
Clackamas County Code

FORWARD

Though it is one of the oldest counties in the west, Clackamas County has never codified its ordinances, or even systematized them in any effective manner. In fact, being a “general law” county (not having a County Charter), Clackamas County, over most of its history, used “Board Orders” entered in its “Journal” to memorialize its enactments. Since the Legislature revised the statutes relating to counties in the early 1970’s, the County has adopted ordinances much more frequently, but with inconsistent and changing “systems” to record, document and track its enactments. This codification project is intended to solve problems caused by the old “system”, and to put all presently effective general Clackamas County Ordinances into one document in a readable manner. It is also our goal to take advantage of the advances in media technology by making the Code available on the County’s Internet website and on disc.

Public access to the new code may be made on the Internet by contacting the Clackamas County website at www.co.clackamas.or.us. The code itself is on file in the recording division of the County Clerk. Copies in disc or printed form may be obtained from the Office of Clackamas County Counsel, 906 Main St., Oregon City, Oregon, 97045; telephone #, 503-655-8362. A copy is also available for examination at the Clackamas County Courthouse Law Library, 8th and Main, Oregon City, Oregon.

This volume contains the first Clackamas County Code. It was enacted as Ordinance #_____, and was effective on ____, _____, 2000. The general ordinances of the County were repealed and the substantive provisions of those ordinances were consolidated in the new Code.

Preparation of the Code involved several steps. The records of the County clerk (the official record keeper of the Board of County Commissioners and the County) and the Office of County Counsel were examined to locate County Ordinances. Ordinances were reviewed and classified as either general or special. Regulatory ordinances and ordinances of continuing application that relate to County regulation, organization and procedures were classified as general ordinances. Ordinances relating to specific actions were classified as special. Unlike cities, most County enactments relating to specific actions have been historically by “Board Order”, not by ordinance, but some ordinances have dealt with specific actions and have been classified as special. Those ordinances and all Board Orders are recorded and on file in the Recording Division of the Office of

County Clerk. They are also classified as special in the volume entitled “Clackamas County Ordinance History”, compiled by the codifier, and kept on file and on disc by the Office of Clackamas County Counsel.

Ordinances, rules and regulations of related entities, such as Clackamas County Service District #1, Tri-City Service District, Surface Water Management Agency of Clackamas County, North Clackamas Parks and Recreation District, Clackamas County Development Agency (urban renewal districts), and Clackamas County Housing Authority are not included in the code. Neither are the land use regulations of the county, (which are already available on disc and the Internet). The public has access to the regulations of these entities by contacting the responsible County departments.

Each general ordinance was examined to determine its validity in light of current county and state legislation and court decisions, and to determine whether any of its provisions were obsolete, redundant, or unnecessary. The departments responsible for the subject area of the ordinances evaluated the ordinances and assisted in repeals and updates. Redundant, obsolete or unnecessary ordinances were repealed by the Board of County Commissioners in Ordinance # 8-99.

The valid and applicable provisions of existing general ordinances were codified as chapters, and the chapters were arranged according to subject matter into titles. Each title and chapter was formatted and numbered using a decimal system that allows for supplementation and expansion. Many provisions were edited, repunctuated or rewritten to improve their readability. Some provisions were changed in substance after work sessions with the Board of County Commissioners and through the formal notice and public hearing process which resulted in the adoption of this code.

Each Title was reviewed and edited, and changes were made to improve procedures, bring existing provisions up to date and make them more understandable. The affected departments, the Office of County Counsel, and the Board of County Commissioners reviewed the Titles and their suggestions were incorporated before adoption of the code.

GUIDE FOR MAINTAINING THE CODE

The code may be kept up to date at all times by following these suggested procedures.

Each new ordinance adopted by the Board should be classified as general or special. General ordinances are those that amend or add to the Clackamas County Code and deal with administrative organization and procedures or those that are regulatory in nature. Special ordinances are those of restricted application.

All ordinances, whether general or special, should be numbered in consecutive order. The original copy of each ordinance should be filed in numerical order in the Recording Division of the Office of County Clerk after being properly signed. Special ordinances should not be included in the code.

At the time of drafting a general ordinance, the County Counsel should assign a code number to the substantive provisions, based on the subject matter of the provision. Following adoption of a general ordinance, the substantive provisions should be added to the code. Where such provisions substitute for existing provisions, the substitution may be made by inserting the new provisions in place of the previous ones. Where new provisions are added to the code, they should be inserted where appropriate, consistent with the format and numbering of the code.

Ordinances Amending Code Provisions. General ordinance provisions which amend existing code provisions should be assigned the same code numbers as the amended provisions. When the code is amended, a notation should follow the new substance of the amendment, e.g., [Chapter 2.01 amended by Ordinance # ____, enacted ____, ____.]

Ordinances Repealing Code Provisions. When an ordinance repeals a code chapter, the text of the repealed chapter should be taken out of the code, and a notation in brackets stating the number and date of the repealing ordinance should follow the number of the repealed chapter, e.g., Chapter 2.01 [Chapter 2.01 repealed by Ordinance # ____, enacted ____, ____.]

Ordinances Adding New Code Provisions. General ordinances added to the code should be assigned code chapter numbers based on the subject matter of the ordinance. When an addition is made to the code, a notation in brackets stating the number and date of the ordinance should follow the substantive material of the added Chapter, e.g., [Chapter 2.07 added by Ordinance # ____, enacted ____, ____.]

The expansion of this code by the addition of new provisions may be made in two ways: (1) when the new provisions relate to a subject which cannot be placed within any title of the original organization, a new title may be created; and (2) when the new provisions relate to the subject matter contained within a general title heading, the next chapter number not yet used may be assigned to the new provisions.

If new provisions are being added to already existing code provisions, the next number not yet used may be used, between chapters, or after the last chapter, depending upon where the new provision should logically be placed within the Title. If the addition of the new provision requires renumbering of subsequent chapters, the Office of County Counsel is authorized to do so pursuant to Chapter 1.01.100.

Occasionally, it may be necessary to reorganize material within a title or chapter partially or entirely to rationalize the numbering or formatting system. In Chapter 1.01.100, the office of County Counsel is authorized to make such changes as are necessary to rationalize the numbering and formatting system.

CODIFIER'S NOTE

Major credit for the successful completion of the codification project should go to Steve Rhodes, County Administrator. His experience, insight and support were absolutely crucial. The codifier also wishes to thank all those county employees who contributed much time and effort into updating and proofreading the many drafts and chapters of the new code. The codifier particularly thanks Sharon Scammahorn, Nancy Durnford, and Richard Doty, formatters extraordinaire, Susie Huva, Assistant County Counsel, for her diligent, swift and effective rewriting of ordinances that desperately needed updating, and Debbie McCoy, Cable Communications Manager, who gave the codifier and formatters unswerving logistical support, and kept them from killing their computers.

We hope the new code will make it easier for the People of Clackamas County to understand, and have access to, county government in the new millennium..

Scott Parker
Codifier
March 2000

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