

Ordinance - (newfile) Ordinance #59

Date 12/21/88
Original
Copy file, proc & Spencer

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR THE COUNTY OF KLAMATH

IN THE MATTER OF ESTABLISHING A)
KLAMATH COUNTY CODE AND AMENDING) ORDINANCE NO. ~~424~~ 59
CERTAIN ORDINANCES)
_____)

WHEREAS, Klamath County has enacted numerous Ordinances dealing with varied matters; and

WHEREAS, such Ordinances have been amended from time to time and it is difficult for the Commissioners, County employees and the public to determine what Ordinances are current; and

WHEREAS, the development of a Klamath County Code is necessary to make the Ordinances of Klamath County manageable; now, therefore

THE BOARD OF COUNTY COMMISSIONERS FOR KLAMATH COUNTY ORDAINS AS FOLLOWS:

1. The Klamath County Code, as attached, is hereby established.

2. The following is added:

a. 1.001 Klamath County Code. (1) The County Counsel shall publish the Klamath County Code and shall be responsible for codifying any new ordinances adopted.

(2) The County Counsel shall cause a certificate to be printed in the edition, part or supplement that the County Counsel has compared each section in the edition, part or supplement with the original ordinance and that, with the exception of the changes in form permitted by KCC 1.020 and other changes specifically authorized by law, the sections in the published edition, part or supplement are correctly copied.

(3) Any edition, part or supplement so certified shall constitute prima facia evidence of the law in all courts and proceedings, and any section in such edition, part or supplement may be amended or repealed by amending or repealing such section of the edition, part or supplement without reference to the legislative act from which it was derived.

1.020 Powers and duties of County Counsel in preparing editions for publication. In preparing editions of the Klamath County Code for publication, the County Counsel shall not alter the sense, meaning, effect of substance

of any act, but, within such limitations, may renumber sections and parts of sections of the acts, change the wording of headnotes, rearrange sections, change reference numbers to agree with renumbered chapters, sections or parts, substitute the proper subsection, section or chapter or other division numbers, strike out figures or words which are merely repetitious, change capitalization for the purpose of uniformity, and correct manifest clerical or typographical errors.

1.030 Severability. It shall be considered that it is the legislative intent, in the enactment of any ordinance, that if any part of the ordinance is held unconstitutional, the remaining parts shall remain in force unless:

- (1) The ordinance provides otherwise;
- (2) The remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional part that it is apparent that the remaining parts would not have been enacted without the unconstitutional part; or
- (3) The remaining parts, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

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

1.050 Singular or plural number; masculine, feminine or neuter gender. As used in this Code:

- (1) The singular number may include the plural and the plural number, the singular.
- (2) Words used in the masculine gender may include the feminine and the neuter.

1.060 Majority can exercise authority given jointly. Any authority conferred by law upon three or more persons may be exercised by a majority of them unless expressly otherwise provided by law.

1.700 Meetings of the Board of County Commissioners. The Board of County Commissioners shall meet for the transaction of county business on every Wednesday in each month unless otherwise scheduled by the Chairman of

the Board and at such other times as may be called by the Chairman of the Board.

3. The following Ordinances are hereby amended as follows:
- a. Ordinance No. 51, Section 8.1, which previously read:
- (1) No owner shall keep a dog over six months of age or which has a set of permanent canine teeth, whichever comes first, unless such dog has been inoculated against rabies.
 - (2) The owner of any animal required to be vaccinated against rabies by this Section shall fasten a rabies tag showing current inoculation to a collar and keep the collar and tag on the animal at all times when the dog is not upon the property of the owner.

is amended to read:

- 130.400 Rabies Vaccination.** (1) No owner shall keep a dog over six months of age or which has a set of permanent canine teeth, whichever comes first, unless such dog has been inoculated against rabies.
- (2) The owner of any animal required to be vaccinated against rabies by this Section shall fasten a rabies tag showing current inoculation to a collar and keep the collar and tag on the animal at all times when the dog is not upon the property of the owner.
 - (3) Veterinarians shall provide to the Animal Control Officer a copy of any rabies vaccination certificate or receipt within 30 days of such vaccination.
- b. Ordinance 38, Section 17, which previously read:
- The total net transient room tax after collection and other administrative costs have been deducted, which administrative costs shall not exceed 1% of the gross Transient Room Tax Collection, shall be distributed by the Tax Administrator quarterly as follows:
- (1) One-sixth (1/6) to Klamath County for use in the promotion of tourism and conventions in Klamath County.
 - (2) Fifty percent (50%) of the balance to participating incorporated cities located in whole or in part within Klamath County.
 - (a) The administration and enforcement of such tax shall remain with the Tax Administrator.
 - (3) The amount to be distributed to a city shall be as follows:
 - (a) Each fifty percent (50%) of net collections of the Transient Room Tax shall be allocated to the cities by the

Tax Administrator under a formula where the amount payable to each city shall be determined by the ratio the total transient room tax collections of each city bears to the total tax collections of all such cities times the distributive amount allocated to all such cities.

FORMULA: CITY'S SHARE = $\frac{\text{TOTAL TAX COLLECTION SHARE OF INDIVIDUAL CITY}}{\text{TOTAL TAX COLLECTION SHARE OF ALL INCORPORATED CITIES IN KLAMATH COUNTY}} \times \frac{\text{TOTAL NET COLLECTION}}{\text{TOTAL TAX COLLECTION SHARE OF COUNTY}} \times 50\%$

(4) The balance remaining of the net Transient Room Tax deducting the sums allocated as provided in paragraphs 1 and 2 shall be retained by Klamath County for purposes of construction, operation, and maintenance of the Klamath County Fairgrounds.

(5) As of July 1, 1983, and every five years thereafter, the foregoing distribution formula shall be readjusted. Said readjustment shall be made to reflect the proportion which the total collection of the tax imposed from the operators within the corporate limits of the respective cities bears to the total revenue collected from all sources within the County pursuant to this Chapter. This percentage figure shall be substituted for the figure of 50 percent shown in the formula set out in Subsection 3 of this Section and shall be used in computing the distribution share of the various governmental entities.

is amended to read:

250.610 Tax Revenue Sharing. The total net transient room tax after collection and other administrative costs have been deducted, which administrative costs shall not exceed 1% of the gross Transient Room Tax Collection, shall be distributed by the Tax Administrator quarterly as follows:

(1) One-sixth (1/6) to Klamath County for use in the promotion of tourism and conventions in Klamath County.

(2) Fifty percent (50%) of the balance to participating incorporated cities located in whole or in part within Klamath County. This percentage shall adjusted as set out in paragraph (5) herein.

(a) The administration and enforcement of such tax shall remain

with the Tax Administrator.

(3) The amount to be distributed to a city shall be as follows:

(a) Each fifty percent (50%) of net collections of the Transient Room Tax shall be allocated to the cities by the Tax Administrator under a formula where the amount payable to each city shall be determined by the ratio the total transient room tax collections of each city bears to the total tax collections of all such cities times the distributive amount allocated to all such cities.

$$\begin{array}{l}
 \text{TOTAL TAX COLLECTION SHARE} \\
 \text{OF INDIVIDUAL CITY} \\
 \text{FORMULA: CITY'S SHARE} = \frac{\text{-----}}{\text{TOTAL TAX COLLECTION SHARE OF ALL INCORPORATED CITIES IN KLAMATH COUNTY}} \times \frac{\text{TOTAL NET COLLECTION X 50\%}}{\text{TOTAL TAX COLLECTION SHARE OF COUNTY OF ALL INCORPORATED CITIES IN KLAMATH COUNTY}}
 \end{array}$$

(4) The balance remaining of the net Transient Room Tax deducting the sums allocated as provided in paragraphs 1 and 2 shall be retained by Klamath County for purposes of construction, operation, and maintenance of the Klamath County Fairgrounds.

(5) As of July 1, 1983, and at the start of each fiscal year thereafter, the foregoing distribution formula shall be readjusted. Said readjustment shall be made to reflect the proportion which the total collection of the tax imposed from the operators within the corporate limits of the respective cities bears to the total revenue collected from all sources within the County pursuant to this Chapter. This percentage figure shall be substituted for the figure of 50 percent shown in the formula set out in Subsection 3 of this Section and shall be used in computing the distribution share of the various governmental entities. The readjustment shall be based upon the four quarters of receipts prior to the readjustment which shall be calculated no later than March 31 of each year. The Tax Administrator shall notify each participating city and the County of the adjustment at that time.

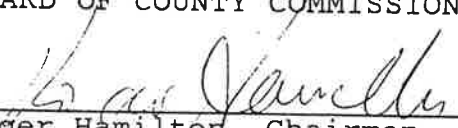
4. Any reference in any Ordinance to the classification of

a violation of such Ordinance as a Misdemeanor or providing for a penalty in excess of \$500.00 shall hereby be amended to provide that a violation of such Ordinance shall be punishable by a fine of not more than \$500.00 for a noncontinuing offense or \$1,000.00 for a continuing offense, as provided in ORS 203.065 (1).


a violation of such Ordinance as a Misdemeanor or providing for a penalty in excess of \$500.00 shall hereby be amended to provide that a violation of such Ordinance shall be punishable by a fine of not more than \$500.00 for a noncontinuing offense or \$1,000.00 for a continuing offense, as provided in ORS 203.065 (1).

DONE AND DATED THIS 14th DAY OF December, 1988.

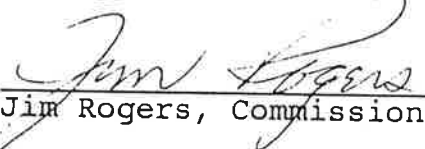
BOARD OF COUNTY COMMISSIONERS



Roger Hamilton, Chairman

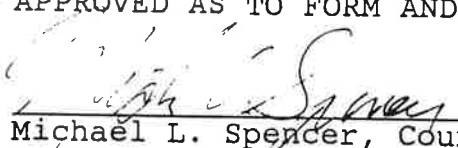


Ted Lindow, Commissioner



Jim Rogers, Commissioner

APPROVED AS TO FORM AND CONTENT:



Michael L. Spencer, County Counsel