

ADOPTED: FEBRUARY 1, 2013

REVIEWED: AUGUST 16, 2016

ORDINANCES AND REGULATIONS

198.510 Definitions for ORS 198.510 to 198.600. As used in ORS 198.510 to 198.600, unless the context requires otherwise:

- (1) "County" means the county in which the district, or the greater portion of the assessed value of the district, is located.
- (2) "County board" means the board of county commissioners or the county court of the county.
- (3) "County clerk" means the county clerk of the county.
- (4) "District" has the meaning given that term in ORS 198.010 (2), (4), (5), (11), (12), (14), (16), (17), (19), (20) to (23), (25), (26) and (27). In addition, "district" means any one of the following:
 - (a) A county service district organized under ORS chapter 451.
 - (b) The Port of Portland established by ORS 778.010.
- (5) "District board" means the governing body of a district and the term includes a county board that is in the governing body of a district.
- (6) "Presiding officer" means the chairperson, president or other person performing the office of presiding officer of the district board.
- (7) "Principal Act" means the law, other than ORS 198.510 to 198.600, applicable to a district. [1971 c.268 §2; 2007 c.179 §5; 2007 c.562 §22b; 2009 c.584 §22; 2015 c.544 §17; 2015 c.560 §12]

198.520 [1971 c.268 §1; 1975 c.782 §48b; 1977 c.756 §3; 1981 c.226 §20; repealed by 2007 c.179 §9]

198.530 Procedure for adopting, amending or repealing ordinances or regulations.

When a district board is authorized by the principal Act of a district to enact, amend or repeal regulations, it shall do so in accordance with ORS 198.510 to 198.600. In all counties which do not provide by ordinance or charter for the manner of enacting, amending or repealing ordinances and regulations, this section applies when a county board pursuant to statute is acting as the governing body of a district. [1971 c.268 §3]

198.540 Notice prior to adoption of ordinance affecting regulation.

- (1) Except in an emergency, an ordinance adopting, amending or repealing a regulation shall not be considered or voted upon by a district board unless the ordinance is included in the published agenda of the meeting. The agenda of a meeting shall state the time, date and place of the meeting, give a brief description of the ordinances to be considered at the meeting and state that copies of the ordinances are available at the office of the district board.(2) The presiding officer shall cause the agenda to be published not more than 10 days nor less than four days before the meeting, in one or more newspapers of general circulation within the district or, if there is no such newspaper, in a newspaper of general circulation in each county in which the district is located. The presiding officer may also cause the agenda:
 - (a) To be posted in three public places within the district at least 10 days before the meeting; or
 - (b) To be published by radio and television stations broadcasting in the district as provided by ORS 193.310 and 193.320. [1971 c.268 §4]

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198.550 Publication of ordinance; emergency ordinance procedure.

- (1) Except as provided by subsection (3) of this section, before an ordinance is adopted it shall be read during regular meetings of the district board on two different days at least six days apart. The reading of an ordinance shall be full and distinct unless at the meeting:
 - (a) A copy of the ordinance is available for each person who desires a copy; and
 - (b) The board directs that the reading be by title only.
- (2) Except as provided by subsection (3) of this section, the affirmative vote of a majority of the members of the district board is required to adopt an ordinance.
- (3) An ordinance to meet an emergency may be introduced, read once and put on its final passage at a regular or special board meeting, without being described in a published agenda, if the reasons requiring immediate action are described in the ordinance. The unanimous approval of all members of the board at the meeting, a quorum being present, is required to adopt an emergency ordinance. [1971 c.268 §5]

198.560 Filing of ordinance; notice of adoption of emergency ordinance.

- (1) Within seven days after adoption of an ordinance, the enrolled ordinance shall be:
 - (a) Signed by the presiding officer;
 - (b) Attested by the person who served as recording secretary of the district board at the session at which the board adopted the ordinance; and
 - (c) Filed in the records of the district.
- (2) A certified copy of each ordinance shall be filed with the county clerk, available for public inspection.
- (3) Within 15 days after adoption of an emergency ordinance, notice of the adoption of the ordinance shall be published as provided by ORS 198.540 (2) for notice of proposed ordinances. The notice shall:
 - (a) Briefly describe the ordinance;
 - (b) State the date when the ordinance was adopted and the effective date of the ordinance; and
 - (c) State that a copy is on file at the district office and at the office of the county clerk of the county, available for public inspection. [1971 c.268 §6]

198.570 When ordinances take effect.

- (1) Except as provided by subsection (2) of this section, an ordinance shall take effect on the 30th day after it is adopted, unless a later date is prescribed by the ordinance. If an ordinance is referred to the electors of the district, it shall not take effect until approved by a majority of those voting on the ordinance.
- (2) An emergency ordinance may take effect upon adoption. [1971 c.268 §7; 1983 c.350 §3]

198.580 [1971 c.268 §8; repealed by 1979 c.190 §431]

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198.590 Petition to adopt, amend or repeal ordinance. Any interested person who is a landowner within the district or an elector registered in the district may petition the district board to adopt, amend or repeal an ordinance. Any such person may appear at any regular meeting of the board and shall be given a reasonable opportunity to be heard. [1971 c.268 §9; 1983 c.83 §6]

198.600 Penalty for violation of regulations; jurisdiction; enforcement.

- (1) If a penalty for a violation is not otherwise provided, violation of any regulation adopted by a district board under ORS 198.510 to 198.600 is a Class C misdemeanor.
- (2) Actions to impose punishment shall be brought in the name of the district or county, as the case may be, in any court having jurisdiction of misdemeanors under state laws. The action shall be brought in the county in which the district, or the greater portion of the area of the district, is located.
- (3) Any peace officer may enforce an ordinance adopted under ORS 198.510 to 198.600. ORS 221.333 is applicable to the enforcement of such ordinances. [1971 c.268 §10; 2011 c.597 §170]