

Keith Bishop

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 1-73

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AMENDING CHAPTER 9 OF LANE CODE

The Board of County Commissioners of Lane County ordains as follows:
Chapter 9 of Lane Code is hereby amended by adding new pages 9.500 - 9.515, 9.515 - 9.530, 9.530 - 9.535, and by revising the LC Chapter 9 Table of Contents to conform. Said pages are attached hereto and incorporated herein by reference.

The purpose of this amendment is to protect the health, safety and welfare of Lane County citizens; provide realistic solutions to community health problems; increase public awareness of areas with existing health hazards; and prevent further population density increase in areas with potential health hazards until such time as causes effecting these conditions are resolved.

Enacted this *7th* day of February, 1973.

Nancy M. Hayward
Chairman, Lane County Board of Commissioners

FORM
1-10-73
Raymond J. Bradley

Isabel Smith
Recording Secretary for this Meeting of the Board

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Chapter 9

DECLARATION OF PUBLIC HEALTH HAZARDS

9.500 This subchapter is adopted under the Lane County Home Rule Charter and consistent with the applicable provisions of ORS, and in particular ORS Ch 222.

9.505 Definitions. For the purposes of this subchapter, the following words and phrases shall mean:

Department. Lane County Health and Sanitation Department.

Public Health Hazard. A condition which is conducive to the propagation or dissemination of communicable or contagious disease producing organisms and which presents a reasonably clear possibility that the public generally is being exposed to disease causing physical suffering or illness, including a condition such as:

- (a) A contaminated, ^{or} inadequate potable water supply.
- (b) Inadequate installations for the disposal or treatment of sewage, garbage or other contaminated or putrifying waste.
- (c) Inadequate improvements for drainage of surface water and other fluid substances or contaminates.

OR

A condition whereby there are sufficient types and amounts of biological, chemical or physical (including radiological) agents in the water that they are likely to cause human illness, disorders or disability. These include, but are not limited to, pathogenic viruses, bacteria, parasites, toxic chemicals and radioactive isotopes.

Environmental Survey. A study conducted by the department for the purpose of investigating a suspected health hazard.

Potable water. Water which is sufficiently free from biological, chemical or radiological impurities so that users thereof will not be exposed to or threatened with exposure to disease or harmful physiological effects and which has such other physical properties as to be reasonably palatable to humans for drinking purposes.

9.510 Purpose. This subchapter is adopted for the following purposes:
(1) ~~P~~ Protecting the health, safety and welfare of the people of the county.

(2) ~~P~~ Providing a more realistic solution of community health problems.

(3) ~~P~~ Increasing public awareness of areas in the county where conditions exist that are conducive to the spread of communicable disease.

(4) ~~P~~ Preventing the increase of population densities and further development in defined areas with potential health hazards until such time as the conditions causing the public health hazards are resolved.

9.515 Conducting Environmental Surveys. The department shall conduct an environmental survey when in its judgment a public health hazard is suspected to exist. On completion of such a survey,

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appropriate recommendations shall be made to the Board if the department believes a health hazard exists.

9.520 Referral of Recommendations. On review of the recommendations submitted in accordance with 9.515 above, the Board may refer the recommendations to the Lay Advisory Committee on Environmental Sanitation for further analysis and recommendations.

9.525 Declaration of Public Health Hazard.

(1) When the Board believes a public health hazard exists due to the conditions and recommendations reported in accordance with sections 9.515 and 9.520, it shall issue an order for a hearing to be held within the area of the public health hazard, or a place near the area of the suspected public health hazard, if there is no suitable place within the area of the suspected public health hazard at which to hold a hearing, not sooner than 30 days from the date of the order.

(2) Upon issuance of an order for a hearing, the Board shall immediately give notice of the hearing by publishing in a newspaper of general circulation within the area of the suspected public health hazard and the county once each week for two successive weeks and by posting copies of the order in four public places within the suspected public health hazard area.

(3) If at the hearing, the Board finds that a public health hazard exists in accordance with this subchapter, it shall so declare by order. The order shall include a description of the conditions constituting the public health hazard and shall include a legal description of the boundaries of the area of the public health hazard.

9.530 Notification of Public Health Hazard. When a public health hazard has been declared by the Board, the department shall:

(1) Forward a copy of the declaration order to the Director of the State Health Division, and the Director of the State Department of Environmental Quality, and the Real Estate Commissioner.

(2) Notify all county departments and divisions with staff activity related to land development that the order has been entered.

(3) Notify Federal Loan Assurance agencies by forwarding them a certified copy of the order.

(4) Notify private lending and mortgage institutions selected by the Director by providing them with a confirmed copy of the declaration order.

(5) When the area declared to be a public health hazard is adjacent to an incorporated city, send a copy of the declaration order to the affected city and the Lane County Local Government Boundary Commission.

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(6) Request the Lane County Planning Department to designate the area declared a public health hazard on the unofficial zoning maps.

(7) Make recommendations consistent with the declaration order on zoning, rezoning, and preliminary subdivision matters arising out of the area declared to be a public health hazard so long as the declaration order remains in effect.

(8) Deny all building permit applications within the area declared to be a public health hazard while the order is still in effect, except for those building or plumbing permits for normal repairs or corrections when the granting of such permits would not result in increased public exposure to the hazardous health conditions.

9.535 Reconsideration and Withdrawal. Any person living within the area declared to be a public health hazard or otherwise affected by the declaration of an area a public health hazard may, for good cause shown, petition the Board for a withdrawal or modification order when he believes that the public health hazard no longer exists or has changed substantially so as to support a modification of the original declaration order. The Board shall conduct a hearing on the petition as part of its routine business and no particular notice shall be required. However, the Board shall have no authority to modify the declaration order to enlarge the area declared to be a public health hazard, without all of the hearing and notice requirements of subsection 9.525 above having first been met.

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E N V I R O N M E N T A N D H E A L T H

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