

AGENDA ITEM FOR ADMINISTRATIVE MEETING ( ) Discussion only  
( X ) Action

FROM (DEPT/ DIVISION): County Counsel

SUBJECT: Enforcement Ordinance Amendment

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                      |
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| <p>Background:</p> <p>The County has adopted an enforcement ordinance for the enforcement of the Umatilla County Code of Ordinances. It is proposed to add additional provisions to provide authority to seek administrative warrants for enforcement purposes. This would allow a Circuit Court judge to issue an administrative warrant for access to property for inspection and enforcement purposes and provide another method for enforcement of county ordinances.</p> | <p>Requested Action:</p> <p>(1) Conduct Public Hearing on proposed ordinance<br/>(2) Adopt Ordinance No. 2023-09</p> |
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ATTACHMENTS: Proposed Ordinance

\*\*\*\*\*For Internal Use Only\*\*\*\*\*

Checkoffs:

- ( ) Dept. Heard (copy)
- ( ) Human Resources (copy)
- ( ) Fiscal
- ( X ) Legal (copy)
- ( ) (Other - List:)

To be notified of Meeting:

Needed at Meeting:

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Scheduled for meeting on: November 21, 2023

Action taken:

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Follow-up:

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Amending )  
Code Enforcement Ordinance )  
Number 90-01 Codified at ) ORDINANCE NO. 2023-09  
Chapter 38, Umatilla County )  
Code of Ordinances )

WHEREAS the Board of Commissioners has ordained Chapter 38 of the Umatilla County Code of Ordinances for the enforcement of county ordinances;

WHEREAS the additional procedures are necessary to enforce Umatilla County Ordinances.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains the adoption of the following amendment to Chapter 38 of the Umatilla County Code of Ordinances, to amend to include the following provisions:

§ 38.13 ADMINISTRATIVE  
WARRANT

warrant.

(A) The County may obtain an administrative warrant for purposes of enforcing the Umatilla County Code of Ordinances.

(C) An application for an administrative warrant shall be presented to a court of competent jurisdiction by County Counsel.

(B) In addition to other methods provided in the Umatilla County Code of Ordinances, whenever a code enforcement officer requires entry to property for purposes of inspections pursuant to the Code or permit or the officer has probable cause to believe there has been a violation of the Code or that a nuisance or dangerous condition exists, the officer may enter upon a site for the purpose of investigation if an administrative warrant is obtained. Unless unreasonable under the circumstances, a code enforcement officer shall seek to obtain the consent of the owner or person in charge of property to enter onto property before applying for an administrative

(1) The application shall be accompanied by a supporting affidavit containing the following, together with such other information as the court deems necessary, including:

(a) The nature of the warrant sought, and action sought to be authorized;

(b) The affiant's employment background, experience and authority;

(c) A description of the property sought to be entered onto;

(d) The Code provision, permit or other law alleged to have been violated or

otherwise supporting issuance of the warrant together with facts, information and belief demonstrating cause for issuance of the administrative warrant; and

(e) A statement that consent to entry or other action has been sought but not obtained, or facts or circumstances reasonably showing the purpose of the warrant might be frustrated if consent was sought.

(D) The Umatilla County Circuit Court shall have jurisdiction to issue administrative warrants for service within the unincorporated areas of Umatilla County. An inspection warrant shall be issued only upon cause, which shall be deemed to exist if there is probable cause to believe that a condition of nonconformity with the Umatilla County Code of Ordinances exists with respect to the designated property, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with the Ordinances.

(E) Before issuing an inspection warrant, the judge may examine under oath the applicant and any other witness to be satisfied of the existence of grounds for granting such application.

(F) If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly describing the name and title of the person or persons authorized to execute the warrant, the place to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the judge has specially determined upon a showing that the inspection

warrant cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

(G) The person authorized by the court to execute a warrant shall, before entry, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request, except that the person authorized to execute the warrant may promptly enter the designated property if it is, or is reasonably believed to be, vacant or unoccupied and need not inform anyone of the person's authority and purpose.

(H) A peace officer may be requested to assist in the execution of the administrative warrant. Such officer may assist the person authorized to execute the warrant, including using any reasonable force necessary, to enter the property if the administrative warrant specifically allows the use of reasonable force to execute the warrant.

(I) An inspection warrant must be executed and returned to the judge by whom it was issued within 10 days from the date of issue, unless such judge before the expiration of such time, by endorsement thereon, extends the time for five days. After the expiration of the time prescribed by this subsection, the warrant is void unless executed.

FURTHER by unanimous vote of those present, the Board of Commissioners deems this Ordinance necessary for the immediate preservation of public peace, health, and safety; therefore, it is adjudged and decreed that an emergency does exist in the case of this Ordinance and it shall be in full force and effect from and after its adoption.

DATED this 21<sup>st</sup> day of November, 2023.

UMATILLA COUNTY BOARD OF COMMISSIONERS

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Daniel N. Dorran, Chair

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John M. Shafer, Commissioner

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Celinda A. Timmons, Commissioner

ATTEST:  
OFFICE OF COUNTY RECORDS

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Records Officer