

SANITATION CODE

Chapter 8.25

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8.25.010 Adoption of State Regulations and Statutes. There are hereby adopted as County law the regulations promulgated pursuant to ORS 454.605 through 454.755, 459.005 through 459.105, 459.205 through 459.284 and 459.376 through 459.385, as set forth in OAR Chapter 340, Divisions 61, 71-73 and 100-106, and those portions of such statutes necessary to implement the same.

8.25.020 Responsibility for Failing Septic Systems. No person shall occupy, or permit the occupancy of, premises served by a failing septic system, as that term is defined in the regulations adopted in Section 8.25.010, after receiving written notice of such condition from an official authorized to enforce this Sanitation Code.

8.25.030 Reference to State Regulations and Statutes. The regulations and statutes adopted in this chapter, together with the provisions of this chapter, shall be referred to as the Douglas County Sanitation Code.

8.25.040 Violations. No person shall inhabit or occupy, or permit the inhabitation or occupancy of, any premises, including dwellings, other buildings or land, unless all permits required for such premises under any prevailing law have been obtained and are in force. No person shall violate or fail to comply with any of the requirements of the regulations adopted in Section 8.25.010 or fail to comply with a stop-work order issued pursuant to such regulations.

8.25.050 Validity, Expiration and Suspension or Revocation of Permits. Except as provided in subsection D. hereof, the validity, expiration and suspension or revocation of any permit or approval issued pursuant to this Sanitation Code shall be governed by the following rules:

A. Validity of Permit. The issuance or granting of a permit or an approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Sanitation Code. No permit presuming to give authority to violate or cancel any of the provisions of this Sanitation Code shall be valid.

B. Expiration. Every permit issued by the County under this Sanitation Code shall expire by limitation and become null and void if the use or work authorized by such permit is not commenced within 180 days from the date of issuance of such permit, or if the use or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such use or work can be recommenced, a new permit shall first be obtained to do so and the fee therefore shall be one-half the amount required for a new permit for such use or work, provided that no changes have been made or will be made in the original plans and specifications for such work, and provided, further, that such suspension or abandonment has not exceeded one year.

Any permittee holding an unexpired permit may apply for an extension of the time within which he or she may commence a use or work under that permit when he or she is unable to commence such use or work within the time required by this subsection for good and satisfactory reasons. The County may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

C. Suspension or Revocation. The County may, in writing, suspend or revoke a permit issued under this Sanitation Code whenever the permit is issued in error, or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this Sanitation Code.

D. Parallel Provisions. This section does not apply where the validity, expiration, suspension, revocation or expiration of a permit or approval is otherwise provided for in the ordinance under which such permit or approval is issued.

E. Effective Date. Any permit governed by this section, and issued prior to the effective date of this section, shall be treated, for purposes of this section only, as having been issued on such effective date.

8.25.060 Penalty.

A. Double Fee Penalty. After a citation has been issued for constructing on, using or occupying land, buildings or improvements in violation of any of the provisions of this chapter, where a permit is then required in order to correct the condition or the continuing violation, there shall be imposed, as a penalty, a double fee for the issuance of the permit required by the ordinance under which the violation was charged. The payment of such double fee by way of a penalty shall not relieve any person from fully complying with the requirements of any County code, nor from any other penalties prescribed therein. If the Planning Director finds that the offender committed the violation as the result of good faith reliance upon some written assurance given by the Planning Department, he or she may excuse the additional penalty provided by this subsection.

B. Citation for Noncompliance with Stop-Work Orders. A citation may be issued for noncompliance with a stop-work order issued pursuant to any of the provisions of this chapter or pursuant to any other County ordinance or law.

C. Injunctive Enforcement of State Public Health Laws. Any violation of any State law or regulation relating to public health which is administered or enforced by the Department of Health and Human Services shall constitute a nuisance and may be enjoined by appropriate proceedings in a court of competent jurisdiction and may be the subject of any other civil remedy provided by law.

8.25.070 Violation Proceedings.

A. The Planning Director is delegated the authority to designate, from time to time, specific employees of the Planning Department that are authorized to issue citations for the commission of violations of this ordinance. 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 ordinance shall be deemed to be "violations," within the meaning of ORS 153.008. Violations of this ordinance are punishable by fines as established by the State Court Administrator 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.

E. Pursuant to ORS 153.058(7), violation proceedings must be commenced by an enforcement officer.

8.25.080 Contested Case Proceedings. Enforcement officers of the Planning Department may enforce violations of this ordinance through the contested case proceedings process set forth in ORS 183.090, 183.310, and 183.413 to 183.502, and applicable administrative rule.

8.25.090 Amendments. All amendments to the Oregon Revised Statutes and Oregon Administrative Rules adopted herein shall automatically be adopted into this ordinance as well, with the same effective dates as that set forth in such amended statutes and rules.

8.25.100 Remedies Not Exclusive. None of the remedies available to the County as set forth in this ordinance are exclusive. Nothing in this ordinance shall preclude any remedy otherwise available to the County, either in law or equity.

8.25.110 Delegation; Consultation.

A. The Planning Director is delegated the authority to carry out the provisions of this ordinance.

B. The Planning Director shall consult with the Board of Commissioners before taking action pursuant to section 8.25.060(C) of this ordinance.

C. The Planning Director shall report on a quarterly basis to the Board of Commissioners on all activity taken pursuant to this ordinance. (Ord. 2007-1-1, 1/12/2007)