

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Adopting the Yamhill County
Code and Setting the Effective Date

ORDINANCE 931

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on November 2, 2023, Commissioners Lindsay Berschauer, Kit Johnston, and Mary Starrett being present.

THE BOARD ADOPTS THE FOLLOWING FINDINGS:

WHEREAS, The Board has, from time to time, passed various ordinances, and amendments to those ordinances, affecting the administration of County business; and

WHEREAS, The Board finds it necessary in the public interest to adopt a County code to codify those ordinances in order to facilitate the public's access to County laws as well as aid in the pleading and enforcement of County ordinances; and now, therefore

THE BOARD ORDAINS AS FOLLOWS:

Section 1. Adoption of Yamhill County Code. The Yamhill County Code is hereby adopted as provided in Exhibit A.

Section 2. Publication and Maintenance. The County shall publish the Yamhill County Code on the County's website for public reference. In addition, a copy of the Yamhill County Code shall be provided to all Yamhill County departments heads and elected officials, with an official copy of the code, and any future amendments thereto, being maintained by the Office of County Counsel.

Section 4. Severability. Invalidity of a section or part of a section of this Ordinance shall not affect the validity of the remaining sections or parts of sections.

Section 5. Effective Date. The first reading of this Ordinance occurred on October 19, 2023; the second reading on November 2, 2023. The effective date of this ordinance shall be January 31, 2023.

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DATED this 2nd day of November, 2023, at McMinnville, Oregon.

ATTEST



KERI HINTON
County Clerk

By: Carolina Rook
Deputy CAROLINA ROOK

FORM APPROVED BY:

Jodi Gollehon
JODI GOLLEHON
Assistant Yamhill County Counsel

YAMHILL COUNTY BOARD OF COMMISSIONERS

AYE NAY

Lindsay Berschauer
Chair LINDSAY BERSCHAUER X

Kit Johnston
Commissioner KIT JOHNSTON X

Mary Starrett
Commissioner MARY STARRETT X

YAMHILL COUNTY CODE

TITLE 1: GENERAL PROVISIONS

Chapter 1.05: Yamhill County Code Adoption

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LEGISLATIVE HISTORY

SECTION 1 – GENERAL PROVISIONS

1.05.01.01 Purpose. The Board finds it necessary in the public interest to adopt the code to facilitate the public's access to County laws as well as aid in the pleading and enforcement of particular County laws.

[ADOPTED VIA ORDINANCE NO. XXX eff 01/31/24]

1.05.01.02 Definitions. As used in the Yamhill County Code unless the context or a specially applicable definition requires otherwise:

- a) **"Board"** and **"County Court"** mean the Board of County Commissioners of Yamhill County, Oregon.
- b) **"Codify"** and **"Codification"**, when used as verbs, mean the process of changing an existing ordinance or drafting and naming a new ordinance into the format set out in this Code, and incorporating such ordinance into the Yamhill County Code.
- c) **"County"** means Yamhill County, Oregon.
- d) **"Yamhill County Code," "YCC" or "Code"** means the collection of codified ordinances of Yamhill County.
- e) **"Person"** includes individuals, corporations, associations, firms, partnerships, joint stock companies and any other legal entity.
- f) **"Preceding"** and **"following"** mean next before and next after, respectively.

- g) **“State”** means the state of Oregon.
- h) **“To”** means **“to and including”** when used in a reference to a series of Code sections, subsections, paragraphs or subparagraphs.
- i) **“Violate”** includes failure to observe the law whether by act of commission or omission.
- j) **“Written”** means handwrote, printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in a permanent visible form.

[ADOPTED VIA ORDINANCE NO. 931 eff 01/31/24]

1.05.01.03 Code Construction.

- a) Singular or Plural Number. As used in this Code, the singular number may include the plural and the plural number, the singular.
- b) Words Indicating Gender. As used in this Code, words used which indicate a gender may include the other gender.
- c) Use of “Shall”. As used in this Code, the word “shall” is mandatory and not directory.
- d) Use of “May”. As used in this Code, the word “may” is permissible.
- e) Present Tense Includes Future. As used in this Code, words in the present tense include the future.
- f) Subsequent Amendments. Reference to any portion of this Code includes later amendments to that portion or any part contained in it.
- g) Code Headings Not Part of Law. Title heads, chapter heads, division heads, section and subsection heads, indexes or titles and explanatory notes in this Code do not constitute any part of the law; they are inserted for convenience only and do not define, describe, or limit the scope or intent of the text or any term therein.
- h) Computation of Time. Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day falls upon any legal holiday or on Saturday, in which case the last day is also excluded.
- i) Effect of Repeal of Code Sections and Ordinances; Saving Clause.
 - (i) Repeal of a Code section or ordinance shall not revive a Code section or ordinance in force before or at the time the repealed Code section or ordinance took effect.
 - (ii) The repeal shall not affect a punishment or penalty incurred before the repeal took effect nor a suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the repealed Code section or ordinance.

[ADOPTED VIA ORDINANCE NO. 931 eff 01/31/24]

1.05.01.04 Severability. If any section, subsection, clause, or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The county declares that it would have enacted this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

[ADOPTED VIA ORDINANCE NO.931 eff 01/31/24]

SECTION 2 – ADOPTION OF YAMHILL COUNTY CODE

01.05.02.01 Adoption, Amendments, and Repeal.

- a) Yamhill County Code Adoption. The Yamhill County Code is adopted as the codification of the permanent and general provisions of Yamhill County’s ordinances.
- b) Amendments. Amendments to an ordinance as codified and set forth in this Code are deemed to be amendments to the ordinance itself.
- c) Repeal. The repeal of any code section does not revive the original text of the code section, but rather, repeal of an existing section repeals the underlying ordinance section and all of its amendments.

[ADOPTED VIA ORDINANCE NO. 931 eff 01/31/24]

1.05.02.02 Title. This code shall be known as the “Yamhill County Code”, and it shall be sufficient to refer to the code as the “Yamhill County Code” in any prosecution for the violation of any provision thereof or in any legal proceeding. It shall be sufficient to designate any ordinance adding to, amending, correcting, or repealing all or any part or portion thereof as “Yamhill County Code” without the necessity of referring to the underlying ordinance. Further reference may be made to the titles, chapters, sections, and subsections of the Yamhill County Code, and such references shall apply to that numbered title, chapter, section, or subsection as it appears in the Code.

[ADOPTED VIA ORDINANCE NO. 931 eff 01/31/24]

1.05.02.03 Codification.

- a) New ordinances may be added to the code, and if an ordinance is enacted with a numbering system that is inconsistent with the code numbering system, the codifier is authorized to assign an appropriate code number and to codify the ordinance accordingly.
- b) No existing ordinance shall be amended in major part and no new ordinance shall be passed without being put in the format specified in Section 1.05.02.04.
- c) The Yamhill County Counsel’s Office is hereby assigned the duties of continuing the codification process of general County ordinances.
- d) When codifying, the drafter shall not alter the sense, meaning, effect or substance of any ordinance, but may:
 - (i) Rearrange sections and parts of sections;
 - (ii) Change the wording of title heads or words signifying parts of an ordinance, such as “this ordinance”;
 - (iii) Renumber within such limitations as stated herein;
 - (iv) Change reference numbers to agree with renumbered chapters, sections or other parts;
 - (v) Substitute the proper subsections, section, or chapter or other division numbers;
 - (vi) Strike out figures or words that are merely repetitious;
 - (vii) Make minor changes in punctuation that do not alter the sense of the text;
 - (viii) Change capitalization for the purpose of uniformity; and
 - (ix) Correct obvious clerical or typographical errors.

[ADOPTED VIA ORDINANCE NO. 931 eff 01/31/24]

1.05.02.04 Code Format.

- a) Generally. The Yamhill County Code shall be divided into titles. Titles shall be divided into chapters. Chapters shall be divided into sections. The titles and subjects of the Yamhill County Code are as follows:

TITLE NO.	TITLE NAME
1	General Provisions
2	County Administration
3	Revenue, Finance, and Purchasing
4	Public Peace, Morals, and Welfare
5	Health and Safety
6	Parks and Public Spaces
7	County Roads
8	Business Licensing and Regulation
9	Partnerships, Programs, and Committees
10	Building and Development Regulation
11	Land Use

- b) Format. The format of the Linn County Code shall be the format used in this Chapter, including form and style, section outlines, margins, indentations, table of contents, column format, pagination, font types and sizes (for Code text, Times New Roman 12 point or its equivalent; and for legislative history immediately

preceding the Code text, Times New Roman 8 point or its equivalent), and appearances and other features relating to the physical layout of such chapters.

- c) Legislative History. The legislative history of each section and chapter may be placed at the end of each affected section and chapter, and if so placed, shall be in chronological order; placed at the end of the appropriate section or chapter setting forth the adopting and amending legislation and its respective dates; and printed in a bold font.
- d) Table of Contents. Each chapter of the Code shall have a table of contents listing the sections in relation thereto.

[ADOPTED VIA ORDINANCE NO. 931 eff 01/31/24]

1.05.02.05 Reservation of Prosecutions. The adoption of this Code shall not affect any prosecution for violations of ordinances, which violations were committed prior to the effective date of the adoption of the Yamhill County Code, nor shall the adoption of the Yamhill County Code be construed as a waiver of any license, fee, or penalty due and owing at the effective date of the Code adoption, nor shall adoption affect the validity of any bond or cash deposited with the County pursuant to the terms of any ordinance, upon its codification; but rather, all rights and obligations pertaining under ordinances in effect prior to codification shall remain in full force and effect.

[ADOPTED VIA ORDINANCE NO. 931 eff 01/31/24]

LEGISLATIVE HISTORY

Adopted via Ordinance No. 931 on 11/02/2023, effective 01/31/2024