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COUNTY COURT JOURNAL

JOSEPHINE VELTRI
COUNTY CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS

DEPUTY

OF TILLAMOOK COUNTY, OREGON
Sitting as the BOARD OF DIRECTORS
OF THE TILLAMOOK COUNTY SOLID WASTE DISPOSAL DISTRICT

In the Matter of an)
Ordinance Amending) AMENDMENT TO ORDINANCE NO. 4
Ordinance No. 4, the)
"Solid Waste Ordinance")

The Tillamook County Board of Commissioners, sitting as the Board of Directors of Tillamook County Solid Waste Disposal District, hereby ordains as follows:

Ordinance No. 4, dated February 14, 1973, and subsequently amended on June 18, 1985, and February 17, 1993, is amended to read as follows:

(In the following text **boldface type** indicates new text being added and [bracketed and underlined] indicates existing text being deleted.)

Section 1.05 "Specific Definitions" COMPENSATION and PERSON shall be amended as follows:

COMPENSATION. Includes any type of consideration paid for service, including but not limited to, **rent and any other direct or indirect [compensation] provisions for payment of money, goods or benefits by tenants, members, licensees or similar persons. It shall, also, include any exchange of services, including the hauling of solid waste.** Compensation includes the flow of consideration from the person owning or possessing the solid waste to the person collecting, storing, transporting or disposing of solid waste. Compensation does not include wages paid by an employer to an employee when that employee is acting in the regular course of their employment.

PERSON. Includes individuals, corporations, associations, firms, partnerships and cooperatives[, joint stock companies, estates, trusts, or any other legal entity whatsoever] .

Section 1.07 "Persons and Agencies Exempted," Subsection "B" shall be amended as follows:

- B. In addition to the exemptions in subsection "A" of this section, Section 8.01 and 8.02 of this ordinance shall not apply to:
- a. Disposal sites franchised under provisions of this ordinance and in compliance with this ordinance.
 - b. Agricultural operations and growing or harvesting of crops and the raising of fowls or animals.
 - c. A person who transports solid waste which such person produces directly to an authorized disposal site or resource recovery facility. Solid waste produced by a tenant, lessee or member shall be considered to be produced by such tenant, lessee or member and shall not be collected or transported by the owner, manager or employee of the facility being rented, leased or for which a membership benefit may accrue.
 - d. Construction and demolition contractors who transport solid waste incidental to such construction or demolition operations, so long as the solid waste is transported in such contractor's own equipment.
 - e. A person engaged in the practice of pumping, transporting and disposing of septic tank and cesspool pumpings or other sludge, provided such activity is conducted in compliance with applicable state and local laws.
 - f. A person engaged in the practice of towing or otherwise removing damaged, discarded or abandoned vehicles or parts thereof, so long as such activity is conducted in compliance with applicable state and local laws.

Section 4.01 "Persons, Activities and Practices Regulated" shall be amended as follows:

Except as provided in Section 1.07 of this ordinance, no [private] person shall provide service for compensation, as defined in Section 1.05 of this Ordinance, except as authorized by a collection or disposal franchise issued pursuant to this article.

Section 7.01 "Recycling Advisory Committee - Membership" shall be amended as follows:

Name of Section 7.01 shall be changed to "Recycling Advisory Committee."

- A. Members will be appointed by the Tillamook County Board of Commissioners. In the event that the County hires a person to function as a Recycling Coordinator, this person shall be an Ex-Officio member of this Committee. The Administrator shall be an Ex-Officio member of this Committee.
- B. **The Recycling Advisory Committee will be governed by bylaws determined by the members of the Recycling Advisory Committee and approved by the Board of Commissioners.**
- [B. There will be a maximum of 15 citizens with 5 members present constituting a quorum.
 - a. One member shall be selected from the Solid Waste Committee as a liaison.
 - b. An effort will be made to have a balanced representation of geographic areas and business interests.
 - c. Membership should include someone from each franchised solid waste business and any major solid waste contractor employed by Tillamook County.
- C. The Chairman will be elected by the Recycling Committee for a 2 year term. A Vice-Chairman will be elected whose duties will be to run meetings in the chairman's absence.
- D. The Ex-Officio member of the Solid Waste Advisory Committee will be elected by the Recycling Committee for a one year term.
- E. Upon Failure of any member to attend three consecutive meetings without notifying The Department of Public Works or the Chairman, the Recycling Advisory Committee may recommend termination of that appointee's membership, and the Board may declare that position vacant.]

Section 7.04 "Education, Promotion and Notification" shall be amended as follows:

- A. The County, **through the Recycling Advisory Committee**, in cooperation with the Franchisees, cities and schools within the County, shall provide a program of education and promotion to encourage recycling and the reduction of solid waste within Tillamook County.
- B. Notice of the opportunity for recycling shall be provided by disposal and collection Franchisees to those persons utilizing the Franchisees' services.

Section 8.01 "Nuisance by Accumulation of Solid Waste" shall be amended as follows:

- A. Except as otherwise authorized under this Ordinance, no person shall:
 - a. Deposit, accumulate, store, collect, maintain, or display on private or public property, solid waste that is offensive or hazardous to the health and safety of the public or which creates offensive odors, or a condition of unsightliness.
 - b. Deposit, accumulate, store, collect, maintain, or display on private or public property, abandoned, discarded, or unattended appliances, to include, but not limited to: refrigerators, freezers, washers, dryers, or other containers. It shall be unlawful to maintain refrigerators and/or freezers in an unsecured area with a compartment of more than one and one-half cubic feet capacity and a door or lid which locks or fastens automatically when closed.
 - c. Deposit, accumulate, store, collect, maintain, or display upon private or public property, abandoned or inoperable vehicles. This provision shall not apply to vehicles stored inside of secured buildings.
 - d. **If a person generates putrescible solid waste, fail to have such solid waste removed for disposal at an authorized facility at least every seven days, or more often if a greater frequency is required for preserving public health and safety.**
- B. In determining the condition of unsightliness, the zoning of the property and the proximity to residences, commercial businesses or roadways shall be considered.

- C. "Inoperable" is defined as any vehicle whose motor is partially or completely removed, or has deflated tires, or expired plates, or has any condition which is not in conformance with the rules and regulations of the Department of Motor Vehicles.
- D. Any deposits, accumulations, storing, collection, maintaining, or displaying of any solid waste in violation of this section shall be considered to be a public nuisance.

Section 8.02 "Nuisance by Unauthorized Disposal of Solid Waste" shall be amended as follows:

- A. Except as provided in Section 1.07 and in the definition of "Disposal Site" as provided in this Ordinance, no person shall:
 - a. Dispose of solid waste on any land subject to this Ordinance of which the person is not the owner or occupant, except at a disposal site authorized by the Board. The Board shall list the disposal sites which may be used by the public and shall furnish copies of the list upon request.
 - b. Use or permit to be used any land within the County as a public or private disposal site without approval from the Board, and without approval of the Oregon Department of Environmental Quality.
- B. **Commercial or industrial business shall not burn any solid waste except for clean wood products, free from rubber, asphalt, asbestos, insulation or other products which would cause toxic air contamination.**
- [B]C. Persons desiring to bury or dispose in any other manner of their own solid waste on their own property may do so in accordance with rules promulgated pursuant to ORS Chapter 459 and this Ordinance and rules and regulations promulgated thereunder.
- [C]D. Any disposing of any solid waste in violation of this section shall be considered to be a public nuisance.

The following new **Section 9.05 "Repeated Offenses"** shall be added:

- A. **Any person convicted more than once for offenses of any of the provisions of this article of this ordinance, in addition to the penalties set forth in Section 9.02, shall be required to obtain solid waste collection service from the franchisee designated to serve their specific area.**

- B. After the second conviction the offender shall be required to use the collection service for a period of one year. The fee for such service shall be paid in advance for the one year period.
- C. After the third conviction the offender shall be required to use the collection service thereafter. The fee for such service shall be paid at least 12 months in advance. Failure to maintain the advance payments to the franchisee shall be an additional violation of this ordinance.

Section 11.04 "Effective Date" shall be amended as follows:

The purpose of several of these amendments is to clarify the legality of actions currently taking place. Therefore, the immediate adoption of this Ordinance is necessary for the preservation of the public peace, health and safety. Therefore an emergency is declared to exist and this Ordinance shall take effect immediately upon its adoption.

DATE of First Reading: 6-23-93

DATE of Second Reading: 7-14-93

ADOPTED this 28 day of July, 1993.

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Kenneth M. Burdick
Kenneth M. Burdick, Chairman

Gina Mulford
Gina Mulford, Vice Chairman

Jerry A. Dove
Jerry A. Dove, Commissioner

APPROVED AS TO FORM:

William K. Sargent
County Counsel

ATTEST:

Josephine Veltri, County Clerk

By [Signature]
Special Deputy

