

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDINANCE NO. 989**

Amending MCC §§ 21.150, 21.152, 21.605 And 21.612 Relating to Swimming Pool and Food Service Licenses and Fees

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

**The Multnomah County Board of Commissioners Finds:**

- a. Chapter 975 Oregon Laws 2001 created new provisions and amended state laws relating to food service facilities.
- b. It is necessary to amend MCC Chapter 21, Health, to update license and fee provisions and conform with state law.

**Multnomah County Ordains as follows:**

**Section 1.** MCC § 21.150 is amended as follows:

**§ 21.150- Swimming Pool License Fee.**

For the services of the department in connection with the inspection of public swimming pools, public spa pools, and bathhouses as those terms are defined in ORS 448.005, the department ~~shall~~will collect a license fee from each applicant as set by Board resolution based on the number of swimming or spa pools located at the same address, and operated by the same licensee. ~~Annual~~ license expires annually on December 31. fees shall be as set by Board resolution. The annual license fee must be paid in advance or postmarked to the department on or before midnight December 31 of the preceding license year.

**Section 2.** MCC § 21.152 is amended as follows:

**§ 21.152 Reinspection-Increased Frequency, Reinstatement and Late Fees.**

(A) For the services of the department in providing increased frequency inspections, ~~more than two reinspections in a calendar year~~, the department ~~shall~~will collect a fee for each additional inspection in an amount set by Board resolution.

(B) The Board by resolution will set a reinstatement or late fee for failure to pay license, additional inspection or plan review fees when due. ~~If any fee imposed by this subchapter is not paid within 30 days of the date due, there shall be added a penalty of 50% of such fee.~~

(C) If the department determines that the delinquency was due to reasonable cause and without any intent to avoid compliance, the ~~penalty-reinstatement or late fee~~ provided by subsection (B) ~~shall~~will be waived.

**Section 3.** MCC § 21.605 is amended as follows:

**§ 21.605 Certificate and Program Participation Fees.**

(A) All food handlers trained under § 21.603 ~~shall~~must pay the department a fee in an amount set by Board resolution for the issuance of an original food handler's certificate.

(B) All other food handlers ~~shall~~must pay the department a program participation fee in an amount set by Board resolution ~~for the issuance of an original food handler's certificate.~~

(C) All food handlers ~~shall~~must pay the department a fee in an amount set by Board resolution for the issuance of a replacement certificate.

**Section 4.** MCC § 21.612 is amended as follows:

**§ 21.612 Payment Of License Fees, Reinspection Fees; Delinquency.**

(A) Licenses issued under this subchapter ~~terminate and are renewable~~expire annually on December 31 ~~of each year.~~ The ~~renewal annual~~ license fees imposed under this subchapter ~~shall~~must be paid in advance or postmarked to the department on or before midnight ~~of January~~December 31 of the ~~current preceding~~ license year, ~~to the department.~~

(B) Except as provided in ~~division subsection (C) of this section,~~ to any license fee not paid as required in subsections (A), (D) and ~~(KJ) of this section,~~ there ~~shall~~will be added a reinstatement or late fee as set by Board resolution ~~penalty of 50% of such license or increased frequency inspection fees.~~

(C) If the department determines that the delinquency was due to reasonable cause and without any intent to avoid compliance, the ~~penalty~~reinstatement or late fee provided by ~~divisions subsections (B) and (H) of this section~~shallwill be waived.

(D) When a license fee is due at any ~~other time of the year,~~ other than January-December 31, the license fee ~~shall be~~is payable to the department within 30 days of application. If the license fee is not paid as provided in this ~~divisions subsection,~~ then ~~division subsection (B) of this section~~shallapplies.

(E) The license fee for a seasonal facility, which operates six or fewer consecutive months, ~~shall be~~is payable within 30 days of the first day of operation for the current year. If the fee is not paid as provided in this ~~divisions subsection,~~ then ~~divisions subsection (B) of this section~~willapplies.

~~(F) One half of the license fee shall be refunded if an establishment closes or changes ownership within the first two months of the year or within any two month period of ownership, and the application for a refund is made, in writing, within the same two month period.~~

~~(GF)~~ The license fee for a temporary restaurant operating on an intermittent basis at the same specific location ~~in a grouping of less than six~~shallwill be as set by Board resolution.

~~(HG)~~ The application and license fee for any temporary restaurant ~~shall~~must be received in the environmental health office by noon two working days before the event begins.

(H) Except as provided in ~~division subsection (C)~~ and for benevolent organizations as defined in ORS 624.015, for any temporary restaurant license not applied and paid for as required in ~~division subsection (GH) of this section, there shall be added,~~ a late processing fee will be added in an amount set by Board resolution.

(J) Benevolent organizations are exempt from any temporary restaurant license or inspection related fees.

(K) For the services of the department in providing an increased frequency inspection as mandated under ORS 624.085 and OAR 333-157-0027, the department ~~shall~~ will collect a fee for each additional inspection in an amount set by Board resolution. Reinspections for the sole purpose of checking the number of food handler cards ~~shall~~ are not be subject to this fee.

(L) The department may charge a relocation fee in lieu of a full fee under certain circumstances such as, but not limited to, no change in business name, ownership, menu served or type of equipment used. The relocation fee ~~shall~~ will be in an amount set by Board resolution. Plan review fees may apply.

(M) The department ~~shall~~ will charge an inspection fee for a mobile unit licensed in another jurisdiction providing services in Multnomah County in an amount set by Board resolution.

FIRST READING:

August 22, 2002

SECOND READING AND ADOPTION:

August 29, 2002



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

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