

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR KLAMATH COUNTY, OREGON

IN THE MATTER OF AN ORDINANCE)
REESTABLISHING AUTHORITY TO) ORDINANCE NO. 49
PERFORM CERTAIN FUNCTIONS, THE)
STATUTORY AUTHORITY FOR WHICH)
WAS REPEALED BY STATE LEGISLATION,)
AND DECLARING AN EMERGENCY)

WHEREAS, the Fifty-seventh Legislative Assembly enacted ORS 203.035 in 1973 in order to grant to the governing body of each county the power to exercise legislative authority within the county over matters of county concern, to the fullest extent allowed by Constitutions and laws of the United States and of this state; and

WHEREAS, the Sixty-first Legislative Assembly supported the principle that matters of county concern should be left to the governing body and voters of each county to be regulated by county ordinance in the manner deemed necessary or desirable in the county; and

WHEREAS, in supporting that principle, the Sixty-first Legislative Assembly, in 1981, repealed certain statutes related to matters of county concern so that the governing body and voters of each county could enact ordinances which treat the subject matter of these statutes in the manner deemed necessary or desirable in each county; and

WHEREAS, the Board of County Commissioners of Klamath County, being the duly authorized governing body of Klamath County, deems it necessary and desirable, and in the public interest of the citizens of this county, that certain functions and activities be authorized in this county which were previously authorized by

by statutes repealed by the Sixty-first Legislative Assembly;
now, therefore,

THE BOARD OF COMMISSIONERS OF KLAMATH COUNTY ORDAINS
AS FOLLOWS:

Section 1.

Enactment of Repealed Statutes as Ordinances. Except as otherwise provided in this ordinance, the provisions of the former statutes described in this section (1979 replacement parts), copies of which are attached hereto and by this reference incorporated herein are hereby made ordinances of Klamath County:

(1) ORS 203.120, the headnote of which reads "General powers of county court pertaining to county business."

(2) ORS 206.230, the headnote of which reads "Duties and qualifications of undersheriffs."

(3) ORS 206.240, the headnote of which reads "Duties of administrative aide."

(4) ORS 214.510, the headnote of which reads "Consolidation of county cemeteries."

(5) ORS 214.520, the headnote of which reads "Disinterments and removal of remains."

(6) ORS 214.530, the headnote of which read "Acquisition of fee simple title to vacated cemeteries."

(7) ORS 275.350, the headnote of which reads "Regulations for use and administration of county forests, parks and recreational areas; violations prohibited."

(8) ORS 275.400, the headnote of which reads "Use of public grounds for public markets; public market building."

(9) ORS 275.420, the headnote of which reads "Restricted use of county lands for parking or operating motor vehicles."

(10) ORS 275.430, the headnote of which reads "Parking rules and regulations."

(11) ORS 358.110, the headnote of which reads "Use of delinquent tax land proceeds for county museum, meeting place or memorial."

Section 2.

Definitions and References. As used in this ordinance, unless the context requires otherwise:

(1) "Board of commissioners" means the Board of County Commissioners of Klamath County.

(2) "Any county" or "the county" means Klamath County.

(3) In ORS sections incorporated by reference into Section 1 of this ordinance, references to other ORS sections are to 1979 Replacement Parts.

Section 3.

County Aid for Handicapped Persons and Sheltered Workshops. The board of county commissioners may budget for and expend county funds for the aid of handicapped persons in the county and for financial assistance to sheltered workshops, as defined in ORS 344.710, in the county.

Section 4.

Acceptance and Management of Gifts. The board of commissioners may accept gifts, bequests or devises of money or property, either real or personal, for any purpose pertaining to county business, in accordance with the terms of the gift, bequest or devise or

any limitation placed on it. The board may invest and manage the corpus and income from it in accordance with its terms and applicable law.

Section 5.

Acquisition of Fee Simple Title to Vacated Cemeteries.

Notwithstanding subsection (6) of Section 1 of this ordinance, if the county acquires fee simple title to a vacated cemetery or burial ground by means of condemnation, it shall do so in the manner currently provided by law.

Section 6.

Cemetery Caretaker. The board of commissioners may employ or contract with any person for purposes of maintaining a county cemetery. If the county has received any gift pursuant to Section 4 of this ordinance for the purpose of maintaining a county cemetery, no part of the principal of the gift shall be used for the maintenance, but the interest on the principal may be used for that purpose.

Section 7.

Meetings of the Board of County Commissioners. The board of commissioners shall meet for the transaction of county business on the first Wednesday in each month and at such other times as may be called by the Chairman of the board.

Section 8.

Rules and Regulations by Order; Violations. Rules and regulations that are adopted by the board of commissioners pursuant to subsection (7) or (10) of Section 1 of this ordinance may be adopted by order of the board. Violation of any of those rules

or regulations shall be considered a violation of this ordinance.

Section 9

Severability. The sections and subsections of this ordinance are severable. The invalidity of a section or subsection shall not affect the validity of the remainder of the ordinance.

Section 10.

Enactment. This ordinance, being necessary for the immediate preservation and protection of the public health, safety, and general welfare, an emergency is hereby declared to exist, and this ordinance shall be, and is hereby declared to be, in full force and effect from the date of its passage.

DONE and DATED this 19th day of October, 1982.

KLAMATH COUNTY BOARD OF COMMISSIONERS

Harold L. Kynone
CHAIRMAN

Alvin A. Payne
COMMISSIONER

Neil Kuonen
COMMISSIONER

Catherine Haga
RECORDING SECRETARY

203.120 General powers of county court pertaining to county business. The county court has the authority and powers pertaining to county commissioners to transact county business, as follows:

- (1) To provide for the erection and repairing of courthouses, jails and other necessary public buildings for the use of the county.
- (2) To provide offices and furniture, books, stationery, fuel and light therefor, for the sheriff, county clerk and treasurer or other county officers, and county law library.
- (3) To establish, vacate or alter county roads or highways within the county, or any other necessary act relating thereto, in the manner provided by law and to permit the use thereof, including the use of the right of way, by persons for purposes deemed by the county court to be in the public interest.
- (4) To provide for the erection and repairing, within the county, of public bridges upon any road or highway established by public authority.
- (5) To license ferries and fix the rates of ferriage.
- (6) To grant public dance hall licenses to dance halls in the county and outside the boundary limits of any incorporated city or town, and to regulate such dance halls and dances held therein, and to revoke such licenses. To grant grocery and all other licenses authorized by law, where the authority so to do is not expressly given to some other tribunal.
- (7) To estimate and determine the amount of revenue to be raised for county purposes, and to levy the rate necessary therefor, together with the rate required by law for any other purpose and cause the same to be placed in the hands of the proper office for collection.
- (8) To provide for the maintenance and employment of the county or transient paupers, in the manner provided by law.
- (9) To have the general care and management of the county property, funds and business, where the law does not otherwise expressly provide.
- (10) To compound for or release, in whole or in part, any debt or damages arising out of contract due the county, and for the sole use thereof, upon such terms as may be just and equitable.
- (11) To provide, establish and maintain fair, athletic and exposition grounds, public parks and recreational areas, including buildings, stadia, structures and other facilities therefor and to regulate the use thereof, but

nothing contained in this subsection shall deny to any incorporated city the right to own, operate and acquire property for park purposes in other counties when permitted by the charter of the city so to do; the authority to regulate shall not apply to city-owned and maintained public parks and recreational areas.

(12) To establish, lay out, open, improve and maintain roads to all cemeteries where no charge is made for lots or burials therein and where such cemeteries are dedicated to public use.

(13) To refund fines that have been illegally imposed, or fees that have been erroneously charged, and have been paid over to and retained by the county treasurer.

(14) To sell materials, to lease equipment and to perform work with county labor and equipment for persons, firms or corporations.

(15) To grant vacations and sick leave with pay to county employes.

(16) (a) To construct, reconstruct, improve, extend, better, repair, equip or acquire sewage disposal systems;

(b) In areas subject to local government boundary commissions, the county shall not exercise the authority granted by this subsection without the approval of the boundary commission. Any proposal to carry out the provisions of this subsection shall be reviewed in accordance with the provisions of ORS 199.410 to 199.512 as if it were a major boundary change and shall be initiated by resolution of the county court. The resolution shall describe the action to be taken according to paragraph (a) of this subsection and shall describe the proposed service area.

203.230 Duties and qualifications of undersheriffs. (1) An undersheriff is subordinate only to the sheriff. A deputy undersheriff is an assistant to the undersheriff and may serve only as an officer in charge of a division in the law enforcement department of the office of the sheriff. The undersheriff and deputy undersheriffs have the power to perform any act or duty that the sheriff has. The sheriff shall be responsible for the conduct of such officers.

(2) Qualifications of experience, fitness, habits and moral character for the office of deputy undersheriff shall be established by the county civil service commission. The commission shall consult with and take into consideration the recommendations of the sheriff in establishing such qualifications.

206.240 Duties of administrative aide. An administrative aide to the sheriff shall have such duties as are assigned to him by the county sheriff, except that he shall not have the power to act as a member of any boards or commissions of which the sheriff is a member nor shall he have the power of authority to perform any statutory duty of the sheriff.

214.510 Consolidation of county cemeteries. Any county which has acquired ownership or control of and maintains two or more cemeteries may, through its governing body, consolidate such cemeteries, and for that purpose may:

(1) Disinter remains and remove such remains and any gravestones, monuments or other evidences of location or existence of graves to another burial ground owned or acquired by the county for cemetery purposes.

(2) Acquire real property.

(3) Vacate cemeteries and burial grounds from which all remains have been disinterred and removed.

(4) Sell, lease or otherwise dispose of any vacated cemetery no longer used as a burial ground or for other county purposes.

(5) Provide funds necessary to exercise its powers under ORS 214.510 to 214.530.

214.530 DISINTERMENT AND REMOVAL OF
remains. Disinterments and removal of re-
mains shall be made only:

(1) In accordance with rules and regula-
tions of the Health Division; and

(2) After notice has been given not less
than 30 days prior to such disinterment and
removal:

(a) In writing to the immediate family or
next of kin of the deceased, if known; or

(b) By the last publication of a series pub-
lished once a week for at least four successive
weeks in a newspaper of general circulation in
the county where the cemetery is located, if
family or next of kin are unknown.

214.530 Acquisition of fee simple title
to vacated cemeteries. (1) If the county does
not have a fee simple title to cemeteries and
burial grounds which have been vacated un-
der ORS 214.510 it may acquire such title by:

(a) Condemning any cemetery, any part
thereof or any interest or estate therein, in
the manner provided by ORS 281.310 to
281.380, except that the provisions of ORS
226.580 to 226.610 shall be followed in such a
proceeding with respect to parties defendant,
service of summons, service by publication
and determination of damages; or

(b) Proceeding to quiet title to such ceme-
tery or part thereof as provided in ORS
105.605.

(2) The methods provided by paragraphs
(a) and (b) of subsection (1) of this section are
cumulative, and no action taken by the county
under one of those paragraphs constitutes an
election by the county to pursue that method
to the exclusion of the method provided by the
other paragraph.

275.350 Regulations for use and ad-
ministration of county forests, parks and
recreational areas; violations prohibited.
(1) The county court may make regulations
and provisions for use and administration of
such county forests, parks and recreational
areas, by order duly entered in its journal.
The regulations may provide reasonable
charges for entry into such areas and for use
of accommodations therein, and shall be kept
posted within the main entrance of each of
such areas and be enforced in the same man-
ner as the criminal laws of this state.

(2) No person, firm or corporation shall
violate such regulations. Each day of a conti-
nuous violation of any of such regulations
shall be deemed a new, separate and distinct
violation of such regulation.

275.400 Use of public grounds for public markets; public market buildings. Any county court may use and permit to be used public grounds within its jurisdiction for the purpose of establishing and operating public markets. Any county court may appropriate and use county money, not otherwise appropriated, for the purpose of erecting and maintaining public market buildings on public property.

275.420 Restricted use of county lands for parking or operating motor vehicles. Real property owned or leased by any county, including grounds adjacent to the county courthouse, county shops, garages, warehouses and any area within the confines of such real property owned or leased by such county and used for motor vehicle parking purposes, shall not be occupied or used by any person in violation of the manner, times and conditions provided in the rules and regulations authorized by ORS 275.430.

275.430 Parking rules and regulations. Any county court may ascertain and determine when, where and under what conditions real property referred to in ORS 275.420 owned or leased by the county may be used by the owners or operators of motor vehicles, and based upon such findings may promulgate rules and regulations to control, limit, prohibit and otherwise regulate the use of such real property by such persons for parking or operation of motor vehicles. Notice of rules so promulgated shall be given by appropriate signs posted on such county real property. In promulgating such rules and regulations the county court shall consider the space available, the type and use of motor vehicles, the safety of county property, the safety and convenience of county employees, the safety and convenience of visitors upon such real property, the fire hazards, the safety and convenience of the general public, and such other matters as it shall consider pertinent.

358.110 Use of delinquent tax land proceeds for county museum, meeting place or memorial. Any county court may appropriate and use its share of the proceeds of the sale of any land taken over by the county for delinquent taxes, not to exceed 10 percent of the assessed valuation of the land at the time it was taken over by the county for taxes, for the erection or acquisition, by purchase or otherwise, of a museum for pioneer relics or a meeting place for United States war veterans or a monument or memorial to pioneers or veterans or any combination of such purposes.

358.120 County memorial and monument commission. The county court may appoint a commission consisting of five members chosen as follows: One member representing an organized pioneer association of the county, one member chosen from an organization made up of United States war veterans, one member representing the taxpayers of the county, one member from the city council of the city in which the building, memorial or monument may be located and one member of the county court designated by the county court. The commission shall serve without pay.