

# CHAPTER 1: GENERAL PROVISIONS

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## § 1.001 TITLE OF CODE.

All ordinances included in this and the following chapters are designated the Multnomah County Code of Ordinances, and will be referred to as “code.” When referring to specific sections of the Multnomah County Code, the letters “MCC” shall precede the numerical designation.

## § 1.002 DEFINITIONS AND RULES OF CONSTRUCTION.

The following definitions and rules of construction shall be observed, unless inconsistent with the intent of the Board of Commissioners or the context clearly requires otherwise.

**ADMINISTRATIVE RULE.** A rule made by a Director with authority delegated by either the Chair or the Board.

**BOARD.** The Board of Commissioners of Multnomah County.

**CHAIR.** The Chair of the Board of Commissioners of Multnomah County, chief executive officer and county personnel officer, or designee.

**CHARTER.** The Home Rule Charter adopted by the voters of Multnomah County.

**COMMISSIONER.** One of five elected members of the Board.

**COMPUTATION OF TIME.** The time within which an act is to be done is computed by excluding the first day and including the last, unless the last falls on a legal holiday as defined in ORS 187.010 or 187.020, or on a Saturday or Sunday, in which case the last day is also excluded.

**COUNTY.** Multnomah County, Oregon.

**COUNTY ATTORNEY.** The Chief Legal Officer and Office of County Attorney Director, or designee.

**DAY.** The period of time between any midnight and the midnight following.

**DAYTIME; NIGHTTIME.** **DAYTIME** is the period between sunrise and sunset. **NIGHTTIME** is the period of time between sunset and sunrise.

**DEPARTMENT.** A county administrative unit established and assigned functions by ordinance.

**DIRECTOR.** The head of a department appointed by the Chair with the consent of the Board, or designee.

**EXECUTIVE RULE.** A rule made by the Chair with authority from the Charter or delegated by the Board.

**GENDER.** The masculine gender includes the feminine and neuter, and the feminine includes the masculine and neuter.

**JOINT AUTHORITY.** Words giving joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

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**LAW.** Applicable federal law, the constitution and statutes of the state of Oregon, the code, ordinances, resolutions, and applicable adopted rules and regulations of the county.

**MINOR.** A person under the age of 18 years, unless otherwise stated.

**MONTH.** A calendar month.

**NUMBER.** The singular number includes the plural, and the plural the singular.

**OAR.** Oregon Administrative Rule.

**OATH.** Includes affirmation.

**OFFICIAL TIME.** When certain hours are named, they mean the standard of time as set out in ORS 187.110.

**OR; AND.** *OR* may be read *AND*, and *AND* may be read *OR*, if the sense requires it.

**ORDER.** A final determination of the Board in a particular case, usually a quasi-judicial matter under authority of state law.

**ORDINANCE.** A Board exercise of legislative authority granted by the Charter and state law.

**ORS.** Oregon Revised Statutes.

**OWNER.** A part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of the building or land, or vendee in possession under a land sale contract.

**PERSON.** Individual, corporation, association, firm, partnership, joint stock company, and similar entities.

**PERSONAL PROPERTY.** Every type of property, except real property as defined in this section.

**POLICY.** A county policy enacted by ordinance or adopted by resolution.

**PRECEDING; FOLLOWING.** Next before and next after, respectively.

**PROCESS.** A writ or summons issued in the course of judicial proceedings of either a civil or criminal nature.

**PROPERTY.** Both real and personal property.

**REAL PROPERTY.** Land, tenements, and hereditaments.

**RESOLUTION.** A Board exercise of administrative authority granted by the Charter and state law, or authorized by ordinance.

**SHALL; MAY.** *SHALL* is mandatory, and *MAY* is permissive.

**SHERIFF.** The Sheriff of Multnomah County, or designee.

**SIGNATURE.** Includes subscription or mark when the signer cannot write, the signer's name being written near the mark by a witness who signs near the signer's name. A signature by subscription or mark as acknowledged serves as a signature to a sworn statement only when two witnesses sign their own names.

**STATE.** The state of Oregon.

**TENANT or OCCUPANT.** A person holding a written or an oral lease of, or who occupies, the whole or a part of the building or land, either alone or with others.

**TENSES.** The present tense includes the past and future tenses, and the future includes the present.

**TO.** Means *TO AND INCLUDING* when used in reference to a series of sections of this code or the ORS.

**WEEK.** Seven consecutive days.

**WRITING.** Includes any form of recorded message capable of comprehension by ordinary visual means. When a notice, report, statement or record is required or authorized by this code, it shall be made

in writing in the English language unless it is expressly provided otherwise.

**YEAR.** A calendar year, except where otherwise provided.

**§ 1.003      SUBSTITUTE OFFICERS.**

Unless this code provides to the contrary, the Chair, County Attorney and department directors, or designees or agents, may exercise a power granted by this code. The Chair, County Attorney and department directors remain responsible for the performance of such acts.

**§ 1.004      CONSTRUCTION OF CODE.**

The provisions of this code and proceedings under it are to be construed so as to effect its objectives and to promote justice.

**§ 1.005      CONTINUATION OF ORDINANCES.**

Provisions of this code that are the same as those of the prior code sections existing at the time of the effective date of this code shall be considered continuations and not new enactments.

**§ 1.006      EFFECT OF REPEAL.**

The repeal of the prior code does not revive any ordinance in force before or at the time the prior code took effect. The repeal of the prior code does not affect a penalty incurred before the repeal took effect, nor a legal action pending at the time of the repeal.

**§ 1.007      SEVERABILITY.**

The sections, subsections, paragraphs, provisions, clauses, phrases, and words of this code are severable. If a section, subsection, paragraph, provision, clause, phrase, or word of this code is declared by a court of competent jurisdiction to be unconstitutional or invalid, the judgment shall not affect the validity of the remaining portions of this code. Every other section, subsection, paragraph, provision, clause, phrase or word of this code enacted, irrespective of the enactment or validity of the portion declared unconstitutional or invalid, is valid.

**§ 1.008      SECTION CATCHLINES.**

The catchlines of the code sections indicate the contents of each section and are not a part of the substance of the section. The catchlines are not affected by amendments or re-enactments.

**§ 1.009      AMENDMENT AND REPEAL.**

(A) This code is the general and permanent law of the county. The Board of Commissioners may enact three types of general ordinances to affect this code, as described in division (B) of this section.

(B) Ordinances may amend existing provisions, add new provisions, or repeal existing provisions. General ordinances shall specifically amend or repeal particular sections of this code. General ordinances creating new code sections shall integrate the new sections into the numbering system and organization of this code.

**§ 1.010      REPEAL OF FORMER CODE.**

The Multnomah County Code enacted in 1990, as supplemented, is repealed.

**§ 1.011      EDITORIAL CHANGES.**

The County Attorney is empowered to make certain editorial changes and corrections in this code, provided such changes do not alter the sense, meaning, effect, or substance of any ordinance. Changes and corrections may include the following:

(A) Numbering and renumbering sections and parts of sections of ordinances, either as enacted or as codified;

(B) Changes in the wording of headnotes or catchlines;

(C) Rearrangements of sections;

(D) Changes of reference numbers to agree with renumbered chapters, sections and statutes;

(E) Substitutions of the proper subsection, section, chapter, or other division numbers;

(F) Omission of figures or words which are merely repetitious;

(G) Changes of capitalization and punctuation for purposes of uniformity; and

(H) Correction of manifest clerical or typographical errors.

**§ 1.012        CERTIFICATION OF CODE  
                 REVISIONS.**

County Attorney shall certify each revision of this code as being an accurate codification of the ordinances contained in that revision.

(Ord. 169, Amended, 07/27/1978)