

First reading held: April 7, 1976 @ 10:30 a.m.
Second reading held: April 21, 1976 @ 10:30 a.m.

AMENDMENTS ATTACHED

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR KLAMATH COUNTY, OREGON

An ordinance of Klamath County, Oregon)
establishing and providing an administra-)
tive procedure for review of actions)
and procedures involved in licensing)
and related functions of inspection of)
food service facilities, tourist facilities,)
and public swimming facilities, subject to)
delegation of functions by the Department)
of Human Resources, Health Division, under)
authority of Oregon Laws, 1975, Chapters)
790 and 792; and further declaring that)
an emergency exists.)

ORDINANCE NO. 30

WHEREAS, the Board of Commissioners of Klamath County, Oregon has by resolution dated December 1, 1975, requested the Administrator of the Oregon State Health Division to delegate functions of inspection and licensing of food service facilities, tourist facilities and public swimming facilities in Klamath County, to the Board of County Commissioners of Klamath County as provided by Oregon Laws, 1975, Chapters 790 and 792.

WHEREAS, tentative approval of the delegation of authority has been provided by the Administrator of the Health Division of the Department of Human Resources to Klamath County, Oregon.

WHEREAS, Klamath County must further provide administrative procedures to review contested rulings or actions as provided by ORS 446.052, ORS 448.255 and ORS 624.340; and such procedures must further comply with Oregon Administrative Procedures Act, of Oregon Revised Statutes, Chapter 183.

WHEREAS, proper notice has been given for the required public hearing held by the Board of Commissioners on this Ordinance, and

WHEREAS, the Board of Commissioners has considered the provisions of this Ordinance and all testimony, exhibits, reports and recommendations pertaining thereto;

NOW, THEREFORE,

The Board of Commissioners of Klamath County ordains as follows:

100 Purpose.

To implement the delegation of authority by the Administrator of the Oregon Department of Human Resources, Health Division of the powers of fee collection, licensing, inspection, enforcement of rules, and issuance and revocation of permits and certificates of compliance in regard to food service facilities, tourist accommodations, and public swimming facilities pursuant to Oregon Laws, Chapters 790 and 792. To further assign to the Registered Sanitarian of the Klamath County Health Department, and assistants thereunder the functions of fee collection, licensing inspections, enforcement of rules and the issuance and revocation of permits and certificates of compliance, and to, in conjunction with the State Health Division establish and publish rules thereunder. To establish administrative procedures to provide for review of any denial, suspension, revocation or failure to issue a license or certificate in regard to any of the above delegated functions.

105 Rules.

The chief registered sanitarian of the Klamath County Health Department shall enforce all rules and regulations of the Health Division of the Oregon State Department of Human Resources as now in effect or shall be hereinafter promulgated regarding to food service facilities, tourist accommodations, and public swimming facilities and shall enforce all provisions of Oregon Revised Statutes as applicable thereto, specifically:

446.002;	446.006;	446.016;	446.046;	446.052;
446.066;	446.095;	446.105;	446.111;	446.115;
446.310;	446.320;	446.330;	446.335;	446.340;
446.345;	446.425;	446.990;	448.005;	448.020;
448.030;	448.035;	448.040;	448.051;	448.060;
624.010;	624.020;	624.025;	624.027;	624.028;
624.030;	624.040;	624.050;	624.060;	624.065;
624.070;	624.075;	624.080;	624.100;	624.310;
624.320;	624.330;	624.340;	624.370;	624.380;
624.390;	624.400;	624.410;	624.510;	624.990;

and all other subsequently enacted and/or delegated to Klamath County, Oregon.

110 Fees.

The Board of County Commissioners, shall in conjunction with the chief sanitarian of the Klamath County Health Department and the approval of Health Division of the Oregon State Department of Human Resources establish license, registration and all applicable fees for facilities regulated under this Ordinance.

115 Adoption of Rules.

Except as otherwise provided in this ordinance, the Board adopts Division III of the "Attorney General's Model Rules of Procedure Under the Administrative Procedure Act," dated October 22, 1975, together with any provisions of ORS Chapter 183 which are not embodied in said Model Rules and which set forth procedural requirements for contested cases, as the County's rules for hearings and other administrative procedures in connection with contested cases arising from the County's performance of the functions delegated to the County pursuant to Oregon Laws, 1975, Chapters 790 and 792.

120 Definitions.

Agency: For purposes of this Ordinance, agency shall mean the Board of Commissioners of Klamath County, Oregon.

125 Judicial Review.

a) Judicial Review of any final order of the agency shall be by Writ of Review to the Circuit Court of Klamath County.

b) Final orders of the Board of County Commissioners shall comply with the Attorney General's Model Rules of Procedure, Rule 30.70(2) and shall bear the following:

NOTICE: You are entitled to judicial review of this order by filing within 60 days of this order, a petition for Writ of Review with the Circuit Court of Klamath County, Oregon.

130 Validity.

If any section, subsection, sentence, clause, phrase or word of this Ordinance shall, for any reason, be held invalid or unconstitutional by a court of competent jurisdiction, it shall not affect the validity of the remainder of this Ordinance, but shall be confined to the section, subsection, sentence, clause, phrase or word to which it applies, it being the intent of the Board of County Commissioners that this Ordinance should stand with such deletions.

135 Enactment.

This Ordinance being necessary for the immediate preservation and protection of the public health, safety and general welfare, an emergency is hereby declared to exist and this ordinance shall be, and is hereby declared to be in full force and effect from the date of its passage.

DONE and DATED this 11TH day of March, 1976.

BOARD OF COUNTY COMMISSIONERS

By

Raymond P. Horn
Chairman

By

Bryan Williams
Commissioner

By

Lloyd Galt
Commissioner

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authority of Oregon Laws, 1975, Chapters)
790 and 792; and further declaring that)
an emergency exists.)

ORDINANCE NO. 30

WHEREAS the Board of Commissioners of Klamath County, Oregon at public hearing on April 7, 1976, at 10:30 A.M., heard the first reading of the above ordinance, at which time certain changes were requested; and

WHEREAS the Board of Commissioners determines the purpose of intent of the above ordinance would be met by such changes,

NOW, THEREFORE, the Board of Commissioners of Klamath County, Oregon ordains as follows:

1. Amending Paragraph 3, page 1 to read as follows:
"As providing by ORS 446.051, ORS 446.052, ORS 624.020, 624.025, and ORS 624.340."

2. Amending Section 105 to include the following additional Oregon Revised Statutes as applicable thereto, specifically 448.030, 624.020, 624.025, 624.067, and 624.420.

3. Striking from Section 110, Fees, the following:
"and the approval of the Health Division of the Oregon State
Department of Human Resources."

4. Amending Section 125, Judicial Review, to read:
"(a) Judicial review of any final order of the agency shall be
by Writ of Review to the Oregon Court of Appeals."

DONE and DATED this 21st day of April, 1976.

BOARD OF COUNTY COMMISSIONERS

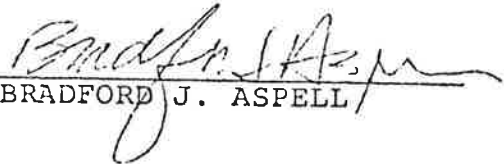
By Raymond R. Thome
Chairman

By _____
Commissioner

By Lloyd Gilt
Commissioner

APPROVED AS TO FORM:

BOIVIN & BOIVIN
County Counsel

By 
BRADFORD J. ASPELL