

**Chapter 113**  
**ENVIRONMENTAL HEALTH**

## Section

- 113.01 Purpose
- 113.02 Adoption
- 113.03 Violation Proceedings
- 113.04 Contested Case Proceedings
- 113.05 Public Nuisance
- 113.06 Amendments
- 113.07 Remedies Not Exclusive
- 113.08 Delegation
- 113.09 Severability

**§113.01 PURPOSE.**

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

(Ord. 2004-16, passed 12-15-2004)

**§113.02 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. 2004-16, passed 12-15-2004)

**§113.03 VIOLATION PROCEEDINGS.**

A. The Public Health Administrator is delegated the authority to designate, from time to time, specific employees of the Umatilla 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 "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.

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.

11-12

E. Pursuant to ORS 153.058(7), violation proceedings must be commenced by an enforcement officer.  
(Ord. 2004-16, passed 12-15-2004)

**§113.04 CONTESTED CASE PROCEEDINGS.**

Enforcement Officers may enforce 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. 2004-16, passed 12-15-2004)

**§113.05 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.

**§113.06 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. 2004-16, passed 12-15-2004)

**§113.07 REMEDIES NOT EXCLUSIVE.**

None of the remedies available to Umatilla County as set forth in this Chapter are exclusive. Nothing in this Chapter shall preclude any remedy otherwise available to Umatilla County, either in law or equity, including enforcement under Umatilla County Code of Ordinances Chapter 38.  
(Ord. 2004-16, passed 12-15-2004)

**§113.08 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. 2004-16, passed 12-15-2004)

**§113.09 SEVERABILITY.**

If any section or part thereof of this Chapter shall be held illegal, unconstitutional, or void, this shall not be construed to render void any other provision or requirements of this Chapter.  
(Ord. 2004-16, passed 12-15-2004)