

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 723

An ordinance amending Multnomah County Code: Title 5 by establishing criteria for County approval for issuance of a Wrecker Certificate as authorized by ORS 822.140.

MULTNOMAH COUNTY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS

A. ORS 822.140 authorizes the Board of County Commissioners (the Board) to adopt criteria for granting local government approval of a Wrecker Certificate for businesses in unincorporated Multnomah County which carry on or conduct a business, in whole or in part, of buying, selling or dealing in vehicles for the purpose of wrecking, dismantling, disassembling, and offering for sale the used vehicle components thereof.

B. This ordinance is necessary to ensure that all wreckers are certified to meet the high expectations of this community and conduct business in a lawful manner.

C. The recommended criteria for County approval of a Wrecker's Certificate are in the public interest.

SECTION 2. ADOPTION OF CRITERIA FOR ISSUANCE OF A WRECKER CERTIFICATE.

5.10.010 Wrecker Certificate processing fees.

The purposes of this chapter are to establish the principal

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criteria which shall be considered by the board of county commissioners, and its designee, the Multnomah County Sheriff, in granting approval of wrecker certificates within unincorporated Multnomah County and to establish an application and approval process.

A. Application Procedure.

1. Any applicant for a wrecker certificate who is required by the Department of Motor Vehicles (DMV) to obtain approval from a county governing body in which it does business shall present an application prescribed by DMV to the Multnomah County Sheriff (the sheriff) for the purpose of obtaining such an approval.
2. The sheriff may require information in addition to that provided on the application in order to conduct an investigation relevant to the county's approval.
3. An application shall be accepted only if it is properly completed and accompanied by a processing fee of \$15.

B. Investigation of Application. The sheriff shall coordinate and conduct an investigation of each application using the following procedures:

1. Check for prior arrest records of owners on employees or violations of state statutes regulating wreckers;
2. Check for prior community relations problems;
3. Check with the county zoning department to see that the requirements of ORS 822.110 are met;
4. Check with the county zoning department to see if the

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business location violates any prohibitions under ORS 822.135;

5. Check with the county zoning department to see that the location meets zoning regulations of the county; and
6. Check with the county department of assessment and taxation to see that there are no delinquent personal or real property taxes due and owing.

C. Recommendations to the Board. Upon completion of the investigation procedures by the sheriff's office, the sheriff shall forward to the board of county commissioners a recommendation of approval or denial. The clerk of the board then places the matter on the board's agenda, in order that the board may make a recommendation of approval or denial to DMV.

The sheriff may make a recommendation of denial regarding any application if:

1. The applicant's record reflects a pattern of violations of state statutes regulating wreckers;
2. The record of the applicant shows a violation(s) of criminal law(s) or ordinance(s) connected in time, place or manner with an auto wrecker establishment or which demonstrates a disregard for the law;
3. The county zoning department has indicated that the requirements of ORS 822.110 have not been met;
4. The county zoning department has indicated that the business location violates prohibitions under ORS 822.135;

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1 5. The county zoning department has indicated that the
2 location does not meet zoning regulations of the County;

3 6. The county department of assessment and taxation has
4 indicated that delinquent personal or real property taxes
5 are due and owing; or

6 7. If there is any other specific reason consistent with the
7 purposes of this chapter which may, in the opinion of the
8 Sheriff, warrant an adverse report to the board based
9 upon public health, safety, welfare, convenience or
10 necessity.

11 D. Notification of Sheriff's Recommendation. When the
12 sheriff makes a recommendation for denial of any application, the
13 clerk of the board shall notify, by certified mail, the applicant
14 and the sheriff of the hearing date, place and time at least one
15 week before such hearing takes place.

16 E. Board Hearing Procedures. When the board has scheduled a
17 hearing on any auto wrecker certificate approval, such applicant
18 shall be given a reasonable opportunity to be heard and address
19 concerns raised by the sheriff, the board of county commissioners,
20 and persons or groups appearing in opposition to such an
21 application. The board's recommendation of approval or denial of
22 such application, based upon a determination of what course of
23 action best serves the interest of the citizens of the county,
24 shall be final.

25 F. Reconsideration of Applications. After having made a
26 recommendation of denial on any auto wrecker certificate

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application, the sheriff and the board of county commissioners shall not consider any new application for the same location by the same or substantially the same applicant for a period of at least six months or while such applicant has pending an appeal in court or in a state administrative agency related to such a certificate approval. Notwithstanding, the sheriff may reconsider and/or resubmit such an application to the board in less than six months if it is reasonably believed that a recommendation of denial has substantially changed, and no court or administrative appeal of such license is pending.

ADOPTED this 4th day of June, 1992.



By Gladys McCoy
Gladys McCoy, Chair
Multnomah County, Oregon

REVIEWED:

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