

FILED
YAMHILL COUNTY, OREGON

1978 MAR 20 AM 11:38

WANDA CATT, COUNTY CLERK

Sara Selzer
DEPUTY

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL

(Sitting for the Transaction of County Business)

An Amendment to the Present Yamhill County)
Solid Waste Ordinance Enforcement Procedure)
In Order to Bring Them Into Line With) ORDINANCE No. 154
Procedures Provided for in ORS Chapter 459.)

The Yamhill County Board of Commissioners hereby ordains that the Solid Waste Ordinance be amended as follows:

SECTION 3. GENERAL DEFINITIONS. For the purpose of this Ordinance, words used in the present tense include the future, the singular number includes the plural, the word "shall" is mandatory and not directory, and the term "this Ordinance" shall be deemed to include all amendments hereafter made to this Ordinance.

3.01 ADMINISTRATOR. Solid Waste Administrator or, until the creation of said position by the Yamhill County Board of Commissioners, the Yamhill County Sanitarian.

3.02 BOARD. The Board of County Commissioners for Yamhill County.

3.03 COLLECTION VEHICLE. Any vehicles used to collect or transport solid waste.

3.04 COMMITTEE. The Solid Waste Disposal Committee, established by this Ordinance.

3.05 COMPENSATION. Includes any type of consideration paid for service including, but not limited to, direct or indirect compensation by tenants, licensees, or similar persons.

3.06 DISPOSE OR DISPOSAL. Includes accumulation, storage, collection, transportation and disposal of solid wastes.

3.07 DISPOSAL SITE. Any land used for the disposal of solid wastes,

ROBERT S. WILLOUGHBY
Yamhill County Legal Counsel
Room 103 Yamhill County Courthouse
McMinnville, Oregon 97128
Phone: 472-9371 (Ext 286)

ROBERT S. WILLOUGHBY

Yamhill County Legal Counsel
 Room 103 Yamhill County Courthouse
 McMinnville, Oregon 97128
 Phone: 472-9371 (Ext 286)

1 including, but not limited to, dumps, landfills, sanitary landfills and compost-
 2 ing plants, but does not include a landfill site which is not used by the public
 3 either directly or through a service and which is used by the owner or tenant
 4 thereof to dispose of sawdust, bark, soil, rock, building demolition material
 5 or nonputrescible industrial waste products resulting from the process of manu-
 6 facturing.

7 3.08 ENGINEER. The Yamhill County Engineer or Road Master.

8 3.09 FRANCHISE. A franchise to provide service issued by the Board
 9 pursuant to Sections 9.01 to 9.16 of this Ordinance.

10 3.10 FRANCHISE COLLECTION. A franchise to store, collect or transport
 11 solid waste.

12 3.11 FRANCHISE DISPOSAL. A franchise to create or maintain a disposal
 13 site.

14 3.12 HAZARDOUS SOLID WASTE. Solid waste that may, by itself or in
 15 combination with other solid wastes, be infectious, explosive, poisonous, caustic
 16 or toxic or otherwise dangerous or injurious to human, plant or animal life.

17 3.13 INCINERATOR. A combustion device specifically designed for the
 18 reduction by burning of solid, semi-solid or liquid combustible wastes.

19 3.14 LANDFILL. A disposal site operated by means of compacting and
 20 covering solid waste at specific designated intervals, but not each operating
 21 day.

22 3.15 PERSON. Means and includes individuals, corporations, associations,
 23 firms, partnerships and joint stock companies.

24 3.16 PUTRESCIBLE MATERIAL. Organic materials that can decompose, and
 25 may give rise to foul smelling, offensive products.

26 3.17 REGULATIONS. Regulations promulgated by the Board pursuant to

1 this Ordinance.

2 3.18 RULES. Rules promulgated by State Agencies, pursuant to ORS
3 Chapter 459.

4 3.19 SANITARY LANDFILL. A disposal site operated by means of compacting
5 and covering solid waste at least once each operating day.

6 3.20 SERVICE. The collection, transportation or disposal by private per-
7 sons of solid waste for compensation.

8 3.21 SERVICE AREA. The geographical area in which service, other than
9 operation of a disposal site, is provided by any person.

10 3.22 SOLID WASTE. All putrescible and non-putrescible wastes, whether
11 in solid or in liquid form, except liquid-carried industrial wastes or sewage,
12 or sewage hauled as an incidental part of a septic tank or cesspool cleaning
13 service, but including garbage, rubbish, ashes, sewage sludge, street refuse,
14 industrial wastes, swill, demolition and construction wastes, abandoned vehicles
15 or parts thereof, discarded home and industrial appliances, manure, vegetable or
16 animal solid and semi-solid wastes, dead animals and other discarded solid
17 materials.

18 3.23 WASTE. Useless, unwanted or discarded materials.

19 Section 5.02, Abatement of Nuisances, is hereby repealed and is no longer
20 a part of this Ordinance. The following is the new Section 5.02, which replaces
21 the old Section 5.02, in entirety:

22 5.02 ABATEMENT OF NUISANCES.

23 (a) The Administrator may, of his own volition, and shall, upon written
24 complaint of any person, make an investigation to determine whether or not the
25 storage, collection, maintenance or display of waste, solid or otherwise, con-
26 stitutes a violation of this Ordinance. In making these investigations, the

ROBERT S. WILLOUGHBY
Yamhill County Legal Counsel
Room 103 Yamhill County Courthouse
McMinnville, Oregon 97128
Phone: 472-9371 (Ext 286)

1 Administrator shall have the right of entry at reasonable times to determine
 2 the existence of a violation of this Ordinance and to insure compliance with
 3 this Ordinance. "Reasonable times" shall be construed to be normal working hours
 4 from 8 a.m. to 5 p.m., Monday through Friday.

5 (b) Upon completion of his investigation, the Administrator shall make
 6 a written report of the investigation to the Solid Waste Committee. The Solid
 7 Waste Committee shall review this report and determine whether a violation of
 8 this Ordinance exists.

9 (c) If, after reviewing the Administrator's report, the Solid Waste
 10 Committee determines that a violation of this Ordinance exists, the Solid Waste
 11 Committee shall cause written notice to be sent to both the owner and the occu-
 12 pant of the real property upon which the violation is found to exist, by regis-
 13 tered or certified mail, stating that a violation of this Ordinance has been
 14 found and giving the owner and occupant a reasonable length of time to either
 15 comply with this Ordinance or appear before the Solid Waste Committee to show
 16 cause why this violation should not be referred to the Board of Commissioners
 17 for abatement under this Ordinance. This notice shall provide:

- 18 1. A description of the property in question
sufficient for identification;
- 19 2. A specific description of the violation;
- 20 3. The length of time within which the owner
and occupant are to comply with this Ordinance;
- 21 4. A statement that if the violation is not
eliminated within the time specified, the
22 violation will be referred to the Yamhill County
Commissioners for further action which could
23 result in the County abating the violation and
charging the costs of that abatement to the land
24 upon which the violation is found by placing a
lien thereon.

25 (d) If the violation is not abated within the time specified by the
 26 Solid Waste Committee, the Solid Waste Committee shall notify the Board of

ROBERT S. WILLOUGHBY
 Yamhill County Legal Counsel
 Room 103 Yamhill County Courthouse
 McMinnville, Oregon 97128
 Phone: 472-9371 (Ext 286)

1 Commissioners that there is probable cause to believe that a violation of this
2 Ordinance has been found to exist and that a reasonable time has been given to
3 abate the violation, which time has expired without abatement of the violation.

4 (e) Upon being notified as provided in Subsection (d) hereof, the Board
5 of Commissioners shall order a notice to be issued and served upon the owner and
6 occupant to appear before the Board, at the time and place specified, to show
7 cause why a violation of this Ordinance shall not be declared to exist. The
8 time for appearance shall be not less than 10 days after the service of the
9 notice. The notice shall be served in the manner provided by law for the ser-
10 vice of summons.

11 (f) At the time and place fixed in the notice provided for in Subsection
12 (d) hereof, the Board of Commissioners shall hold a hearing on the question of
13 the existence of a violation of this Ordinance and shall have the power to sub-
14 poena witnesses and compel their attendance.

15 (g) If, after the hearing, the Board of Commissioners finds a violation
16 to exist, it shall declare the existence of a violation by Order entered in its
17 journal and shall order the violation abated within 30 days after the entry of
18 its Order.

19 (h) If the owner or occupant of the property fails to abate the viola-
20 tion within 30 days of the Board's Order, the Board may either refer the matter
21 to the Yamhill County Counsel's Office for appropriate legal action, or cause
22 the violation to be abated and have the costs thereof charged to the owner of
23 the property, through a lien on the property.

24 (i) In causing a violation to be abated under this Ordinance, the
25 County and its employees shall not be liable for either trespass or conversion.

26 (j) Appeals from Orders of the Board of Commissioners under this

Yamhill County Legal Counsel
Room 103 Yamhill County Courthouse
McMinnville, Oregon 97128
Phone: 472-9371 (Ext 286)

1 Ordinance shall be by writ of review to the Circuit Court of the State of Oregon
2 for Yamhill County.

3 (k) The Administrator shall keep an accurate record of expenses incurred
4 by the County in abating the nuisance and shall submit a copy of this record to
5 the County Clerk for filing in a lien docket of Yamhill County, said lien docket
6 to be prepared for that purpose.

7 (l) The Administrator, or his representative, shall forward to the
8 property owner, by registered or certified mail, a notice, stating:

- 9 1. The total cost of the nuisance abatement;
- 10 2. That the cost, as indicated, will be assessed to
and become a lien against the property unless
paid within 30 days from the date of the notice;
- 11 3. That if the owner of the property objects to the
12 cost of the abatement, as indicated, he may file
13 a notice of objection with the Board of Commissioners
not more than 10 days from the date of the notice.

14 (m) If within 10 days the written statement of objection provided for
15 in §(l) (3) is filed, the Board shall, at the second regular meeting, hear the
16 objections to the cost to be assessed. After hearing the objections, the Board
17 shall determine whether an adjustment of the assessment should be made.

18 (n) If the costs of the abatement are not paid within 30 days from the
19 date of notice or from the date of the determination by the Board of the cost
20 to be assessed pursuant to a written statement of objection, an assessment of
21 the costs as stated or as determined by the Board shall be made by Resolution
22 and shall thereupon be entered in the docket of County Liens created in §(k),
23 above. The amount of the charges and expenses when so docketed shall constitute
24 a First Lien upon such lands or premises, except as to taxes. If the charges
25 and expenses are not paid and the lien discharged by the owner or occupant of
26 such lands within 90 days from the date the lien is docketed, the County Clerk

Yamhill County Legal Counsel
Room 103 Yamhill County Courthouse
McMinnville, Oregon 97128
Phone: 472-9371 (Ext 286)

1 shall certify the same to the Tax Collector of Yamhill County, who shall extend
2 the amount thereof upon the current tax rolls. When so extended, the same shall
3 constitute a valid lien against such premises and shall be collected by the Tax
4 Collector in the same manner as taxes are collected. All liens so certified by
5 the County Clerk to the Tax Collector after September 1 of each year shall be
6 extended on the next roll delivered to the Tax Collector under ORS 311.115.

7 (o) The provisions of this Section are in addition to and not in lieu
8 of the penalty described in Section 12.03 of this Ordinance and the enforcement
9 procedures provided in Sections 9 and 10 of this Ordinance.

10 EFFECTIVE DATE. This Amendment to the Yamhill County Solid Waste Ordinance
11 being necessary for the health, safety and welfare of the people of Yamhill County
12 and the Board of Commissioners having declared an emergency to exist, it shall
13 be effective upon the approval hereof.

14 NOW THEREFORE, after public hearing and first reading on March 1, 1978,
15 and after public hearing and second reading on March 15, 1978, before the Yamhill
16 County Board of Commissioners, in regular session, and upon a motion duly made
17 and regularly passed, this Amendment to the Yamhill County Solid Waste Ordinance
18 was adopted the 15th day of March, 1978.

19 ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

20
21 County Clerk WANDA CAIT

John P. Macaulay
Chairman JOHN P. MACAULAY

22 *Patricia Mullen*
23 Deputy PATRICIA MULLEN

Colin Armstrong
Commissioner COLIN ARMSTRONG

24 APPROVED AS TO FORM:
25 *[Signature]*
26 DARYL S. GARRETTSON, Assistant
Yamhill County Counsel

Ted Loruszynski
Commissioner TED LORUSZYNSKI

Yamhill County Legal Counsel
Room 103 Yamhill County Courthouse
McMinnville, Oregon 97128
Phone: 472-9371 (Ext 286)