

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 18-03

Ordinance No. 18-03/In the Matter of Amending Lane Code Chapter 9 to Update Environmental and Other Public Health Provisions (9.500 – 9.562, 9.566-9.685)

WHEREAS, Lane Code Chapter 9 sets forth policies and authorities related to Public Health; and

WHEREAS, the Public Health provisions need to be updated; and

WHEREAS, the Board of County Commissioners has conducted a public hearing and is now ready to take action;

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDAINS** as follows:

REMOVE THESE SECTIONS

INSERT THESE SECTIONS.

9.500 – 9.562
9.566 – 9.685

9.500 – 9.562
9.600 – 9.680

These sections are attached hereto and incorporated herein by this reference. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion constitutes a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions hereof.

Nothing herein is intended to, nor acts to amend, replace, or otherwise conflict with any other ordinances of Lane County or any other Code or statutory provisions unless expressly so stated.

The office of Lane County Legal Counsel is authorized to codify this Ordinance and to make any technical changes, not affecting its substance, as are reasonably necessary to accomplish codification.

ENACTED this 1st day of May 2018.

Jay Bozievich

Jay Bozievich, Chair
Lane County Board of Commissioner

APPROVED AS TO FORM
Date _____

LANE COUNTY OFFICE OF LEGAL COUNSEL

[Signature]

Recording Secretary for this Meeting of the Board

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PUBLIC HEALTH

9.500 Public Health

Consistent with the Mission of the Public Health Division of the Lane County Department of Health & Human Services, to promote and protect the long-term health and well-being of individuals, families and our community, the provisions of LC 9.505 through 9.685 set forth the requirements and regulations related to a Declaration of a Danger to Public Health, the Safe Drinking Water Program, and the issuance of Food Handler Certificates.

~~This sub-chapter is adopted under the Lane County Home Rule Charter and consistent with the applicable provisions of Oregon Revised Statutes, and in particular ORS Chapter 222, 1999 Edition. (Revised by Ordinance No. 1-73, Effective 3.9.73; 1-00, 4.12.00)~~

DECLARATION OF DANGER TO PUBLIC HEALTH HAZARDS

9.505 Definitions.

For the purposes of this sub-chapter, the following words and phrases ~~shall~~ mean:

Danger to Public Health Hazard.

Any condition **either:**

(1) ~~which~~ **Which** is conducive to the propagation or dissemination of communicable or contagious disease producing organisms and which presents a reasonably clear possibility that the public generally is being exposed to disease causing physical suffering or illness, including a condition such as:

- (a) A contaminated or inadequate **safe drinking potable** water supply.
- (b) Inadequate installations for the disposal or treatment of sewage, garbage or other contaminated or putrefying waste.
- (c) Inadequate improvements for drainage of surface water and other fluid substances or contaminates, **or**

OR

(2) ~~A condition w~~Whereby there are sufficient types and amounts of biological, chemical or physical (including radiological) agents in the water that they are likely to cause human illness, disorders or disability. These include, but are not limited to, pathogenic viruses, bacteria, parasites, toxic chemicals and radioactive isotopes.

Department. **The Lane County Department of Health and Human Services.**

Environmental Survey. A study conducted by the ~~Department~~ **Oregon Health Authority** for the purpose of investigating a suspected **danger to health hazard**.

Governing Body. **The Board of County Commissioners acting as the governing body of the local public health authority in accordance with ORS 431.003.**

Public Health Division. **The division of the Department assigned responsibility for public health matters.**

~~—Potable Water.—Water which is sufficiently free from biological, chemical or radiological impurities so that users thereof will not be exposed to or threatened with exposure to disease or harmful physiological effects and which has such other physical properties as to be reasonably palatable to humans for drinking purposes. (Revised by Ordinance No. 1-73, Effective 3.9.73; 1-00, 4.12.00)~~

9.510 Purpose.

This sub-chapter is adopted for the following purposes:

- (1) Protecting the health, safety and welfare of the people of the County.

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- (2) Providing a more realistic solution of community health problems.
- (3) Increasing public awareness of areas in the County where conditions exist that are conducive to the spread of communicable disease, **and**
- (4) Preventing the increase of population densities and further development in defined areas with potential **dangers to public health hazards** until such time as the conditions causing the **dangers to public health hazards** are resolved. *(Revised by Ordinance No. 1-73, Effective 3.9.73)*

~~9.515—Conducting Environmental Surveys.~~

~~The Department shall conduct an environmental survey when in its judgment a public health hazard is suspected to exist. On completion of such a survey, appropriate recommendations shall be made to the Board if the Department believes a health hazard exists. *(Revised by Ordinance No. 1-73, Effective 3.9.73)*~~

~~9.520—Referral of Recommendations.~~

~~On review of the recommendations submitted in accordance with LC 9.515 above, the Board may refer the recommendations to the Lay Advisory Committee on Environmental Sanitation for further analysis and recommendations. *(Revised by Ordinance No. 1-73, Effective 3.9.73; 1-00, 4.12.00)*~~

9.525 Declaration of ~~Danger to Public Health Hazard.~~

The Department and Governing Body will verify the conditions alleged to be causing a danger to public health, if requested to do so, in accordance with ORS 222.860. ~~(1) When the Board believes a public health hazard exists due to the conditions and recommendations reported in accordance with LC 9.515 and 9.520, it shall issue an order for a hearing to be held within the area of the public health hazard, or a place near the area of the suspected public health hazard, if there is no suitable place within the area of the suspected public health hazard at which to hold a hearing, not sooner than 30 days from the date of the order.~~

~~(2) Upon issuance of an order for a hearing, the Board shall immediately give notice of the hearing by publishing in a newspaper of general circulation within the area of the suspected public health hazard and the County once each week for two successive weeks and by posting copies of the order in four public places within the suspected public health hazard area.~~

~~(3) If at the hearing, the Board finds that a public health hazard exists in accordance with this sub chapter, it shall so declare by order. The order shall include a description of the conditions constituting the public health hazard and shall include a legal description of the boundaries of the area of the public health hazard. *(Revised by Ordinance No. 1-73, Effective 3.9.73; 1-00, 4.12.00)*~~

~~9.530—Notification of Public Health Hazard.~~

~~When a public health hazard has been declared by the Board, the department shall:~~

~~(1) Forward a copy of the declaration order to the Director of the State Health Division, and the Director of the State Department of Environmental Quality, and the Real Estate Commissioner.~~

~~(2) Notify all County Departments and divisions with staff activity related to land development that the order has been entered.~~

~~(3) Notify Federal Loan Assurance agencies by forwarding them a certified copy of the order.~~

~~(4) Notify private lending and mortgage institutions selected by the Director by providing them with a confirmed copy of the declaration order.~~

~~(5) When the area declared to be a public health hazard is adjacent to an incorporated city, send a copy of the declaration order to the affected city and the Lane County Local Government Boundary Commission.~~

~~(6) Request the Lane County Planning Department to designate the area declared a public health hazard on the unofficial zoning maps.~~

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~~———— (7) — Make recommendations consistent with the declaration order on zoning, rezoning, and preliminary subdivision matters arising out of the area declared to be a public health hazard so long as the declaration order remains in effect.~~

~~———— (8) — Deny all building permit applications within the area declared to be a public health hazard while the order is still in effect, except for those building or plumbing permits for normal repairs or corrections when the granting of such permits would not result in increased public exposure to the hazardous health conditions. (Revised by Ordinance No. 1-73, Effective 3.9.73)~~

9.535 — Reconsideration and Withdrawal.

~~Any person living within the area declared to be a public health hazard or otherwise affected by the declaration of an area a public health hazard may, for good cause shown, petition the Board for a withdrawal or modification order when he believes that the public health hazard no longer exists or has changed substantially so as to support a modification of the original declaration order. The Board shall conduct a hearing on the petition as part of its routine business and no particular notice shall be required. However, the Board shall have no authority to modify the declaration order to enlarge the area declared to be a public health hazard, without all of the hearing and notice requirements of LC 9.525 above having first been met. (Revised by Ordinance No. 1-73, Effective 3.9.73; 1-00, 4.12.00)~~

CONTROL OF DOMESTIC WATER SUPPLIES SAFE DRINKING WATER PROGRAM

9.550 Purpose.

~~Because the provision of safe drinking water is essential to the well-being of County residents, and because waterborne diseases represent an established danger to the public's health, the County has a responsibility to ensure access to safe drinking water under the delegation of authority under the Oregon Drinking Water Quality Act. Such delegation by the Oregon health Authority to Lane County, as the local public health authority, is permitted under ORS 448.170. improperly constructed, operated, maintained, or abandoned water wells and improperly installed pumps, pumping equipment, and water treating equipment can affect the public health adversely, consistent with the duty to safeguard the public health of this County, it is declared to be the policy of this County to require that the location, construction, repair, and abandonment of water wells, and the installation and repair of pumps, pumping equipment, and water treating equipment or systems conform to such reasonable requirements as may be necessary to protect the public health and welfare to assure an adequate quantity and quality of water for domestic water supplies. Nothing in this sub chapter is intended to be inconsistent with the State Plumbing Code. (Revised by Ordinance No. 10-74, Effective 8.23.74)~~

9.552 Definitions.

For the purpose of this sub-chapter, the following words and phrases shall mean:

~~———— Abandoned Water Well. A well whose use has been permanently discontinued. Any well shall be deemed abandoned that is in such a state of disrepair that continued use for the purpose of obtaining ground water is impracticable and includes irrigation wells otherwise excluded in this sub-chapter.~~

~~———— Board. Board of County Commissioners of Lane County.~~

~~———— Community Water System. A source of water and distribution system whether public or privately owned which serves more than three (3) single residences or other users for the purpose of supplying water for drinking, culinary or household uses.~~

~~———— Class I community water supply system is a system which supplies water to more than ten (10) services.~~

~~———— Class II community water supply system is a system which supplies water to more than three (3), but not more than ten (10) services.~~

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~~Class III community water supply system is a system which supplies water to two (2) or three (3) services.~~

~~Construction of Water Wells. All acts necessary to obtain ground water by wells, including the location and excavation of the well, but excluding the installation of pumps and pumping equipment.~~

~~County. Unincorporated areas of Lane County.~~

Danger to Public Health Hazard. A condition whereby there are sufficient types and amounts of biological, chemical or physical (including radiological) agents in the water that they are likely to cause human illness, disorders or disability. These include, but are not limited to, pathogenic viruses, bacteria, parasites, toxic chemicals and radioactive isotopes.

Department. The Lane County Department of Health and Human Services.

Governing Body. The Board of County Commissioners acting as the governing body of the local public health authority in accordance with ORS 431.003(3).

Ground Water. Water occurring naturally in underground formations that are saturated with water.

LPHA. Reference to the Local Public Health Authority vested in Lane County under ORS 431 and the OHA Intergovernmental Agreement for the Financing of Public Health Services (the PH FAA).

Program Element (PE). Reference to the description of services provided by County under contract with the Oregon Health Authority (OHA) by means of the PH FAA, as it may be revised.

Public Drinking Water System. The public water systems regulated under this Code, which include community water systems, non-transient non-community water systems, and transient non-community water systems, serving 3,300 or fewer people and using ground water sources only, including those activities specifically listed for State Regulated non-EPA water systems using ground water sources only.

Safe Drinking Water Program (DWP). The Department's responsibilities with respect to the reduction of the incidence and risk of waterborne disease and public exposure to hazardous substances in drinking water, as promulgated by the OHA under the annual Financial Assistance Award (PH FAA) to the County, acting as the Local Public Health Authority (LPHA). These responsibilities are currently set forth in Program Element number 50 of the PH FAA, and must be adhered to by the Department, as they are currently constituted and may be subsequently revised.

Sanitary Water Survey. The inspection services provided by the LPHA under contract to the OHA.

Unregistered System. A Public Drinking Water system that has not been registered with the Authority.

Waterborne Disease. A disease caused by chemical, physical, radiological or biological agents epidemiologically associated with infection, illness or disability that is transported to human beings by water that has been ingested or through contact, as in bathing or other domestic uses.

~~Individual Water System. A source of water and a distribution system which serves a single residence or user for the purpose of supplying water for drinking, culinary or household uses and which is not a public water supply system.~~

~~Installation of Pumps and Pumping Equipment. The procedure employed in the placement and preparation for operation of pumps and pumping equipment, including all construction involved in making entrance to the well and establishing seals, but not including repairs, as defined in this section to existing installations.~~

~~Public Water Supply System. A source of water and a distribution system, whether publicly or privately owned, which serves a single user for the purpose of supplying water for drinking, culinary or household uses and where such water is provided for or is available for public consumption such as in the case of, but not limited to, a water source and distribution system serving a school, a farm labor camp, an~~

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~~industrial establishment, a recreational facility, a restaurant, a motel, a mobile home park or a group care home, where such facility is the sole user supplied.~~

~~———— Pump Installation Contractor. Any person, firm, or corporation engaged in the business of installing or repairing pumps and pumping equipment.~~

~~———— Pumps and Pumping Equipment. Any equipment or materials used or intended for use in withdrawing or obtaining ground water, including, without limitation, seals and tanks, together with fittings and controls.~~

~~———— Repair. Any action that results in a breaking or opening of the well seal or replacement of a pump.~~

~~———— Spring. Water that flows from a laterally percolating water table's intersection with the surface or from a geological fault that allows the flow of water from an artisan aquifer.~~

~~———— Water Supply System. A source and all appurtenances for delivery of water for use, including pumps, piping and water treating equipment, for human consumption.~~

~~———— Water Treatment Contractor. Any person, firm, or corporation engaged in the business of installing, repairing and maintaining potable water treatment equipment or systems.~~

~~———— Water Well Contractor. Any person, firm, or corporation engaged in the business of constructing water wells and licensed by the State of Oregon, as required by ORS 537.747 through 537.762.~~

~~———— Well. Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, extraction, or artificial recharge of ground water; but such term does not include an excavation made for the purpose of obtaining or for prospecting for oil, geothermal wells, natural gas, minerals, or products of mining, quarrying, or for inserting media to re-pressure oil or natural gas bearing information or for storing petroleum, natural gas, or other products.~~

~~———— Well Seal. An approved arrangement or device used to cap a well or to establish and maintain a junction between the casing or curbing of a well and the piping of equipment installed therein, the purpose or function of which is to prevent pollutants from entering the well at the upper terminal. (Revised by Ordinance No. 10-74, Effective 8.23.74; 17-75, 3.12.76; 1-00, 4.12.00)~~

9.553 County Drinking Water Program.

The County will operate a safe Drinking Water Program in accordance with all applicable Statutes, Administrative Rules, and regulations and must remain in full compliance with its delegated duties as the LPHA as authorized by the Oregon Health Authority and as provided for under an intergovernmental agreement with the State.

~~9.554 Prohibition.~~

~~No person shall construct, repair, or abandon, or cause to be constructed, repaired, or abandoned, any water well, nor shall any person install, repair, or cause to be installed or repaired, any pump or pumping equipment, nor shall any person install water treating equipment, contrary to the provisions of this subchapter and applicable rules and regulations, except that this subchapter shall not apply to wells used or intended to be used as a source of water supply for community Class I water supply systems, nor to any well, pump, or other equipment used temporarily for dewatering purposes. (Revised by Ordinance No. 10-74, Effective 8.23.74)~~

~~9.556 Authority to Adopt Rules.~~

~~After giving interested persons and groups the opportunity to make recommendations, the Board shall adopt, and from time to time amend, rules and regulations governing the location, construction, repair, and abandonment of water wells; the installation and repair of pumps, pumping equipment; the~~

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~~installation and maintenance of water treating equipment; and the orderly implementation and administration of this sub chapter. (Revised by Ordinance No. 10-74, Effective 8.23.74)~~

9.558 — Prior Permission and Notification.

- ~~(1) Prior written permission shall be obtained from the Department for each of the following:~~
- ~~(a) The construction of any water supply system.~~
 - ~~(b) The abandonment of any water well.~~
 - ~~(c) The first installation of any pump or pumping equipment in any well.~~
 - ~~(d) Expansion, extension, modification or addition to any domestic water supply system excepting individual water supply systems.~~
- ~~(2) Notification of intent to construct a well shall be made to the Department prior to commencement of work by any water well contractor or the owner of the property whereupon the well is to be placed. No water well contractor shall commence construction of a well prior to the notification required herein.~~
- ~~(3) The Department shall be notified in writing of any repairs prior to repair to any water supply system or well, except that in emergencies prior approval is not required, but the Department shall be notified as soon as practical thereafter in writing of the repairs made. (Revised by Ordinance No. 10-74, Effective 8.23.74; 17-75; 3.12.76; 11-77, 10.7.77)~~

9.560 — Existing Installations.

~~No legal established domestic water supply system in existence on July 1, 1974 shall be required to conform to the provision of LC 9.558(1) above, or any rules or regulations adopted pursuant thereto, provided, however, that any well now or hereafter abandoned, including any well deemed to have been abandoned, as defined in this sub chapter, shall be brought into compliance with the requirements of this sub chapter and any applicable rules or regulations with respect to abandonment of wells, and further provided, that any domestic water supply system that is determined by the Department to be a health hazard in accordance with applicable State law must comply with the provisions of this sub chapter and applicable rules and regulations within a reasonable time after notification of such determination has been given. (Revised by Ordinance No. 10-74, Effective 8.23.74; 17-75; 3.12.76)~~

9.562 Inspections Program Elements.

The county will provide required services outlined in the Oregon Health Authority Program Element #50: Safe Drinking Water Program. These required services include providing emergency response, performing independent enforcement actions, updating the State Drinking Water Information System (SDWIS) database, providing technical regulator assistance, investigation of water quality alerts, performing water system sanitary surveys, following up on water system significant deficiencies, resolution of priority non compliers and monitoring and reporting violations, enforcement action tracking and follow up and documenting new water systems in the State inventory. These actions will be taken in conformance and compliance with applicable statutes, administrative rules and the Safe Drinking Water Program Element as per the intergovernmental agreement with the State.

- ~~(1) The Department is authorized to inspect any water supply system, abandoned water well, or pump installation, for any well. Duly authorized representatives of the Department may at reasonable times enter upon, and shall be given access to, any premises for the purpose of such inspection.~~
- ~~(2) Upon the basis of such inspections, if the Department finds applicable laws, rules, or regulations have not been complied with, or that a health hazard exists, the Department shall order in~~

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~~writing appropriate action, including discontinuance of use, if necessary, to be taken and shall establish a reasonable time for such action.~~

~~(3) Any person subject to a written order issued in accordance with this section may appeal such order to the hearings officer. Such appeal shall be made in writing within 10 days of the order. The hearings officer shall hear the appeal within 15 days of receipt of the notice of appeal. Notice of the appeal hearing shall be given by mailing a certified letter to the appellant to the address shown on the appeal notice at least five days prior to the scheduled hearing date. The hearings officer shall render a written decision, including appropriate findings of fact. (Revised by Ordinance No. 1-00, Effective 4.12.00)~~

9.564 Licenses.

(1) Water treatment, and pump installation contractors shall obtain licenses from the Department prior to engaging in operations as pump installation contractors, or water treatment installation contractors. The Department shall issue such licenses upon finding that:

(a) The requirements of this sub-chapter and all other applicable laws and ordinances have been met, including the passing of any examination required by separate rule.

(b) The information required on the application is complete and correct.

(2) The Department may revoke a license issued hereunder when it finds the licensee has materially violated any of the requirements of this sub-chapter.

(3) When a license has been revoked, the former license holder may appeal the revocation to the Board. Such appeal shall be made in the same manner as appeal of an order entered under LC 9.562(3) above. (Revised by Ordinance No. 10-74, Effective 8.23.74; 17-75, 3.12.76)

~~**9.566 Exemptions.**~~

~~Nothing in this sub-chapter shall prevent a person who has not obtained a license pursuant to LC 9.564 above from constructing a well or installing a pump on said person's own or leased property intended for use only in a single family house that is said person's permanent residence, or intended for use only for farming purposes on said person's farm, and where the waters to be produced are not intended for use by the public or in any residence other than said person's own. Such person shall comply with all rules and regulations as to construction of wells and installation of pumps and pumping equipment adopted under this sub-chapter and ORS 537.505 through 537.796. (Revised by Ordinance No. 10-74, Effective 8.23.74; 17-75, 3.12.76; 1-00, 4.12.00)~~

~~**9.568 Fees.**~~

~~The following fees are required:~~

~~(1) A fee as established by separate order of the Board shall accompany each application for permission required under LC 9.558(1).~~

~~(2) A fee as established by separate order of the Board shall accompany each application for a license required under LC 9.564. (Revised by Ordinance No. 10-74, Effective 8.23.74; 1-00, 4.12.00)~~

FOOD HANDLER CERTIFICATE AND BEVERAGE SERVICE WORKER'S PERMIT

9.600 Definitions.

For the purposes of this sub-chapter, the following words and phrases shall mean:

Authority. The Department of the State responsible for the application of ORS 624.

Board. The Lane County Board of Commissioners.

Communicable disease. Any disease that may cause food-borne illness or may be transmitted from person to person under the conditions encountered in a food establishment.

Department. The Lane County Department of Health and Human Services.

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Director. ~~Lane County~~ Director of the **Lane County** Department of Health and Human Services, or ~~his or her~~ **Director's** duly authorized representative.

Diseased Person. As defined in ORS 624.

Employer. Any individual, sole proprietor, firm, partnership, corporation, company, association, or joint stock association, and ~~the any~~ legal successor thereof.

Food. Any article used, or intended to be used, for food, drink, confection or condiment, whether simple or compound, thereof, and for human consumption.

Food Establishment. ~~All Any~~ establishments that prepares, handles, offers, serves or makes available, with or without compensation, food for the general public.

Food ~~Service Worker~~ Handler. A person employed or ~~soon~~ to be employed in a ~~restaurant~~ **restaurant** ~~and/or beverage establishment~~ or the owner, operator or manager thereof who prepares, serves or handles food. This definition shall not include persons engaged in food handling operations or food manufacturing under the jurisdiction of the State Department of Agriculture.

Food Handler Card. The document carried by food handlers to demonstrate completion of the food handler training program set forth in ORS 624.570.

Food ~~Handler Certificate~~ and ~~Beverage Service Worker Permit.~~ A ~~permit-certificate~~ issued by the Department indicating that the holder of the ~~permit-certificate~~ has demonstrated a minimum level of competency in the sanitary preparation, service, storage and handling of food and beverage.

Restaurant. As **defined in ORS 624(9)**, any establishment licensed by the State under ORS Chapter 624 as a restaurant where food or drink is prepared for consumption by the public. **Such an establishment is a restaurant, whether the food or drink is served or consumed on the premises or elsewhere** ~~or where the public obtains food or drink so prepared in form or quantity consumable then and there, whether or not it is consumed within the confines of the premises where prepared, or any establishment which prepares food or drink in consumable form for service outside the premises where prepared.~~

Rules. Rules adopted by the Board of County Commissioners or Director and incorporated into the Lane Manual.

Temporary Restaurant. As **defined in ORS 624(4), (11), and (12)**, any establishment ~~which operates temporarily in connection with any fair, carnival, circus or promotion, or any other event~~ where food is prepared or served for consumption by the public **at public gatherings, entertainment events, food product promotions or other events**, and is licensed by the State under ORS Chapter 624. ~~as a Temporary restaurant~~ **Restaurant.** ~~This definition~~ does not include an establishment where food is prepared and served, by a fraternity, social or religious organization, only to its own members and guests or a food product promotion where only a sample of food or foods are offered to demonstrate the characteristics of the food product.

~~———— Educational Institution. Any school facility where food or drink is prepared for consumption by the students or public where the students or public obtain food or drink so prepared in form or quantity consumable then or there, whether or not it is consumed within the confines of the premises where prepared and also includes establishments which prepare food or drink in consumable form for service outside the premises where prepared. (Revised by Ordinance No. 5-73, Effective 8.4.73; 7-78, 6.9.78; 1-00, 4.12.00)~~

9.605 Purpose and Authority.

Pursuant to ORS Chapters 431, 624, and the Home Rule Charter of Lane County, LC 9.600 through 9.690 herein are adopted for the purpose of:

(1) Preventing the spread of infectious **foodborne** disease and establishing a uniform health standard in Lane County for food ~~service workers~~ **handlers**.

(2) Insuring that all food ~~service workers~~ **handlers** possess an adequate knowledge of the sanitary principles and practices involved in the preparation, storage and service of foods and beverages.

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(3) Insuring that all food ~~service workers~~**handlers** possess adequate knowledge of anti-choking procedures as required in ORS Chapter 624 and described in Lane County publication entitled "Anti-Choking Maneuvers" or ~~as described~~ in the Red Cross Manual 32-1138. *(Revised by Ordinance No. 5-73, Effective 8.4.73; 7-78, 6.9.78; 1-00, 4.12.00)*

9.610 Adoption of the State Division of Health Rules, Regulations and Statutes.

The rules and regulations of the State ~~Division of Health~~ **Authority** and State statutes relative to food ~~service workers~~**handlers** are adopted as a part of this sub-chapter and incorporated herein. *(Revised by Ordinance No. 5-73, Effective 8.4.73)*

~~**9.615 Conflict with State Law.**~~

~~None of the provisions of this sub-chapter are intended to establish a standard lower than what is or may hereafter be adopted by the State. *(Revised by Ordinance No. 5-73, Effective 8.4.73)*~~

9.620 Notification by Restaurant.

All owners, operators or managers of any restaurant shall inform all food ~~service workers~~**handlers** that they must obtain a food ~~service permit~~**handler certificate from the Department** within ~~five~~**thirty (30)** days of their employment ~~from the Department~~. *(Revised by Ordinance No. 5-73, Effective 8.4.73)*

9.625 Time in Which to Acquire Permit.

All food ~~service workers~~**handlers** employed in a restaurant ~~must or educational institution shall~~ obtain from the Department a food ~~service worker's permit~~**handler certificate** within ~~five~~**thirty (30)** days of their employment. *(Revised by Ordinance No. 5-73, Effective 8.4.73)*

9.627 Time in Which to Acquire Certification of Training in Anti-Choking Maneuvers.

All food ~~service workers~~**handlers** employed in a restaurant ~~or educational institution~~ shall obtain from an agent, certified by the Department or the Department within 30 days of their employment, training in anti-choking procedures. The Director may waive in writing the training requirements of LC 9.627 in cases of undue hardship, or where the Director determines that the employee's assignment renders such training impracticable or unnecessary. *(Revised by Ordinance No. 7-78, Effective 6.9.78)*

9.630 Examination.

Persons making application for a food ~~service worker's permit~~**handler certificate** shall demonstrate their knowledge of elementary acceptable sanitary practices in the preparation, service, storage and handling of food and beverages, by satisfactorily passing an oral or written examination conducted by the Department based on the ~~"Food and Beverage Service Worker's training Mmanual"~~ **prepared and authorized by the Authority**. Any person may take the examination any number of times ~~either in person at the Department office, on-line or at the location of any LPHA authorized to provide training and issue food handler certificates, as provided for under ORS 624, provided at least 24 hours have lapsed between tests.~~ *(Revised by Ordinance No. 5-73, Effective 8.4.73)*

9.635 Notification of Temporary Restaurants.

All owners, operators or managers of any temporary restaurant shall inform all food ~~service workers~~**handlers** that prior to commencing actual employment the worker shall have a basic knowledge of the elementary acceptable sanitary practices in the preparation, service, storage and handling of food and beverages as contained in the ~~"Food and Beverage Service Worker's MAuthority's training manual,"~~ **available from the Department or on-line**. *(Revised by Ordinance No. 5-73, Effective 8.4.73)*

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9.640 Examination for Temporary Restaurant.

~~The Each temporary restaurant shall obtain a food service worker's permit and handler certificate of training in anti-choking procedures prior to commencing commencement of actual operations in the preparation, handling and serving of food or beverages. It shall be the immediate responsibility of every~~ **The designated** owner, operator, or manager ~~of any temporary restaurant to~~ **must** educate and supervise all temporary food handlers in ~~the~~ elementary acceptable sanitary practices in the preparation, service, storage and handling of food and beverages ~~as contained in~~ **accordance with** the "Food and Beverage Service Worker's Mtraining manual issued by the Authority," (~~available from the Department or on-line~~). ~~It shall be the further responsibility of t~~The owner, operator or manager ~~to assure~~**must ensure** that an individual certified as **having been** trained in anti-choking procedures be on duty at all times the temporary restaurant is in operation. *(Revised by Ordinance No. 5-73, Effective 8.4.73; 7-78, 6.9.78; 1-00, 4.12.00)*

~~9.645 Notification by Educational Institution.~~

~~All operators, managers, or supervisors of any educational institution food service shall inform all regular food service employees that they must obtain a food service permit from the Department within five days of their employment. Regular food service workers are those persons who are normally expected to work more than two hours per day or more than 10 hours per week. It shall be the responsibility of every operator, manager, or supervisor of any educational institution food service to obtain a food worker's permit, to educate and supervise employees who are normally expected to work two hours or less per day or 10 hours or less per week, that prior to commencing actual employment the employee shall have a basic knowledge of elementary acceptable sanitary practices in the preparation, service, storage and handling of food and beverages as contained in the "Food and Beverage Service Worker's Manual," available from the Department. It shall be the further responsibility of the operator, manager, or supervisor to assure that an individual certified as trained in anti-choking procedures be on duty at all times the food service is in operation. (Revised by Ordinance No. 5-73, Effective 8.4.73; 7-78, 6.9.78)~~

9.650 Fees.

(1) For the purpose of partially defraying expenses involved in the **training and** testing of food ~~service workers~~**handlers**, the Department ~~shall~~**will** collect a fee in advance in the amount established by order of the Board for the following applications:

- (a) Food ~~service worker permit~~**handler certificate**.
- (b) Food ~~service worker permit~~**handler certificate** renewal.
- (c) Certification of training in anti-choking procedures.

(2) All fees are non-refundable.

(3) Fees may be waived or deferred by the Department upon its determination that a person is financially indigent at the time of application.

(4) The cost of the ~~permit certificate~~ shall be uniform throughout the County and shall be in the amount set by the Board. *(Revised by Ordinance No. 5-73, Effective 8.4.73; 7-78, 6.9.78)*

~~9.655 Health Record.~~

~~All persons prior to receiving a permit or a renewal shall complete a health record provided by the Department. (Revised by Ordinance No. 5-73, Effective 8.4.73)~~

9.660 Revocation of Permit.

A Food **Handler Certificate**~~and Beverage Service Worker's Permit~~ may be revoked by the Department upon reasonable evidence indicating repeated or continuing failure to comply with accepted procedures

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Bold indicates material being added
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and practices in the preparation, service, storage, or handling of food or beverage offered for public consumption. *(Revised by Ordinance No. 5-73, Effective 8.4.73; 1-00, 4.12.00)*

9.665 Review.

Any food ~~handler whose certificate or beverage service worker whose permit~~ has been revoked by the Department may request that the Director conduct an administrative review. The Director shall conduct a review and notify the affected parties within **ten (10)** days from the revocation of the Director's findings. *(Revised by Ordinance No. 5-73, Effective 8.4.73; 7-78, 6.9.78)*

9.670 Food Handler Certificates and Beverage Service Worker's Permits.

Food ~~service workers~~handlers shall furnish and place on file with the person in charge of all food establishment their food ~~handler certificate and beverage worker's permits~~, as prescribed by the Department. Such ~~permits-certificates~~ shall be kept on file by the employer and open for inspection at all reasonable hours by public health officials. Such ~~permits-certificates~~ shall be returned by the employer to the employees upon termination of employment and shall be valid for three years from date of issuance. *(Revised by Ordinance No. 5-73, Effective 8.4.73)*

9.675 Diseased Persons May Not Work.

In accordance with ORS 624.425, no person, while infected with a **communicable** disease ~~described in ORS 624.080(1) in a communicable form that can be transmitted by foods~~ or who is a carrier of ~~organisms that cause~~any such a disease, ~~who or while afflicted~~is afflicted with a boil, an infected wound, or an acute respiratory infection, **may be allowed to**shall work in a food service establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons. *(Revised by Ordinance No. 5-73, Effective 8.4.73; 1-00, 4.12.00)*

9.680 Certificate Permit Exclusive and Valid Throughout Lane County and the State of Oregon.

The ~~permit-food handler certificate~~ provided by the Department shall be valid in the unincorporated areas of the County and all incorporated cities in the County of Lane, **and throughout the State of Oregon**, for the period for which it is issued, unless said cities by separate order of their governing body separately elect not to come under the provisions of this ordinance. *(Revised by Ordinance No. 5-73, Effective 8.4.73)*

~~**9.685 Administrative Rules.**~~

~~The Board may establish rules necessary to carry out the provisions of this sub chapter upon the recommendation of the Department. Such rules shall be published in the Lane Manual. *(Revised by Ordinance No. 5-73, Effective 8.4.73)*~~

9.690 Effective Date.

The provisions of this sub-chapter shall be effective September 1, 1973. All permits issued shall be valid for three years from date of issuance. *(Revised by Ordinance No. 5-73, Effective 8.4.73; 7-78, 6.9.78)*

TOBACCO REGULATIONS

9.700 Definitions.

As used in sections 9.700 through 9.774, the following words or terms have the following meanings:

(1) Arm's Length Transaction means a sale in good faith and for valuable consideration that reflects the fair market value in the open market between two informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related

9.450 Enforcement.

Failure to comply with LC 9.425 above shall constitute a Class 1 failure to comply as specified in LC 5.040. Each 30-day period of noncompliance shall constitute a separate failure to comply. Enforcement of the sewer connection required in LC 9.425 above may also occur by civil action in Circuit Court, to either abate the nuisance or compel connection. *(Revised by Ordinance No. 12-84, Effective 10.26.84; 1-00, 4.12.00)*

PUBLIC HEALTH**9.500 Public Health**

Consistent with the Mission of the Public Health Division of the Lane County Department of Health & Human Services, to promote and protect the long-term health and well-being of individuals, families and our community, the provisions of LC 9.505 through 9.685 set forth the requirements and regulations related to a Declaration of a Danger to Public Health, the Safe Drinking Water Program, and the issuance of Food Handler Certificates.

DECLARATION OF DANGER TO PUBLIC HEALTH**9.505 Definitions.**

For the purposes of this sub-chapter, the following words and phrases mean:

Danger to Public Health.

Any condition either:

(1) Which is conducive to the propagation or dissemination of communicable or contagious disease producing organisms and which presents a reasonably clear possibility that the public generally is being exposed to disease causing physical suffering or illness, including a condition such as:

(a) A contaminated or inadequate safe drinking water supply.

(b) Inadequate installations for the disposal or treatment of sewage, garbage or other contaminated or putrefying waste.

(c) Inadequate improvements for drainage of surface water and other fluid substances or contaminates, or

(2) Whereby there are sufficient types and amounts of biological, chemical or physical (including radiological) agents in the water that they are likely to cause human illness, disorders or disability. These include, but are not limited to, pathogenic viruses, bacteria, parasites, toxic chemicals and radioactive isotopes.

Department. The Lane County Department of Health and Human Services.

Environmental Survey. A study conducted by the Oregon Health Authority for the purpose of investigating a suspected danger to health.

Governing Body. The Board of County Commissioners acting as the governing body of the local public health authority in accordance with ORS 431.003.

Public Health Division. The division of the Department assigned responsibility for public health matters. *(Revised by Ordinance No. 1-73, Effective 3.9.73; 1-00, 4.12.00)*

9.510 Purpose.

This sub-chapter is adopted for the following purposes:

(1) Protecting the health, safety and welfare of the people of the County.

(2) Providing a more realistic solution of community health problems.

(3) Increasing public awareness of areas in the County where conditions exist that are conducive to the spread of communicable disease, and

(4) Preventing the increase of population densities and further development in defined areas with potential dangers to public health until such time as the conditions causing the dangers to public health are resolved. *(Revised by Ordinance No. 1-73, Effective 3.9.73)*

9.525 Declaration of Danger to Public Health.

The Department and Governing Body will verify the conditions alleged to be causing a danger to public health, if requested to do so, in accordance with ORS 222.860. *(Revised by Ordinance No. 1-73, Effective 3.9.73; 1-00, 4.12.00)*

SAFE DRINKING WATER PROGRAM**9.550 Purpose.**

Because the provision of safe drinking water is essential to the well-being of County residents, and because waterborne diseases represent an established danger to the public's health, the County has a responsibility to ensure access to safe drinking water under the delegation of authority under the Oregon Drinking Water Quality Act. Such delegation by the Oregon health Authority to Lane County, as the local public health authority, is permitted under ORS 448.170. *(Revised by Ordinance No. 10-74, Effective 8.23.74)*

9.552 Definitions.

For the purpose of this sub-chapter, the following words and phrases mean:

Danger to Public Health. A condition whereby there are sufficient types and amounts of biological, chemical or physical (including radiological) agents in the water that they are likely to cause human illness, disorders or disability. These include, but are not limited to, pathogenic viruses, bacteria, parasites, toxic chemicals and radioactive isotopes.

Department. The Lane County Department of Health and Human Services.

Governing Body. The Board of County Commissioners acting as the governing body of the local public health authority in accordance with ORS 431.003(3).

Ground Water. Water occurring naturally in underground formations that are saturated with water.

LPHA. Reference to the Local Public Health Authority vested in Lane County under ORS 431 and the OHA Intergovernmental Agreement for the Financing of Public Health Services (the PH FAA).

Program Element (PE). Reference to the description of services provided by County under contract with the Oregon Health Authority (OHA) by means of the PH FAA, as it may be revised.

Public Drinking Water System. The public water systems regulated under this Code, which include community water systems, non-transient non-community water systems, and transient non-community water systems, serving 3,300 or fewer people and using ground water sources only, including those activities specifically listed for State Regulated non-EPA water systems using ground water sources only.

Safe Drinking Water Program (DWP). The Department's responsibilities with respect to the reduction of the incidence and risk of waterborne disease and public exposure to hazardous substances in drinking water, as promulgated by the OHA under the annual Financial Assistance Award (PH FAA) to the County, acting as the Local Public Health Authority (LPHA). These responsibilities are currently set forth in Program Element number 50 of the PH FAA, and must be adhered to by the Department, as they are currently constituted and may be subsequently revised.

Sanitary Water Survey. The inspection services provided by the LPHA under contract to the OHA.

Unregistered System. A Public Drinking Water system that has not been registered with the Authority.

Waterborne Disease. A disease caused by chemical, physical, radiological or biological agents epidemiologically associated with infection, illness or disability that is transported to human beings by water that has been ingested or through contact, as in bathing or other domestic uses. *(Revised by Ordinance No. 10-74, Effective 8.23.74; 17-75, 3.12.76; 1-00, 4.12.00)*

9.553 County Drinking Water Program.

The County will operate a safe Drinking Water Program in accordance with all applicable Statutes, Administrative Rules, and regulations and must remain in full compliance with its delegated duties as the LPHA as authorized by the Oregon Health Authority and as provided for under an intergovernmental agreement with the State.

9.562 Program Elements.

The county will provide required services outlined in the Oregon Health Authority Program Element #50: Safe Drinking Water Program. These required services include providing emergency response, performing independent enforcement actions, updating the State Drinking Water Information System (SDWIS) database, providing technical regulator assistance, investigation of water quality alerts, performing water system sanitary surveys, following up on water system significant deficiencies, resolution of priority non compliers and monitoring and reporting violations, enforcement action tracking and follow up and documenting new water systems in the State inventory. These actions will be taken in conformance and compliance with applicable statutes, administrative rules and the Safe Drinking Water Program Element as per the intergovernmental agreement with the State.

9.564 Licenses.

(1) Water treatment, and pump installation contractors shall obtain licenses from the Department prior to engaging in operations as pump installation contractors, or water treatment installation contractors. The Department shall issue such licenses upon finding that:

(a) The requirements of this sub-chapter and all other applicable laws and ordinances have been met, including the passing of any examination required by separate rule.

(b) The information required on the application is complete and correct.

(2) The Department may revoke a license issued hereunder when it finds the licensee has materially violated any of the requirements of this sub-chapter.

(3) When a license has been revoked, the former license holder may appeal the revocation to the Board. Such appeal shall be made in the same manner as appeal of an order entered under LC 9.562(3) above. *(Revised by Ordinance No. 10-74, Effective 8.23.74; 17-75, 3.12.76)*

FOOD HANDLER CERTIFICATE

9.600 Definitions.

For the purposes of this sub-chapter, the following words and phrases mean:

Authority. The Department of the State responsible for the application of ORS 624.

Board. The Lane County Board of Commissioners.

Communicable Disease. Any disease that may cause food-borne illness or may be transmitted from person to person under the conditions encountered in a food establishment.

Department. The Lane County Department of Health and Human Services.

Director. Director of the Lane County Department of Health and Human Services, or Director's duly authorized representative.

Diseased Person. As defined in ORS 624.

Employer. Any individual, sole proprietor, firm, partnership, corporation, company, association, or joint stock association, and any legal successor thereof.

Food. Any article used, or intended to be used, for food, drink, confection or condiment, whether simple or compound, thereof, and for human consumption.

Food Establishment. Any establishment that prepares, handles, offers, serves or makes available, with or without compensation, food for the general public.

Food Handler. A person employed or to be employed in a restaurant or the owner, operator or manager thereof who prepares, serves or handles food. This definition shall not include persons engaged

in food handling operations or food manufacturing under the jurisdiction of the State Department of Agriculture.

Food Handler Card. The document carried by food handlers to demonstrate completion of the food handler training program set forth in ORS 624.570.

Food Handler Certificate. A certificate issued by the Department indicating that the holder of the certificate has demonstrated a minimum level of competency in the sanitary preparation, service, storage and handling of food and beverage.

Restaurant. As defined in ORS 624(9), any establishment licensed by the State under ORS Chapter 624 as a restaurant where food or drink is prepared for consumption by the public. Such an establishment is a restaurant, whether the food or drink is served or consumed on the premises or elsewhere.

Rules. Rules adopted by the Board of County Commissioners or Director and incorporated into the Lane Manual.

Temporary Restaurant. As defined in ORS 624(4), (11), and (12), any establishment where food is prepared or served for consumption by the public at public gatherings, entertainment events, food product promotions or other events, and is licensed by the State under ORS Chapter 624. Temporary Restaurant does not include an establishment where food is prepared and served, by a fraternity, social or religious organization, only to its own members and guests or a food product promotion where only a sample of food or foods are offered to demonstrate the characteristics of the food product. *(Revised by Ordinance No. 5-73, Effective 8.4.73; 7-78, 6.9.78; 1-00, 4.12.00)*

9.605 Purpose and Authority.

Pursuant to ORS Chapters 431, 624, and the Home Rule Charter of Lane County, LC 9.600 through 9.690 herein are adopted for the purpose of:

- (1) Preventing the spread of infectious foodborne disease and establishing a uniform health standard in Lane County for food handlers.
- (2) Insuring that all food handlers possess an adequate knowledge of the sanitary principles and practices involved in the preparation, storage and service of foods and beverages.
- (3) Insuring that all food handlers possess adequate knowledge of anti-choking procedures as required in ORS Chapter 624 and described in Lane County publication entitled "Anti-Choking Maneuvers" or in the Red Cross Manual 32-1138. *(Revised by Ordinance No. 5-73, Effective 8.4.73; 7-78, 6.9.78; 1-00, 4.12.00)*

9.610 Adoption of the State Division of Health Rules, Regulations and Statutes.

The rules and regulations of the State Health Authority and State statutes relative to food handlers are adopted as a part of this sub-chapter and incorporated herein. *(Revised by Ordinance No. 5-73, Effective 8.4.73)*

9.620 Notification by Restaurant.

All owners, operators or managers of any restaurant shall inform all food handlers that they must obtain a food handler certificate from the Department within thirty (30) days of their employment. *(Revised by Ordinance No. 5-73, Effective 8.4.73)*

9.625 Time in Which to Acquire Permit.

All food handlers employed in a restaurant must obtain from the Department a food handler certificate within thirty (30) days of their employment. *(Revised by Ordinance No. 5-73, Effective 8.4.73)*

9.627 Time in Which to Acquire Certification of Training in Anti-Choking Maneuvers.

All food handlers employed in a restaurant shall obtain from an agent, certified by the Department or the Department within 30 days of their employment, training in anti-choking procedures. The Director may waive in writing the training requirements of LC 9.627 in cases of undue hardship, or where the Director

determines that the employee's assignment renders such training impracticable or unnecessary. *(Revised by Ordinance No. 7-78, Effective 6.9.78)*

9.630 Examination.

Persons making application for a food handler certificate shall demonstrate their knowledge of elementary acceptable sanitary practices in the preparation, service, storage and handling of food and beverages, by satisfactorily passing an oral or written examination conducted by the Department based on the training manual available from the Department, prepared and authorized by the Authority. Any person may take the examination any number of times either in person at the Department office, on-line or at the location of any LPHA authorized to provide training and issue food handler certificates, as provided for under ORS 624. *(Revised by Ordinance No. 5-73, Effective 8.4.73)*

9.635 Notification of Temporary Restaurants.

All owners, operators or managers of any temporary restaurant shall inform all food handlers that prior to commencing actual employment the worker shall have a basic knowledge of the elementary acceptable sanitary practices in the preparation, service, storage and handling of food and beverages as contained in the Authority's training manual," available from the Department or on-line. *(Revised by Ordinance No. 5-73, Effective 8.4.73)*

9.640 Examination for Temporary Restaurant.

Each temporary restaurant must designate a person, either an owner, operator, or manager, who will obtain a food handler certificate of training in anti-choking procedures prior to commencement of actual operations in the preparation, handling and serving of food or beverages. The designated owner, operator, or manager must educate and supervise all temporary food handlers in elementary acceptable sanitary practices in the preparation, service, storage and handling of food and beverages in accordance with the training manual issued by the Authority (available from the Department or on-line). The owner, operator or manager must ensure that an individual certified as having been trained in anti-choking procedures be on duty at all times the temporary restaurant is in operation. *(Revised by Ordinance No. 5-73, Effective 8.4.73; 7-78, 6.9.78; 1-00, 4.12.00)*

9.650 Fees.

(1) For the purpose of partially defraying expenses involved in the training and testing of food handlers, the Department will collect a fee in advance in the amount established by order of the Board for the following applications:

- (a) Food handler certificate.
- (b) Food handler certificate renewal.
- (c) Certification of training in anti-choking procedures.

(2) All fees are non-refundable.

(3) Fees may be waived or deferred by the Department upon its determination that a person is financially indigent at the time of application.

(4) The cost of the certificate shall be uniform throughout the County and shall be in the amount set by the Board. *(Revised by Ordinance No. 5-73, Effective 8.4.73; 7-78, 6.9.78)*

9.660 Revocation of Permit.

A Food Handler Certificate may be revoked by the Department upon reasonable evidence indicating repeated or continuing failure to comply with accepted procedures and practices in the preparation, service, storage, or handling of food or beverage offered for public consumption. *(Revised by Ordinance No. 5-73, Effective 8.4.73; 1-00, 4.12.00)*

9.665 Review.

Any food handler whose certificate has been revoked by the Department may request that the Director conduct an administrative review. The Director shall conduct a review and notify the affected parties within ten (10) days from the revocation of the Director's findings. *(Revised by Ordinance No. 5-73, Effective 8.4.73; 7-78, 6.9.78)*

9.670 Food Handler Certificates.

Food handlers shall furnish and place on file with the person in charge of all food establishment their food handler certificate, as prescribed by the Department. Such certificates shall be kept on file by the employer and open for inspection at all reasonable hours by public health officials. Such certificates shall be returned by the employer to the employees upon termination of employment and shall be valid for three years from date of issuance. *(Revised by Ordinance No. 5-73, Effective 8.4.73)*

9.675 Diseased Persons May Not Work.

In accordance with ORS 624.425, no person, while infected with a communicable disease described in ORS 624.080(1) or who is a carrier of any such disease, who is afflicted with a boil, infected wound, or an acute respiratory infection, may be allowed to work in a food service establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons. *(Revised by Ordinance No. 5-73, Effective 8.4.73; 1-00, 4.12.00)*

9.680 Certificate Exclusive and Valid Throughout Lane County and the State of Oregon.

The food handler certificate provided by the Department shall be valid in the unincorporated areas of the County and all incorporated cities in the County of Lane, and throughout the State of Oregon, for the period for which it is issued, unless said cities by separate order of their governing body separately elect not to come under the provisions of this ordinance. *(Revised by Ordinance No. 5-73, Effective 8.4.73)*

9.690 Effective Date.

The provisions of this sub-chapter shall be effective September 1, 1973. All permits issued shall be valid for three years from date of issuance. *(Revised by Ordinance No. 5-73, Effective 8.4.73; 7-78, 6.9.78)*

TOBACCO REGULATIONS

9.700 Definitions.

As used in sections 9.700 through 9.774, the following words or terms have the following meanings:

(1) Arm's Length Transaction means a sale in good faith and for valuable consideration that reflects the fair market value in the open market between two informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for which a significant purpose is avoiding these regulations' sections 9.700 through 9.774 is not an Arm's Length Transaction.

(2) Business means any sole proprietorship, partnership, joint venture, corporation, company, association, or other entity formed for purposes that include profit-making.

(3) County or Lane County means all of Lane County, including incorporated jurisdictions and unincorporated areas.

(4) Department means the Lane County Health & Human Services Department, and any agency or Person designated by the Department to enforce or administer the provisions of sections 9.700 through 9.774.

(5) Electronic Smoking Device means any device that can be used to deliver aerosolized or vaporized nicotine, cannabinoids, or other substances to the person inhaling from the device, including, but not limited to an electronic cigarette, e-cigar, e-pipe, vape pen or e-hookah. Electronic Smoking Device includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. Electronic