

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of Adopting )  
the Columbia County Tourist )  
Facilities Ordinance )  
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ORDINANCE NO. 95-2

The Board of County Commissioners for Columbia County, Oregon, ordains as follows:

SECTION 1.      TITLE.

This ordinance shall be known as Ordinance No. 95-2. Exhibit "A", which is attached hereto, shall be referred to and cited as the "Columbia County Tourist Facilities Ordinance".

SECTION 2.      AUTHORITY.

This ordinance is adopted pursuant to the authority of ORS 203.035 and ORS 446.425.

SECTION 3.      PURPOSE.

The purpose of this ordinance is to adopt provisions regulating tourist facilities.

SECTION 4.      ADOPTION.

The Columbia County Tourist Facilities Ordinance, a copy of which is attached hereto, labeled Exhibit "A" and incorporated herein by this reference, is hereby adopted.

SECTION 5.      SEVERABILITY.

The provisions of this ordinance, including Exhibit "A", are severable. If any provision of this ordinance is determined to be invalid by a court of competent jurisdiction, such provision shall be considered a separate, distinct, and independent provision and the decision shall not affect the validity of the remaining portions hereof.

SECTION 6. EMERGENCY CLAUSE.

This ordinance being immediately necessary for the public health, safety, and welfare of the citizens of Columbia County, an emergency is declared to exist and this ordinance shall take effect on June 21, 1995.

ADOPTED this 21st day of June, 1995.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: Joe A. Gator  
Chairman

By: William A. McDonald  
Commissioner

By: not available  
Commissioner

Approved as to form

By: John K. [Signature]  
Office of County Counsel

Attest:  
By: Jan [Signature]  
Recording Secretary

First Reading: 6-21-95  
Second Reading: 6-21-95  
Effective Date: 6-21-95

EXHIBIT "A"

COLUMBIA COUNTY TOURIST FACILITY ORDINANCE

SECTION 1.        DEFINITIONS.

A. "Tourist facility" means any travelers' accommodation, hostel, picnic park, recreation park and organizational camp.

B. "Travelers' accommodation" includes any establishment, which is not a hostel, having rooms, apartments or sleeping facilities rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental or use of facilities.

C. "Hostel" means any establishment having beds rented or kept for rent on a daily basis to travelers for a charge or fee paid or to be paid for rental or use of facilities and which are operated, managed or maintained under the sponsorship of a non-profit organization which holds a valid exemption from federal income taxes under the Internal Revenue Code of 1954 as amended.

D. "Picnic park" means any recreation park which is for day use only and provides no recreation vehicle or overnight camping spaces.

E. "Recreation park" means any area designated by the person establishing, operating, managing or maintaining the same for picnicking or overnight camping by the general public or any segment of the public. "Recreation park" includes but is not limited to areas open to use free of charge or through payment of a tax or fee or by virtue of rental, lease, license, membership, association or common ownership and further includes, but is not limited to those areas divided into two or more lots, parcels, units or other interests for purposes of such use.

F. "Organizational camp" includes any area designated by the person establishing, operating, managing or maintaining the same for recreational use by groups or organizations which include but are not limited to youth camps, scout camps, summer camps, day camps, nature camps, survival camps, athletic camps, camps which are operated and maintained under the guidance, supervision or auspices of religious, public and private educational systems and community service organizations.

G. "Camping vehicle" means either a vacation trailer or a self-propelled vehicle or structure equipped with wheels for highway use and which is intended for human occupancy and is being used for vacation and recreational purposes, but not for residential purposes, and is equipped with plumbing, sink or toilet.

SECTION 2. TOURIST FACILITY LICENSE REQUIRED.

A. No person shall establish, operate, manage or maintain a tourist facility without a license from the County. Every applicant for a tourist facility license shall pay to the County a fee established by the Board.

B. Organizational camps operated under rental or leasehold agreements may be licensed either to the landlord or to the tenant provided that the license holder shall be responsible for compliance with this ordinance and the rules adopted by the Health Division of the Department of Human Resources.

SECTION 3. ISSUANCE OF LICENSE; TERM.

Upon receipt of a completed application on an agency form, required fee, and after representation by the applicant the facility is in compliance with the provisions of this ordinance, and the rules adopted by the Health Division of the Department of Human Resources, and the requirements of the Department of Consumer and Business Services, the County shall issue a license, unless there is reason to believe noncompliance exists. The term for licenses issued pursuant to this ordinance shall be from calendar year to calendar year. Fees for partial years shall not be prorated.

SECTION 4. FAILURE TO APPLY FOR OR RENEW LICENSE; TRANSFERABILITY OF LICENSE; REFUNDS.

A. Any person failing to apply for licensing within 30 days after engaging in the recreation park or travelers' accommodation business is delinquent and shall pay, in addition to the license fee, a penalty fee equal to the license fee.

B. Any person, initially licensed under this ordinance or under ORS 446.310 through 446.350 for engaging in the recreation park or travelers' accommodation business who has failed to renew a license on or before the expiration date is delinquent. If delinquency extends 15 days past the expiration date, a penalty fee of 50 percent of the annual license fee shall be added. The penalty fee shall be increased by 50 percent of the license fee on the first day of each succeeding month of delinquency.

C. Licenses issued under this ordinance shall not be transferable and no refund representing any unused portion of any license shall be made.

SECTION 5. DENIAL, SUSPENSION OR REVOCATION OF LICENSE; HEARING.

A. If any applicant for licensing or any person to whom a license has been issued fails to comply with the provisions of this ordinance or with the rules adopted by the Health Division of

the Department of Human Resources regulating tourist facilities, the County may deny issuance of, or, after a hearing before the Board of County Commissioners, suspend or revoke the license. An applicant whose license is denied shall also be entitled to a hearing before the Board of County Commissioners.

B. Hearings on the denial, suspension or revocation of a license shall be conducted according to hearing rules adopted by order or resolution by the Board.

#### SECTION 6. EXEMPTIONS FROM LICENSE REQUIREMENT.

A. Public entities, timber companies and private utilities shall not establish or operate a recreation park without complying with the rules of the Health Division of the Department of Human Resources and securing the approval of the County, but shall be exempt from the licensing requirement of this ordinance.

B. This ordinance does not apply to:

(1) Any structure designed for and occupied as a single family residence in which no more than two sleeping rooms are provided on a daily or weekly basis for the use of no more than a total of six travelers or transients at any one time for a charge or fee paid or to be paid for the rental or use of the facilities; or

(2) Any temporary camping sites used solely and incidentally in the course of backpacking, hiking, horseback packing, canoeing, rafting or other such expedition, unless such expedition is part of an organizational camp program.

#### SECTION 7. RULES.

The County shall follow the rules adopted by the Health Division of the Department of Human Resources concerning the administration of tourist facilities. The County may, by order or resolution, adopt additional rules not inconsistent with ORS 446.310 to 446.350 and the rules adopted by the Health Division to assist it in the administration of tourist facilities.

#### SECTION 8. INSPECTION OF PARKS AND CAMPS; RIGHT OF ACCESS; NOTICE OF REOPENING SEASONAL FACILITY.

A. The County may inspect every tourist facility to determine whether it conforms with this ordinance and the rules of the Health Division. A person operating such facility shall permit the County's designee access to all of the facility at any reasonable time.

B. The operator of a seasonal facility which customarily is closed for 120 days or more in any 12-month period shall notify the assistant director in writing of the intention to reopen at

the beginning of a season. Notice shall be given at least 30 days prior to the reopening.

SECTION 9. RESPONSIBILITY OF OWNER OR OPERATOR FOR SANITARY CONDITIONS.

A. The owner or operator of a recreation park or organizational camp is responsible for the sanitary condition of the park grounds and buildings.

B. If sanitary facilities are not provided in a recreation park or organizational camp for the safe disposal of sewage or other wastes from a camping vehicle, a notice shall be posted in a conspicuous place stating that camping vehicles are permitted overnight only if the vehicle's waste holding tanks are used.

C. Notwithstanding any other provision in this ordinance, an owner or operator of a recreation park or organizational camp shall not be required to provide both toilets and dumping stations.

SECTION 10. PLAN REVIEWS.

No person shall construct a tourist facility without first submitting the plans therefor to the County for review. A fee for plan reviews may be established by an order or resolution of the Board.

SECTION 11. FEES.

The Board of County Commissioners may, by order or resolution, determine the amount of, and retain, any fee for licenses issued by the County pursuant to this section. The Board of County Commissioners may, each year, by order or resolution, amend the fee for licenses issued by the County. The amount of the license fee shall not exceed the costs of administering the inspection program. The County, quarterly, shall remit 15 percent of an amount equal to the state licensing fee or 15 percent of the County license fee, whichever is less, to the Health Division of the Department of Human Resources for consultation service and maintenance of the statewide program.

SECTION 12. PROHIBITED ACTS.

No person shall:

A. Use kitchen or toilet facilities in a camping vehicle being operated on a highway or parked overnight at a place where sanitary facilities are not provided unless the person makes provision whereby sewage and other waste materials can be held in watertight and sanitary containers of a type approved by the County.

B. Empty a container described in subsection A of this section except into a public sewerage system, septic tank or cesspool of a type approved by the Health Division. However, in isolated areas where space is not available in a recreation park or organizational camp and such facilities are not available, these containers may be emptied into the ground if all sewage and other waste materials are buried at least one foot below the surface of the ground.

SECTION 13.      ENFORCEMENT.

This ordinance may be enforced as provided by, and violators hereof are subject to the penalties provided in, the Columbia County Enforcement Ordinance.