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YAMHILL COUNTY, OREGON
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CHARLES STERN
COUNTY CLERK
Charles Stern
DEPUTY

IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Amendment to)
the Present Yamhill County Solid)
Waste Ordinance, as Amended by)
Ordinances 154, 192, and 259,)
to Provide for an Increase of) ORDINANCE NO. 401
Disposal Franchise Fees, Dedicat-)
ing Said Increased Fees, Providing) AMENDING YAMHILL COUNTY
for Rate Adjustment, and Declaring) SOLID WASTE ORDINANCE
an Emergency) AS AMENDED BY ORDINANCES
154, 192 and 259

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) on the 2nd of January, 1985, sitting for the transaction of County business, in regular session, Commissioners David E. Bishop, Ted Lopuszynski and Robin J. Hamblet being present.

WHEREAS, pursuant to ORS chapters 203 and 459, a County may enact ordinances regulating the collection and disposal of solid waste; and

WHEREAS, pursuant to that authority, Yamhill County has adopted the Yamhill County Solid Waste Ordinance as amended by Ordinances 154, 192, and 259; and

WHEREAS, the County is in the process of assuming the responsibility for the postclosure maintenance of the Newberg Landfill; and

WHEREAS, said Newberg Landfill poses a potential environmental problem and costs which endanger the welfare of the citizens of Yamhill County; and

WHEREAS, these environmental problems and costs arise out of the last five years operation of said landfill, when said landfill served primarily as the disposal site for persons franchised by jurisdiction lying outside the geographical boundaries of Yamhill County; and

WHEREAS, had these wastes not come to the Newberg Landfill, it would have been closed at a much earlier date by the Department of Environmental Quality, and this earlier closure would have resulted in a significant lessening of the environmental problems which presently exist at said landfill; and

WHEREAS, the present Yamhill County Solid Waste Ordinance as amended by Ordinances 154, 192, and 259, does not provide by way of franchise fees, sufficient revenue to cover the cost of remedying these environmental problems; and

WHEREAS, the beneficiaries of the continued operation of the Newberg Landfill over the last five years have been the citizens of Washington County and the Metropolitan Service District and that therefore it is fitting that these citizens now provide the revenue necessary to pay for the solution of the problems that have been caused as a result of their flow of waste materials into Yamhill County; and

WHEREAS, this revenue can be generated by an increase in the franchise fee charged to disposal franchises granted by Yamhill County, which increase in disposal franchise fee is to be based on the amount of waste received from persons franchised by jurisdictions outside the geographical limits of Yamhill County; and

WHEREAS, this amendment would be in the best interests of the citizens of Yamhill County by providing additional revenue to offset the cost of postclosure maintenance of the Newberg Landfill; NOW THEREFORE

THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF YAMHILL ORDAINS AS FOLLOWS:

Section 1. Subsection 9.15 a.1. of the Yamhill County Solid Waste Ordinance, as amended by Ordinances 154, 192, and 259, shall and hereby is amended to read as follows:

"1. Any collection franchise, an annual fee equal to 2% of the gross cash receipts from collection service provided to the service area and included in the franchise."

Section 2. Subsection 9.15 a.2. of the Yamhill County Solid Waste Ordinance, as amended by Ordinances 154, 192, and 259, shall be and hereby is amended to read as follows:

"2. Any disposal franchise, an annual fee of \$25 plus an additional \$0.20 per cubic yard for each cubic yard of material disposed, which material was delivered to the disposal site by a commercial hauler whose solid waste originates outside the geographical boundaries of Yamhill County."

Section 3. A new subsection numbered 9.15 e. shall and hereby is added to and becomes a part of Section 9.15 of the Yamhill County Solid Waste Ordinance, as amended by Ordinances 154, 192, and 259, which new subsection shall read as follows:

"e. Franchise fee imposed upon disposal franchises pursuant to subsection a.2. of this section shall be paid as follows:

1. The annual fee shall be paid on the anniversary date of the granting of the franchise.

2. The yardage fee shall be paid on a monthly basis, with the payment being due on the 15th day of the month following the month in which the materials were received by the franchisee.

Section 4. Section 9.16 of the Yamhill County Solid Waste Ordinance, as amended by Ordinance 154, 192 and 259 shall be and hereby is amended to read as follows:

"9.16 USE OF FRANCHISE FEES. Fees collected pursuant to subsection 9.15 a. 1. of this section shall be paid into the general fund of the County.

Fees collected pursuant to subsection 9.15 a.2. of this section shall be paid into a special fund which fund shall, pursuant to the direction of the Board of Commissioners, be expended only for the purposes of carrying out the provisions of Section 2 of this Ordinance.

Section 5. A new subsection numbered 10.01 i. shall be and hereby is added to and becomes a part of Section 10.01 of the Yamhill County Solid Waste Ordinance, as amended by Ordinance 154, 192 and 259, to read as follows:

"i. Notwithstanding any other provision of this Ordinance, the disposal franchisee may add to the rates of those persons whose disposal of solid waste generates a yardage franchise fee, the yardage franchise fee."

Section 6. Effective Date. This Ordinance being necessary to preserve the health, welfare and safety of the citizens of Yamhill County and an emergency having been declared to exist shall be effective on the first day of February, 1985.

Regularly passed and adopted by the Board of County Commissioners of the County of Yamhill on this 2nd day of January, 1985.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk

David E. Bishop
Chairman DAVID E. BISHOP

By: *Elaine Pearcey*
Deputy ELAINE PEARCEY

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI

APPROVED AS TO FORM BY:
Darryl S. Garrettson
DARYL S. GARRETTSON
County Counsel

Robin J. Hamblet
Commissioner ROBIN J. HAMBLET