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LAKE COUNTY SOLID WASTE

COLLECTION AND DISPOSAL ORDINANCE

Relating to accumulation, storage, collection, transportation and disposal of wastes and solid wastes; providing penalties; prescribing an effective date and declaring an emergency.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS
OF THE COUNTY OF LAKE, STATE OF OREGON:

ARTICLE 1. GENERAL PROVISIONS.

1.100. SHORT TITLE. This ordinance shall be known as the "Solid Waste Collection and Disposal Ordinance" and may be so cited and pleaded and shall be cited herein as "this ordinance".

1.200. PURPOSE AND POLICY. To protect the health, safety and welfare of the people of Lake County and to provide a coordinated program on accumulation, collection and disposal of wastes and solid wastes, it is declared to be the public policy of Lake County to regulate accumulation, collection and disposal of wastes and solid wastes and the creation and operation of disposal sites to:

- (1) Provide for safe and sanitary accumulation, storage, collection, transportation and disposal of solid wastes.
- (2) To prohibit and provide for abatement of accumulation of wastes or solid wastes on private property in such manner so as to create a public nuisance, a hazard to health or a condition of unsightliness.
- (3) Develop a regional long-range plan to provide adequate disposal sites and disposal facilities to meet future demands.
- (4) Provide a coordinated county-wide program of control of solid wastes in cooperation with federal, state and local agencies responsible for the prevention, control or abatement of air, water and ground pollution.

(5) To provide for a coordinated solid waste disposal program with cities within Lake County.

(6) To provide minimum standards for location and operation of disposal sites to protect adjacent or nearby residents.

1.300. 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.

1.301. BOARD. Board of County Commissioners for Lake County.

1.302. COLLECTION VEHICLE. Any vehicle used to collect or transport solid waste.

1.303. COMMITTEE. The Solid Waste Disposal Committee established by this ordinance.

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

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

1.306 DISPOSAL SITE. Means land used for the disposal or handling of solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, slevage sites, incinerators for solid waste delivered by the public or by a solid waste collection service and composting plants; but the term does not include a facility subject to the permit requirements of ORS 468.740 or a

landfill site which is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar non-decomposable material, unless the site is used by the public either directly or through a solid waste collection service.

1.307. FRANCHISE. A franchise to provide service issued by the Board pursuant to ARTICLE V of this ordinance.

1.308. FRANCHISE, COLLECTION. A franchise to store, collect or transport solid waste.

1.309. FRANCHISE, DISPOSAL. A franchise to create or maintain a disposal site.

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

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

1.312. LANDFILL. Landfill is a general term meaning all landfill operations such as sanitary landfills and modified landfills.

1.313. MODIFIED LANDFILL. Modified Landfill is the disposal of solid waste by compaction in or upon the land and cover of all wastes deposited, with earth or other approved cover material at specific designated intervals, but not each operating day.

1.314. PERSON. Means and includes individuals, corporations, associations, firms, partnerships and joint stock companies.

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

1.316. REGULATIONS. Regulations promulgated by the Board pursuant to this ordinance.

1.317. RULES. Rules promulgated by state agencies pursuant to ORS Chapter 459.

1.318. SANITARY LANDFILL. Sanitary Landfill is the disposal of solid waste by compaction in or upon land and cover of all wastes deposited with earth or other approved cover materials at least once each operating day.

1.319. SERVICE. The collection, transportation or disposal by private persons of solid waste for compensation.

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

1.321. SOLID WASTE. All putrescible and non-putrescible wastes, whether in solid or in liquid form, except liquid-carried industrial wastes or sewage or sewage hauled as an incidental part of a septic tank or cesspool cleaning service, but including garbage, rubbish, ashes, sewage sludge and vault wastes, street refuse, industrial wastes, swill, demolition and construction wastes, unsightly used construction material, abandoned vehicles or parts thereof, motor vehicles, aircraft, boats, logging equipment or construction equipment or major parts thereof, not currently licensed or used, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes, dead animals and other discarded solid materials, as used in this ordinance, not currently licensed or used means that the item referred to is not eligible to be operated on a public highway or body of water, or to be operated in flight as an aircraft,

because of federal operating permits being expired, suspended, or revoked, or if an item not requiring licensing or operating permits, that the item has not been operated on a job during the current year or within a three month period.

1.322. WASTE. Useless, unwanted or discarded materials.

1.400. ADMINISTRATION. The Board and its authorized agents working in cooperation with the committee shall be responsible for the administration and enforcement of this ordinance. In order to carry out the duties imposed by this ordinance, the Board shall have authority to administer oaths, certify all official acts, subpoena and require the attendance of witnesses at public hearings before the committee or the board; require production of relevant documents at public hearings; swear witnesses; take testimony of any person by deposition; enter or authorize personnel to enter upon the premises of any person regulated by this ordinance and regulations promoted by the Board pursuant thereto.

1.500. PERSONS AND AGENCIES EXEMPTED. Except as specifically provided by 2.100 (b), this ordinance shall not apply:

(a) Within the incorporated limits of any city, except as provided pursuant to ARTICLE VII of this ordinance.

(b) To Federal or state agencies that collect, store, transport or dispose of wastes or solid wastes, or, as to terms or rates, those who contract with such agencies to perform such services. This exemption shall not apply to disposal on a disposal site operated by a franchise under this ordinance.

ARTICLE II. ABATEMENT OF NUISANCES CREATED BY
ACCUMULATIONS OF SOLID WASTES:
UNAUTHORIZED DUMPING PROHIBITED.

2.100. SOLID WASTE ACCUMULATION PROHIBITED.

(a) Except as provided in subsection (b) of this section, no person shall deposit, accumulate, store, collect, maintain or display on private property, waste or solid waste that is hazardous to the health and safety of the public or which creates offensive odors or a condition of unsightliness. Deposit, accumulation, storage, collection, maintenance or display of wastes or solid wastes in violation of this subsection shall be considered to be a public nuisance which may be abated as provided in 2.200 of this ordinance.

(b) ARTICLE II of this ordinance does not apply to:

- (1) Areas within the limits of incorporated cities.
- (2) Disposal sites franchised under provisions 1.901 to 1.916 of this ordinance provided that such disposal sites comply with rules promulgated by any state agency under ORS Chapter 459 and regulations adopted by Lake County pursuant to this ordinance.
- (3) Agricultural operations and growing or harvesting of crops and raising of fowls or animals.

2.200. ABATEMENT OF NUISANCES. The Board of its authorized agent may, and upon the written complaint of any person shall, make an investigation to determine whether or not the storage, collection, maintenance or display of waste or solid wastes is in violation of 2.100 of this ordinance. For the purpose of such investigation, the Board or its duly authorized personnel may enter upon private

property at reasonable times to determine compliance.

(b) After investigation, if the Board or its authorized agent finds that there is reasonable cause to believe that a public nuisance exists, he shall forward written notice to the Board and mail or cause to be delivered a copy to the alleged violator.

(c) The Board may order that a notice be issued and served upon the owner, tenant, occupant or person in possession of the premises where the nuisance is alleged or claimed to exist, requiring such person to appear before the Board at the time and place stated in the notice or show cause why a nuisance should not be declared to be existing on the premises.

(d) At the time and place described in said notice, the Board shall conduct a public hearing on the existence of the alleged nuisance, and if the Board finds that a nuisance exists, it shall declare the existence of a nuisance by order entered in its journal, and shall order a suit to be brought in the name of the county for its abatement.

(e) Where a writ of abatement is issued pursuant to subsection (d) of 2.200, the county may remove from the subject premises the waste or solid waste found to be the cause of such nuisance. Where such removal is performed by the county, the county shall not be liable for any trespass or conversion as to any real or personal property and the costs may be collected from the person served in accordance with subsection (c) of this section, or may be collected as a lien against such property.

(f) The provisions of this section are in addition to and not in lieu of the penalty described in 8.300 of this ordinance.

2.300. UNAUTHORIZED DUMPING PROHIBITED.

(a) Except as provided in subsection (b) of this section, it shall be unlawful to dispose of solid waste at any other place than a disposal site approved by the Board. The Board will designate in writing the places where solid wastes collected in the county shall be disposed of.

(b) No person shall use or permit to be used any land within the county outside of incorporated cities as a public or private disposal site without approval of the Board. Persons desiring to bury or dispose in any other manner of his own solid waste on his own property may do so in accordance with rules promulgated pursuant to ORS Chapter 459 and regulations promulgated by the Board pursuant to this ordinance.

ARTICLE III. SOLID WASTE COMMITTEE.

3.100. SOLID WASTE COMMITTEE.

- (a) There is hereby created a solid waste committee consisting of:
- (1) One member of the Lake County Board of Commissioners;
 - (2) One representative from each incorporated town within the County;
 - (3) One representative from the BLM;
 - (4) One representative from the U.S.F.S.;
 - (5) One member representing the health professions, to be appointed by the Board, and designated "health profession member";
 - (6) Three members of the public, to be chosen to provide county-wide representation, to be appointed by the Board and designated positions 1, 2, and 3;

(b) In addition to the members provided in subsection (a) of 3.100 the Board may designate other members, exofficio members or advisors to the committee.

(c) Subject to the approval of the Board, public employee members, exofficio members or advisors on the Committee may designate alternates to serve in place of members.

3.200. APPOINTMENT OF THE SOLID WASTE COMMITTEE.

(a) Public Members of the Solid Waste Committee shall be appointed by the Board. Except for representatives of governmental units of public agencies, and as provided in subsection (b) of this section, the term of office of a member is three (3) years. Members of the Committee shall serve until their successors are appointed and qualified. Vacancies shall be filled by the Board for the balance of the unexpired term.

(b) The initial Solid Waste Committee Public members as designated in 3.200 (a) (6) shall be appointed for the following terms:

Position 1, for a term ending December 31, 1975

Position 2, for a term ending December 31, 1976

Position 3, for a term ending December 31, 1977

Health profession member, for a term ending December 31, 1977

(c) The Board shall appoint one of the Committee members as chairman and another as vice-chairman, both of whom shall serve at the pleasure of the Board. Five members of the Committee shall meet at such times as deemed necessary or as called by the Board. The Chairman or any three members of the Committee may call a special meeting with ten days notice to other members of the Committee; provided, however, members may waive such notice.

3.300. DUTIES OF THE SOLID WASTE COMMITTEE. In addition to other duties prescribed by this ordinance, the committee shall:

(a) Make an annual report containing its recommendations, if any, regarding proposed changes or additions to regulations promulgated by the Board or amendments to this ordinance for the purpose of carrying out the intent of this ordinance.

(b) Develop a plan and means of implementation of said plan for the immediate needs of Lake County as to solid waste, and provide for annual review and updating of said plan. The annual review may be in conjunction with the annual report required in (a) above.

(c) Develop a plan and means of implementation for the long term and future needs of Lake County as to solid waste. This plan should be done in conjunction with, and be co-ordinated with, the plan required in (b) above.

(d) In consultation with the Board and the Oregon State Board of Health and Department of Environmental Quality, develop a long-range plan to provide adequate disposal sites, disposal facilities and provisions for recycling to meet future demands and for regional disposal sites, which plan shall be recommended to the Board for approval.

(e) In consultation with the Board and the Oregon State Board of Health and Department of Environmental Quality, other affected counties, and public agencies and private persons, develop minimum standards for the location and operation of disposal sites including, but not limited to, protection of adjacent or nearby residents.

(f) Perform such other acts or duties as directed by the Board or established by other ordinances or as may be necessary, proper or desirable to carry out effectively the functions and duties of the Committee.

3.400. REGIONAL SOLID WASTE COMMITTEE. If agreement is reached with one or more counties pursuant to 7.100 of this ordinance for regional or franchising of collection or disposal of solid wastes, the Board may appoint one or more members of the Committee to serve on a regional committee established by such agreement to advise the Boards of Commissioners or County Courts of the affected counties.

ARTICLE IV. REGULATIONS.

4.100. REGULATIONS. Upon recommendation of the Committee or upon its own motion the Board may promulgate reasonable regulations pertaining to the administration of this ordinance:

4.110. As provided in ORS 433.730, where necessary to meet special local conditions, in addition to the requirements of ORS 459.040 and rules promulgated thereunder, the Board may promulgate reasonable rules governing storage, accumulation, collection, transportation and disposal of solid wastes including, but not limited to, the following:

- (1) Accumulation, storage, collection, transportation and disposal of solid wastes to prevent:
 - (a) Vector production and sustenance.
 - (b) Conditions for transmission of disease to man or animals
 - (c) Air pollution by dust, fumes, gas, smoke, odors, or particulate matter or any combination thereof.
 - (d) Pollution of surface or ground water.
 - (e) Hazards to service or disposal workers or to the public.
- (2) Storage of solid wastes at the point of origin to eliminate conditions conducive to the creation of vector nuisances or air or water pollution through proper container construction and design, and through solid waste handling practices, including, but not limited to, container maintenance.
- (3) Disposal sites with respect to adaptability of the site to the population served, topography and geology of the area, protection of ground and surface water, air pollution, accessibility, longevity, salvage, ultimate site use, standards of design, management and operation, regulation and limitation

of burning and selvage operations and protection of adjacent or nearby residents.

(4) Construction, loading and operation of collection vehicles used in performing service to prevent the contents thereof from dropping, sifting, leaking or escaping onto public highways.

(5) Safe handling of hazardous wastes.

4.120. As provided in Chapter 90, Oregon Laws 1969, the Board may promulgate reasonable regulations with respect to service governing:

(1) The quality and character of service provided by any person or to any area outside of an incorporated city.

(2) Rates for service.

(3) Minimum requirements to guarantee service.

ARTICLE VII. REGIONAL COLLECTION AND DISPOSAL.

7.100. AGREEMENT FOR JOINT FRANCHISING. The Board may enter into agreements with any city or county for joint or regional franchising of collection or disposal service.

7.200. AGREEMENTS FOR ALLOCATION OF FRANCHISE FEES. The Board may enter into agreements with any city or county providing for allocation of franchise fees where the franchise service areas cross city or county boundaries.

ARTICLE VIII. ENFORCEMENT AND PENALTIES.

8.100. RESTRAINING ORDERS. Except as provided in Article II of this ordinance and, in addition to all other authority granted to an inherent in the Board, the Board is hereby authorized to make and issue temporary restraining orders enjoining the alleged violation of any of the terms of this ordinance or franchisees or regulations issued pursuant thereto, which order shall be directed to the alleged violator to immediately cease and desist from an act or acts described in said order until the Board determines whether or not a violation has occurred. In no event shall the Board make or issue such an order without having first received a written complaint containing allegations of a violation in short and concise language sufficient to appraise the alleged violator of the act or acts to be enjoined. The order shall direct the alleged violator to appear at a time and place stated in said order and show cause, if any there be, why the alleged violator should not be immediately enjoined from doing the act or acts specified in the order, if the Board determines that the alleged violator has committed a violation of this ordinance, the Board may make and enter an order permanently enjoining further violation.

8.200. ABATEMENT. (a) The accumulation, storage, collection, transportation or disposal of solid wastes or wastes by any person in violation of this ordinance or regulations promulgated thereunder is a nuisance and the Board or District Attorney may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or other appropriate legal proceedings to temporarily or permanently enjoin or abate such storage, accumulation, collection, transportation or disposal.

(b) The provisions of this Article are in addition to and not in lieu of any criminal prosecution or penalties as provided by this ordinance or state law.

8.300 PENALTIES. The violation of Articles II, V, or X of this ordinance shall be deemed to be a misdemeanor and shall be punishable upon conviction by a fine of not more than \$500.00 or by imprisonment in the County jail for not more than six months or both.

ARTICLE IX. APPEALS.

9.100. COURT APPEAL. All decisions of the Board under this ordinance shall be reviewable by the Circuit Court of the State of Oregon for the County of Lake.

9.200. CONSTRUCTION. Any finding by any court of competent jurisdiction that any portion of this ordinance is unconstitutional or invalid shall not invalidate any other portion of this ordinance.

ARTICLE X. EFFECTIVE DATES.

10.100. EFFECTIVE DATES. This ordinance shall take effect 30 days after enactment by the Board of County Commissioners as provided in ORS 459.120

REGULARLY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LAKE, THIS 2 DAY OF April, 1975.

LAKE COUNTY BOARD OF COMMISSIONERS

George Carlson
Chairman

George F. Johnson
Commissioner

Don J. Guillard
Commissioner