violations.

48.3.3 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.

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

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

48.4 CONTESTED CASE PROCEEDINGS

48.4.1 Enforcement Officers may enforce civil penalties for violations of this Chapter through the contested case proceedings process set forth in ORS 183.310, 183.413 to 183.502, and 183.745 and OAR 333-012-0050 to 333-012-0070, and 137-003-0001 to 137-003-0092.

48.5 PUBLIC NUISANCE

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

48.6 AMENDMENTS

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

48.7 REMEDIES NOT EXCLUSIVE

48.7.1 None of the remedies available to Clatsop County as set forth in this Chapter are exclusive. Nothing in this Chapter shall preclude any remedy otherwise available to Clatsop County, either in law or equity, including enforcement under Clatsop County Code of Ordinances Chapter 38.

48.8 DELEGATION

48.8.1 The Public Health Administrator is delegated the authority to carry out the provisions of this Chapter, including those available to Director of Human Services (or its successor position title) under the Oregon Revised Statutes and Oregon Administrative Rules.

48.8.2 The Public Health Administrator shall administer the programs necessary to enforce the rules adopted by the Oregon Department of Human Services.

48.9 FEES

48.9.1 The Board of County Commissioners may by Resolution and Order, establish fees for licenses, permits, inspections and program administration.

48.10 CONFORMANCE OF STATE LAW

48.10.1 This ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the State of Oregon, or its agencies, or any ordinance, rule, or regulation of Clatsop County.

48.11 INCONSISTENT PROVISIONS

48.11.1 This ordinance shall supersede, control and repeal any inconsistent provision of any County ordinance as amended or any other regulations made by Clatsop County.

48.12 SEVERABILITY

48.12.1 If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions of this ordinance.