

IN THE BOARD OF COMMISSIONERS OF  
SUNSET EMPIRE TRANSPORTATION DISTRICT

ORDINANCE 2020-01            )  
  )  
  )  
  )     AMENDING POLICE  
  )     ORDINANCE 2017-01  
  )     CONCERNING  
  )     REPULSIVE ODORS

The Board of Commissioners of Sunset Empire Transportation District does hereby Ordain and Decree the following Ordinance:

1. PURPOSE: To facilitate the purposes set forth in ORS Chapter 267, and for the safety, convenience, and comfort of District Passengers and for the protection, preservation, use and enjoyment of District property, it is necessary to amend Section 3.13 of the District Ordinance 2017-01 concerning repulsive odors.
2. CONFORMANCE OF STATE LAW: This ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the State of Oregon, or its agencies, or any ordinance, rule, or regulation of the District.
3. INCONSISTENT PROVISIONS: This ordinance shall supersede, control and repeal any inconsistent provision of any District ordinance as amended or any other regulations made by the District.
4. SEPARABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.
5. CONSTRUCTION: Nothing herein is intended to compromise or waive the right to enforce concurrently, or in the alternative, other remedies available including without limitation any remedies available pursuant to the Oregon Revised Statutes, city ordinances or any civil remedies. It is the intent of the District that this ordinance shall be liberally construed to effectuate its purpose and policies. Captions are for the convenience of the reader and shall not add to or limit any of the provisions of this ordinance.
6. ADOPTION CLAUSE: The Board of Commissioners hereby amends Section 3.13 of Ordinance 2017-01 to read as follows:

3.13 Repulsive Odors: *A person may not be in a District facility or vehicle with an unavoidable grossly repulsive odor so extreme it causes a nuisance, unreasonably interferes*

with the use, operation, or enjoyment of the District facilities or vehicles for District representatives or patrons, or creates an unsafe condition. Notwithstanding the foregoing, this Subsection shall not apply to persons with odors directly related to a disability or medical condition unless the odor is so severely disruptive that it interferes with the use or operation of the District facility or vehicle by District representatives or patrons, or creates direct threat or an unsafe condition. The District shall not exclude or refuse to provide service to a disabled individual solely because of involuntary behavior that may offend, annoy, or inconvenience others.

7. EFFECTIVE DATE: This ordinance shall take effect 30 days after its adoption.

THE BOARD OF COMMISSIONERS FOR  
SUNSET EMPIRE TRANSPORTATION DISTRICT

Deborah Boothe Schmidt  
Chairperson

ImagE Mar Del  
Recording Secretary

First Reading: 2/27/2020

Second Reading: 4/23/2020

Effective Date: 5/23/2020