

TITLE 1

GENERAL PROVISIONS

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Chapter 1.01

1.01 CODE ADOPTION

1.01.010 Findings

The board finds it necessary in the public interest to adopt the code to facilitate the public's access to County laws as well as aid in the pleading and enforcement of particular County laws.

[Codified by Ord.05-2000, 7/13/00]

1.01.020 Adoption

There is adopted the Clackamas County Code, a copy of which is on file with the original of the ordinance codified in this chapter with the County clerk of the County, marked Exhibit "A" to the ordinance codified in this chapter and incorporated by reference herein.

[Codified by Ord. 05-2000, 7/13/00]

1.01.030 Title Citation Reference

This code shall be known as the "Clackamas County Code" and it shall be sufficient to refer to the code as the "Clackamas County Code" in any prosecution for the violation of any provision thereof or in any legal proceeding. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as "Clackamas County Code." Further reference may be had to the titles, chapters, sections and subsections of the "Clackamas County Code" and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code.

[Codified by Ord. 05-2000, 7/13/00]

1.01.040 Reference Applies to All Amendments

Whenever a reference is made to this code as the "Clackamas County Code" or to any portion thereof, or to any ordinance of the County, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

[Codified by Ord. 05-2000, 7/13/00]

1.01.050 Title, Chapter and Section Headings

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

[Codified by Ord. 05-2000, 7/13/00]

1.01.060 Reference to Specific Ordinances

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

[Codified by Ord. 05-2000, 7/13/00]

1.01.070 Effect of Code on Past Actions and Obligations

Neither the adoption of this code nor the repeal or amendments of any ordinance or part or portion of any ordinance of the County shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date of the ordinance codified in this chapter, nor be construed as a waiver of any license, fee, or penalty at such effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

[Codified by Ord. 05-2000, 7/13/00]

1.01.080 Repeal of Previous Ordinances

Those ordinances previously adopted by the Board of County Commissioners of Clackamas County and which are codified in the Clackamas County Code are repealed and replaced by the Clackamas County Code. All ordinances not so codified shall remain in full force and effect. Any ordinance that was repealed by a codified ordinance shall not be revived.

[Codified by Ord. 05-2000, 7/13/00]

1.01.090 Fees, Charges and Fines

The County may adopt fees and charges to recover expenses incurred by the various departments in performing their responsibilities to the public, and fines for violations of law. The adopted fees and charges are set forth in Appendix A of this code. The adopted fines are set forth in appendix B of this code. Except as otherwise provided by law, all fees, charges and fines adopted or changed hereafter shall be enacted by resolution, after at least one public hearing, and will be effective immediately upon adoption unless otherwise determined by the Board. Appendix A and Appendix B shall thereupon be modified to reflect such Board action.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord.07-2002, 6/13/02]

1.01.100 Codification Duties and Authority

- A. County Counsel. The Office of Clackamas County Counsel is hereby assigned the duties of continuing the codification process of general County ordinances. County Counsel shall endeavor to keep the code and its copies as current as reasonably possible. When it is necessary to modify the code, the Office of County Counsel may change, rearrange or renumber titles, chapters, appendices, sections, or any other parts of the code it may deem necessary to make the code more logical, readable or understandable. County Counsel may also strike figures or words that are repetitious or unnecessary, may change capitalization, punctuation and style for the purpose of uniformity, and may correct clerical and typographical errors. But, County Counsel in making such changes may not alter the sense, meaning, effect or substance of any ordinance or chapter of this Code.
 - B. Planning Director. The Planning Director is hereby assigned the duties of continuing the codification process of Title 12 and Title 13 of the County Code.
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The Planning Director shall endeavor to maintain Titles 12 and 13 of the Code as current as reasonably possible. After consultation with County Counsel, the Planning Director may also strike figures or words that are repetitious or unnecessary, may change capitalization, punctuation and style for the purpose of uniformity, and may correct clerical and typographical errors. But, the Planning Director, in making such changes may not alter the sense, meaning, effect or substance of any ordinance or chapter of this Code.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 08-2002, 6/13/02]

Chapter 1.02

1.02 GENERAL PROVISIONS

1.02.010 Definitions

The following words and phrases whenever used in the ordinances enacted by the Board of County Commissioners for Clackamas County, Oregon, shall be construed as defined in this section, unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

- A. BOARD means the Board of County Commissioners for Clackamas County, Oregon.
- B. CHAIR means the Chair of the Board of County Commissioners for Clackamas County, Oregon.
- C. COUNTY means Clackamas County, Oregon.
- D. COUNTY COMMISSIONERS means the Board of County Commissioners for Clackamas County, Oregon.
- E. LAW denotes applicable federal law, the constitution, statutes and rules of the State of Oregon, the ordinances of Clackamas County, Oregon, and any and all rules and regulations, which may be promulgated thereunder.
- F. MAY is permissible.
- G. MEETING means a regular or special meeting of the Board.
- H. MONTH means a calendar month.
- I. MUST and SHALL are each mandatory.
- J. OWNER applied to a building or land includes any part owner, joint owner, tenant in common, and joint tenant, tenant by the entirety, of the whole or part of such building or land.
- K. PERSON includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.
- L. PERSONAL PROPERTY includes money, goods, chattels, and things in action and evidences of debt.
- M. PRECEDING and FOLLOWING mean next before and next after, respectively.
- N. PROPERTY includes real and personal property.
- O. REAL PROPERTY includes lands, tenements and hereditaments.
- P. STATE means the State of Oregon.
- Q. WRITTEN includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.
- R. YEAR means a calendar year.

[Codified by Ord. 05-2000, 7/13/00]

1.02.020 Title of Office

Use of the title of any officer, employee, department, division, board or commission means that officer, employee, department, division, board or commission of the county. [Codified by Ord. 05-2000, 7/13/00]

1.02.030 Interpretation of Language

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. [Codified by Ord. 05-2000, 7/13/00]

1.02.040 Grammatical Interpretation

- A. Each gender includes the masculine, feminine, and neuter genders.
 - B. The singular includes the plural and the plural includes the singular.
- [Codified by Ord. 05-2000, 7/13/00]

1.02.050 Computation of Time

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day falls upon any legal holiday or on Saturday, in which case the last day is also excluded.

[Codified by Ord. 05-2000, 7/13/00]

1.02.060 Effect of Amendment of Ordinance Adopted by Reference

When one ordinance refers to another, either by general or by specific reference or designation, the reference shall extend to and include, in addition to the ordinance to which reference was made, amendments thereto and ordinances enacted expressly in lieu thereof unless a contrary intent is expressed specifically or unless the amendment to, or ordinance enacted in lieu of, the ordinance referred to is substantially different in the nature of its essential provisions from what the ordinance to which reference was made was when the ordinance making the reference was enacted.

[Codified by Ord. 05-2000, 7/13/00]

1.02.070 Effect of Repeal of Validating or Curative Ordinance

The repeal of a validating or curative ordinance shall not affect any validation or cure theretofore accomplished.

[Codified by Ord. 05-2000, 7/13/00]

1.02.080 Effect of Repeal of Repealing Ordinance

Whenever an ordinance which repealed a former ordinance, either expressly or by implication, is repealed, the former ordinance shall not thereby be renewed unless it is expressly so provided.

[Codified by Ord. 05-2000, 7/13/00]

1.02.090 Savings Clause

In the event that any chapter, section, subsection, phrase, clause, sentence or word in this Code is for any reason held invalid or unconstitutional, such holding shall not invalidate the remainder of the chapter or Code, but shall be confined to such section, subsection, phrase, clause, sentence or word.

[Codified by Ord. 05-2000, 7/13/00]

1.02.100 Continuous Infraction

Any Code violation that is not abated, unless otherwise specifically provided, is a separate violation on each calendar day the violation continues to exist. Multiple infractions will be separately cited in order to support multiple claims or fines.

[Added by Ord. 07-2003, 4/17/03]

Chapter 1.03

RESERVED POWERS

1.03.010 Election Required

- A. The Board of County Commissioners may not authorize the use of county resources for the financing, design, construction or operation of any public rail transit system without first obtaining the approval of county voters at an election on an authorization ordinance. "County resources" shall include any public funds, staff time, lobbying agreements, property interests or other tangible or intangible county assets, and the right to direct or permit the use of such resources.
- B. Any authority extended to the Board of County Commissioners by an election held under section (A), shall be strictly limited to the parameters of the authorization ordinance. An authorization ordinance submitted to voters under section (A) must provide sufficient public notice of the authority conveyed and shall not be effective unless the following parameters are specified:
1. The types of county resources to be authorized;
 2. The permissible uses of such resources;
 3. The estimated cash value of any authorized resources and any associated personnel costs; and,
 4. The duration of the authority extended.

Sufficient public notice for an authorization ordinance is provided to county voters if the certified ballot title accurately summarizes the authorized parameters and provides a link to a detailed description hosted on a county website. If sufficient public notice cannot be accomplished in the manner above, the county shall provide such information to voters by mail at least 21 days in advance of the election.

- C. This measure shall become immediately effective upon passage. If any provision of this measure is barred from operation by superior law, the other provisions shall remain unaffected.

[Approved by the voters at the 9/18/12 election]

1.03.020 Use of County Resources

Nothing in this chapter shall preclude the use of County resources for the following:

- A. Any activity directly related to emergency response, law enforcement or public safety.
- B. Attendance at or participation in state or regional bodies or groups where public rail transit issues are discussed or deliberated, provided no commitments of County resources are made for financing, design, operation or construction of public rail transit.
- C. The discussion or incorporation of public rail transit elements where required as an element of a local land use plan or transportation system plan, provided no commitments of County resources are made for financing, design, operation or construction of public rail transit.
- D. Staff time and resources used for processing permits, engineering review, survey work, code enforcement or other staff activities related to public rail transit, where such activities are required by law or fall within the normal course of staff responsibilities, including the presentation of items for consideration by the Board of Commissioners.
- E. Activities related to the preparation, consideration or presentation of an authorizing ordinance under this chapter.

[Added by Ord. 01-2013, 5/2/13]
