

ORDINANCE NO. 28

AN ORDINANCE ADOPTING BY REFERENCE THE MULTNOMAH COUNTY ADULT CARE HOME LICENSURE ORDINANCE NO. 503, AND SUBSTANTIVE AMENDMENTS THERETO, WHICH PROVIES FOR THE LICENSURE AND INSPECTION OF ADULT CARE HOMES, ESTABLISHES FEES FOR LICENSES, REQUIRES POSTING OF THE RESIDENT'S BILL OF RIGHTS, ESTABLISHES PENALTIES AND AUTHORIZES APPROPRIATE CIVIL ACTION; AUTHORIZES EXECUTION OF AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH MULTNOMAH COUNTY FOR COUNTY ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS OF THE ADULT CARE HOME LICENSURE ORDINANCE FOR ADULT CARE HOMES LOCATED WITHIN THE CITY OF MAYWOOD PARK; AND DECLARING AN EMERGENCY.

THE CITY COUNCIL OF THE CITY OF MAYWOOD PARK FINDS:

1. On January 9, 1984, the City Council adopted Ordinance No. 27, which authorized Multnomah County, its agents and representatives to enforce within the City limits of Maywood Park, the provisions of Multnomah County Ordinance No. 392, dated September 8, 1983, amending Ordinance No. 387 (MCC 8.90.005-8.90.260) entitled the Multnomah County Adult Care Home Registration Ordinance, which by reference was made a part of Ordinance No. 24.
2. Ordinance No. 27 also authorized the Mayor and City Recorder to execute an intergovernmental agreement with Multnomah County (dated January 9, 1984) to provide for the administration and enforcement of the Adult Care Home Registration Ordinance in the City of Maywood Park, which is currently in force.
3. The Multnomah County Adult Housing Program has successfully registered and inspected homes and investigated complaints since it was established in 1983. However, the effectiveness of this program can be further improved by requiring inspection and approval of all adult care homes prior to operation.
4. The Legislative Assembly of the State of Oregon has passed Enrolled Senate Bill 519, (Oregon Laws 1985, Chapter 629) which the Governor duly signed, requiring licensure of all adult foster homes throughout the State by March 31, 1986.
5. On February 27, 1986, the Board of County Commissioners, adopted Ordinance No. 503, amending Ordinance No. 392, and establishing the Adult Care Home Licensure Ordinance, to license and inspect all adult care homes, including adult foster homes, prior to operation, and to require currently registered homes to apply for a license by March 31, 1986.
6. "Adult Care Homes", as defined by County Ordinance No. 503, means any home or other facility which provides room and board or room and care for compensation to one or more elderly, handicapped or dependent person(s) over the age of 18 not related to the owner or operator by blood or marriage; and not

- including any facility (housing 6 or more persons unrelated to the owner or operator) that is already licensed by a public agency as a Residential Care Facility or Long Term Care Facility.
7. The State Department of Human Resources is entering into an intergovernmental agreement with Multnomah County for adult foster homes in Multnomah County to be exempt from State license, inspection and fee provisions of SB 519 on the basis of the County's administration of an equal or superior licensure program for all adult care homes in the County.
 8. The County has requested authority to administer and enforce the provisions of the Multnomah County Adult Care Licensure Ordinance within the City.
 9. The City wishes to grant the County's request, relying on the County's allocation of resources, to protect the interests of the elderly, handicapped and dependent adults in the City in need of care, to the benefit of all City residents.
 10. It is in the public interest to provide for uniform administration of the Multnomah County Adult Care Home Licensure Ordinance in the City and County.

NOW, THEREFORE, THE MAYWOOD PARK CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. That in accordance with the provisions of ORS 190.010 and ORS 203.040, the City of Maywood Park does hereby authorize Multnomah County, its agents and representatives, to enforce within the City limits of Maywood Park, Multnomah County Ordinance No. 503, dated February 27, 1986, and any substantive amendments thereto, amending Ordinance No. 392 (MCC 8.90.005-8.90.260) entitled "The Multnomah County Adult Care Home Licensure Ordinance," which is an ordinance providing for the licensure and inspection of Adult Care Homes, the establishment of fees for licenses, requiring the posting of the Resident's Bill of Rights, establishing penalties and authorizing appropriate civil action, which Adult Care Home Licensure Ordinance is attached hereto, marked Exhibit "A", and by this reference made a part hereof at this point.

Section 2. The Mayor and City Recorder of Maywood Park are hereby authorized to execute an amendment to the Intergovernmental Agreement with Multnomah County approved by City Ordinance No. 24, this amendment to be substantially similar to the amendment, attached as Exhibit B, for Multnomah County administration and enforcement within the City of Maywood Park of all the provisions of the Multnomah County Adult Care Home Licensure Ordinance (Ordinance No. 503 and any substantive amendments made thereto).

Section 3. The Council declares an emergency exists because Multnomah County Adult Care Home Licensure Ordinance No. 503 became effective on March 31, 1986, and enforcement of this Ordinance within the City and County should be uniform in so far as possible; therefore, this Ordinance shall take effect immediately upon its passage.

PASSED AND APPROVED by the City Council of the City of Maywood Park on the 4th day of August, 1986.

/s/ Donald A. Cobb
Donald A. Cobb, Mayor

ATTEST:

/s/ Janet H. Parton
Janet H. Parton, Recorder