

ORDINANCE NUMBER 1608

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, PROVIDING CITY CONSENT TO THE ADMINISTRATION AND ENFORCEMENT OF COUNTY ORDINANCE 86-265 AND ADMINISTRATIVE RULES WITHIN THE CITY LIMIT AND DECLARING AN EMERGENCY.

WHEREAS, adult foster homes are both a growing resource for care of dependent elders and disabled adults and a developing business option for City residents throughout the County, and

WHEREAS, state law (ORS 443.705-443.780) requires the licensure of all adult foster homes, except in counties where similar programs exist for the administration and enforcement of regulations, including licensure, related to adult foster homes, and

WHEREAS, Clackamas County has such a program for adult foster homes and is seeking exemption from ORS 443.705-443.780, by means of an intergovernmental agreement between the County and the State Department of Human Resources, and

WHEREAS, such programs to regulate adult foster homes are necessary to prohibit the operation of unsafe, undesirable adult foster homes and to assist the public in selecting appropriate foster homes, and

WHEREAS, it is in the public interest and it is desirable for the City to consent to County administration and enforcement of Ordinance 86-265 and its Administrative Rules within the City limits to ensure coordination and uniformity of regulation throughout the County and to simplify the licensure process for foster home owners and operators.

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. City Consent to Enforcement of County Ordinance.

The City consents to the application and enforcement, within the City limits, of Clackamas County Ordinance 86-265, its Administrative Rules and any amendments relating to adult foster homes, which shall be administered and enforced by the County DHR Administrator or his designee. Nothing in this section shall create a cause of action against the City, its agents or employees for the enforcement or failure to enforce any provision of the County ordinance or its Administrative Rules or amendments.

Section 2. Intergovernmental Agreement.

The City shall also enter into, and the authorized representatives are authorized to execute, an intergovernmental agreement with the County to implement enforcement of the Ordinance and Rules within the City limits.

Section 3. Emergency

Because Clackamas County Ordinance 86-265 became effective March 2, 1986, and ORS 443.705-443.780 became effective January 1, 1986, and implementation of this Ordinance throughout the County should be uniform and coordinated insofar as possible, an emergency exists and the Ordinance is necessary to preserve the peace, health and safety of the community. Therefore this Ordinance shall take effect immediately upon its final passage.

Read the first time on October 7, 1986, and moved to a second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on October 7, 1986.

Signed by the Mayor on October 8, 1986.



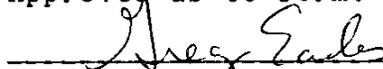
Ronald D. Kinsella, Mayor

ATTEST:



Jerri Widner, Finance Director

Approved as to form:



Greg Eades, City Attorney