

FILED
YAMHILL COUNTY, OREGON
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CHARLES STERN
COUNTY CLERK
Dana L. ... DEPUTY

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

86-385

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance)
 Amending the Yamhill County)
 Solid Waste Ordinance, as)
 Amended by Ordinances 154, 192,)
 259 and 401, to Increase the) ORDINANCE NO. 434
 Surcharge on Solid Waste)
 Generated Outside Yamhill)
 County, and Declaring an Emer-)
 gency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) on the 6th day of August, 1986, sat for the transaction of county business in regular session, Commissioners Donald D. Porter, David E. Bishop and Ted Lopuszynski being present.

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

WHEREAS, Yamhill County has adopted the Yamhill County Solid Waste Ordinance as amended by Ordinances 154, 192, 259 and 401; and

WHEREAS, the Board has entered into agreements with jurisdictions outside Yamhill County in order to control the volume of solid waste generated outside Yamhill County which is deposited in Riverbend Landfill, the sole authorized public disposal site within Yamhill County; and

WHEREAS, the Board opened a public hearing on July 16, 1986, on the question whether to increase the current surcharge of \$0.20 per cubic yard upon solid waste generated outside Yamhill County, said hearing being continued to July 30, 1986, and August 6, 1986; and

WHEREAS, the Board finds that the importation of solid waste generated outside Yamhill County lowers the life expectancy of Riverbend Landfill and hastens the time in which Yamhill County must begin the process of siting a landfill within Yamhill County in order to maintain fair and equitable solid waste collection and disposal rates for the citizens of Yamhill County; and

WHEREAS, the Board further finds that the importation of solid waste generated outside Yamhill County harms county roads maintained by Yamhill County because commercial haulers delivering solid waste to Yamhill County typically do so in large loads which adversely impact the life expectancy of county roads; and

WHEREAS, the Board further finds that the imposition of a surcharge upon solid waste collected from outside Yamhill County in the amount of \$1.00 per cubic yard or \$3.30 per ton would provide sufficient funds based on current expenses to offset the detrimental impacts from out of county garbage on emergency solid waste management, solid waste planning, and county road maintenance; and

WHEREAS, the Board further finds that a surcharge on solid waste generated outside Yamhill County would lessen the burden felt by the citizens of Yamhill County due to a potential shortfall in the estimated life of Riverbend Landfill by providing funds to enable solid waste planning and management in Yamhill County; and

WHEREAS, this ordinance is in the best interests of the citizens of Yamhill County for the reasons set forth above; NOW THEREFORE

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. Subsection 9.15(a)(2) of the Yamhill County Solid Waste Ordinance, as amended by Ordinances 154, 192, 259 and 401 is hereby amended to read as follows:

"(2)(i) Any disposal franchise, an annual fee of \$25 plus an additional surcharge in the amount set forth in subsection (ii) upon each unit of solid waste disposed which was collected from outside Yamhill County and was delivered to the disposal site by a commercial hauler.

(ii) The amount of the surcharge referred to in subsection (i) shall be \$1.00 per cubic yard unless the disposal fee assessed against the hauler is based upon weight rather than volume. In the event the disposal fee assessed against the hauler is based upon weight, the surcharge shall be \$3.30 per ton.

(iii) The effective date of the collection of the surcharge referred to in subsections (i) and (ii) shall be January 1, 1986. However, all sums not collected by the disposal franchisee prior to the effective date of this ordinance are hereby forgiven and shall not be collected."

Section 2. Subsection 9.15(e)(2) of the Yamhill County Solid Waste Ordinance, as amended by Ordinances 154, 192, 259 and 401 is hereby amended to read as follows:

"9.15(e)(2) The surcharge required to be collected by Section 9.15(a)(2) shall be remitted to Yamhill County on a monthly basis, with payment due to the county on the 15th day of the month following the month in which the surcharge was collected by the disposal franchise. However, the surcharge required by Section 9.15(a)(2) shall in no event be remitted to Yamhill County later than 60 days after the solid waste subject to the surcharge was received by the franchisee."

Section 3. Subsection 9.16 of the Yamhill County Solid Waste Ordinance as amended by Ordinances 154, 192, 259 and 401 is hereby amended to read as follows:

"9.16 USE OF FRANCHISE FEES.

(a) Fees collected pursuant to subsection 9.15(a)(1) of this ordinance shall be paid into the general fund of Yamhill County.

(b) Fees collected pursuant to subsection 9.15(a)(2) of this ordinance shall be paid into a fund designated by the Director of Administrative Services and shall be used only for solid waste purposes as determined by the Board."

Section 4. Section 10.01(i) of the Yamhill County Solid Waste Ordinance as amended by Ordinances 154, 192, 259 and 401 is hereby

amended to read as follows:

"10.01(i).

(1) Notwithstanding any other provision of this ordinance, the disposal franchisee shall add the surcharge referred to in section 9.15(a)(2) to the disposal rates of those persons or entities subject to said surcharge.

(2) Notwithstanding any other provision of this ordinance, a transfer station franchised by Yamhill County shall add the surcharge referred to in Section 9.15(a)(2) to the disposal rates of those persons or entities subject to said surcharge. Any rates so collected shall be paid directly to Yamhill County in the manner provided by section 9.15(e)(2) and shall be accounted for to the disposal franchise ultimately receiving the solid waste."

Section 5. 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 15th day of August, 1986.

Regularly passed by the Yamhill County Board of Commissioners this 6th day of August, 1986.

ATTEST:

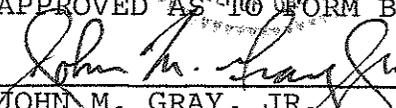
YAMHILL COUNTY BOARD OF COMMISSIONERS

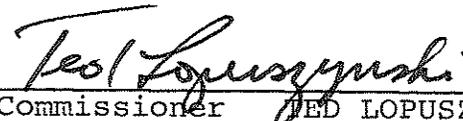
CHARLES STERDARD
County Clerk


Chairman DONALD D. PORTER

By: 
Deputy ELAINE PEARCEY


Commissioner DAVID E. BISHOP

APPROVED AS TO FORM BY:

JOHN M. GRAY, JR.
Yamhill County Counsel


Commissioner TED LOPUSZYNSKI