

Title 9

ENVIRONMENTAL HEALTH PROGRAM

Chapter:

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Chapter 9.04

ENVIRONMENTAL HEALTH PROGRAM

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9.04.010 Purpose.

The purpose of this chapter 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. (Ord. 05-07 § 2)

9.04.020 Adoption.

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

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. 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. (Ord. 05-07 § 3)

9.04.030 Violation proceedings.

- A. 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.
- B. Violations of this chapter shall be deemed to be a Class A violation under Chapter 1.11.
- 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. 05-07 § 4)

9.04.040 Contested case proceedings.

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. (Ord. 05-07 § 5)

9.04.050 Public nuisance.

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. (Ord. 05-07 § 6)

9.04.060 Amendments.

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. (Ord. 05-07 § 7)

9.04.070 Remedies not exclusive.

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 Chapter 1.12. (Ord. 05-07 § 8)

9.04.080 Delegation.

- A. 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.
- B. The Public Health Administrator shall administer the programs necessary to enforce the rules adopted by the Oregon Department of Human Services. (Ord. 05-07 § 9)

9.04.090 Fees.

The Board of County Commissioners may, by resolution and order, establish fees for licenses, permits, inspections and program administration. (Ord. 05-07 § 10)

9.04.100 Conformance of state law.

This chapter 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. (Ord. 05-07 § 11)

9.04.110 Inconsistent provisions.

This chapter shall supersede, control and repeal any inconsistent provision of any County ordinance as amended or any other regulations made by Clatsop County. (Ord. 05-07 § 12)

9.04.120 Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter 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 affect the validity of the remaining portions of this chapter. (Ord. 05-07 § 13)

Chapter 9.08

ON-SITE WASTEWATER MANAGEMENT PROGRAM

Sections:

- 9.08.010 Purpose.**
- 9.08.020 Administrative rules adopted.**
- 9.08.030 Prohibitions.**
- 9.08.040 Unlawful construction or utilization a nuisance.**
- 9.08.050 Fees.**
- 9.08.060 Enforcement.**
- 9.08.070 Amendments.**
- 9.08.080 Conformance with state law.**
- 9.08.090 Inconsistent provisions.**
- 9.08.100 Severability.**

9.08.010 Purpose.

This chapter is enacted for the purpose of ensuring that adequate and safe sewage disposal installations are provided to dispose of all liquid wastes in a manner which will minimize conditions that may cause stream and ground water pollution, endanger the water supply, create a nuisance, or endanger the public health. (Ord. 14-05 § 1)

9.08.020 Administrative rules adopted.

Except as specifically provided herein, all administrative rules, including definitions, which are duly existing and adopted by the Environmental Quality Commission of the State of Oregon and the Department of Environmental Quality on the date of enactment of the ordinance codified in this chapter, pursuant to ORS 454.605 through 454.780, including appendices, are adopted as rules of Clatsop County and shall have full force and effect as law as if fully set forth herein. Violation of this chapter shall be measured by the technical and other standards found in said rules. (Ord. 14-05 § 1)

9.08.030 Prohibitions.

- A. No person shall construct or install a subsurface sewage disposal system or alternative sewage disposal system except in compliance with ORS Chapter 454 and rules promulgated thereunder.
- B. No person shall habitate on or utilize land except in compliance with ORS Chapter 454 and rules promulgated thereunder. (Ord. 14-05 § 1)

9.08.040 Unlawful construction or utilization a nuisance.

Construction of a subsurface sewage disposal system, alternative sewage disposal system or utilization of land without an authorized system in violation of this chapter shall be deemed a nuisance under Chapter 8.04 of this code and dangerous to the health and welfare of the County. (Ord. 14-05 § 1)

9.08.050 Fees.

The Board of Commissioners of Clatsop County may, by resolution and order, establish fees for applications for permits, licenses, and services provided for in ORS Chapter 454, including fees for renewals, evaluation reports and feasibility studies. (Ord. 14-05 § 1)

9.08.060 Enforcement.

Violation of the chapter shall be enforceable pursuant to Chapter 1.12 of this code, except appeal from a compliance order pursuant to Section 1.12.210 shall be to the Environmental Quality Commission. Nothing herein precludes any remedy otherwise available to Clatsop County at law or in equity. (Ord. 14-05 § 1)

9.08.070 Amendments.

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 those set forth in such amended statutes and rules. (Ord. 14-05 § 1)

9.08.080 Conformance with state law.

This chapter 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. (Ord. 14-05 § 1)

9.08.090 Inconsistent provisions.

This chapter shall supersede, control and repeal any inconsistent provision of any County ordinance as amended or any other regulations made by Clatsop County. (Ord. 14-05 § 1)

9.08.100 Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter 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 affect the validity of the remaining portions of this chapter. (Ord. 14-05 § 1)