

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1116

Amending MCC Chapters 15, Sheriff, and 21, Health, Relating to Specified Animals and Adding an Appeals Process for Health Licenses and Permits

(Language ~~stricken~~ is deleted; double underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County Vector Control enforces Portland City Code (PCC) Title 13 with respect to specified animals through an intergovernmental agreement with the City.
- b. County Vector Control has recently been advised that the Portland City Council passed Ordinance No. 181539 on January 16, 2008. That ordinance revised the City's specified animal regulations, deleted its enforcement and appeals procedures (PCC 13.05.045 and 13.05.050), and replaced PCC 13.05.045 with the following: "All enforcement of this Chapter by the Director shall follow the procedures set forth in Multnomah County Code Chapters 15.225-15.236."
- c. As the County's Nuisance Control Law (MCC §§ 15.225-15.236) and MCC Chapter 21, Health, do not contain references to specified animals or an appeals process for certain health licenses and permits, it is necessary to amend our code accordingly.

Multnomah County Ordains as follows:

Section 1. MCC Chapter 21 is amended to add sections 21.950 and 21.990 as follows:

§ 21.950 Specified Animals.

(A) For purposes of this chapter, the following definitions apply unless the context requires a different meaning:

Livestock. Animals, including but not limited to, fowl, horses, mules, burros, asses, cattle, sheep, goats, llamas, emu, ostriches, rabbits, swine, or other farm animals excluding dogs and cats.

Specified Animals: Bees or livestock.

Specified Animal Facility. A permitted site for the keeping of one or more specified animals, including but not limited to a stable, structure or other form of enclosure.

(B) For services of the department in connection with licensing or permitting specified animals or a specified animal facility, the department will collect fees to recover the cost of providing such services as provided in MCC § 21.002.

§ 21.990 Appeals and Hearings.

(A) A person receiving a notice of denial, refusal to renew, suspension, or revocation of a license or permit for specified animals, specified animal facility and other health licenses (for swimming pools, food services and tourist facilities) as provided in this chapter, may request a hearing in accordance with the applicable portions of MCC § 15.231.

Section 2. MCC § 15.231 is amended as follows:

§ 15.231 Appeals and Hearings.

(A) Any person receiving a notice under § 15.230(D), (E) or (F) may request a hearing by writing the Health Officer or Sheriff within seven days of the date of the notice.

(B) A person receiving a notice of denial, refusal to renew, suspension, or revocation of license or permit for specified animals, specified animal facility and other health licenses, as provided in MCC § 21.990, may request a hearing by writing the Health Officer within seven days of the date of the notice.

(~~B~~C) The Health Officer or Sheriff shall, upon receipt of request for a hearing, promptly notify the hearings officer who shall set a time and place for the hearing at the earliest possible time and shall promptly notify the person requesting the hearing as to the time and place for the hearing. Notice may be by any means of giving actual notice. Notice may also be given to such persons as the hearings officer may determine to be interested persons.

(~~D~~E) The person requesting the hearing and the Health Officer or Sheriff may make argument, submit testimony, cross examine witnesses and submit rebuttal evidence on the pertinent issues. Any party may be represented by counsel.

(~~E~~F) All hearings shall be recorded in a manner which will allow for written transcription to be made and all materials submitted at the hearing shall be retained by the hearings officer for a period of two years.

(~~F~~G) Failure of the person requesting the hearing to appear at the hearing shall constitute a waiver of the right to a hearing.

(~~G~~H) After the hearing, the hearings officer shall issue and mail a copy of the order determining the question within 15 days from the date of the hearing, or any continuance thereof not to exceed 15 days, to the person requesting hearing and the Health Officer or Sheriff.

(~~H~~I) If the hearings officer finds the nuisance to exist, the order shall set a date for abatement to be accomplished by the owner.

(~~I~~J) If the hearings officer determines that anything removed under § 15.230(F) no longer constitutes a nuisance or can be released upon such condition as the hearings officer may prescribe that will eliminate the nuisance, the person requesting the hearing may claim it upon paying the expense incurred in its removal and storage.

(H) If the hearings officer determines there was a wrongful abatement under § 15.230(F), the hearings officer may order the Health Officer or Sheriff to make reasonable restitution.

(JK) Hearings involving the Health Officer shall be conducted in accordance with applicable portions of ORS 183.413 to ORS 183.470.

FIRST READING:

July 10, 2008

SECOND READING AND ADOPTION:

July 17, 2008



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

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