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 Procedures Provided for in ORS Chapter 459.

ORDINANCE No. 154

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,
including, but not limited to, dumps, landfills, sanitary landfills and composting plants, but does not include a landfill site which is not used by the public either directly or through a service and which is used by the owner or tenant thereof to dispose of sawdust, bark, soil, rock, building demolition material or nonputrescible industrial waste products resulting from the process of manufacturing.

3.08 ENGINEER. The Yamhill County Engineer or Road Master.

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

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

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

3.12 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.

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

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

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

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

3.17 REGULATIONS. Regulations promulgated by the Board pursuant to
this Ordinance.

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

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

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

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

3.22 **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, street refuse, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes, dead animals and other discarded solid materials.

3.23 **WASTE.** Useless, unwanted or discarded materials.

Section 5.02, Abatement of Nuisances, is hereby repealed and is no longer a part of this Ordinance.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

5.02 **ABATEMENT OF NUISANCES.**

(a) The Administrator may, of his own volition, and shall, upon written complaint of any person, make an investigation to determine whether or not the storage, collection, maintenance or display of waste, solid or otherwise, constitutes a violation of this Ordinance. In making these investigations, the
Administrator shall have the right of entry at reasonable times to determine the existence of a violation of this Ordinance and to insure compliance with this Ordinance. "Reasonable times" shall be construed to be normal working hours from 8 a.m. to 5 p.m., Monday through Friday.

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

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

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

(d) If the violation is not abated within the time specified by the Solid Waste Committee, the Solid Waste Committee shall notify the Board of
Commissioners that there is probable cause to believe that a violation of this Ordinance has been found to exist and that a reasonable time has been given to abate the violation, which time has expired without abatement of the violation.

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

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

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

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

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

(j) Appeals from Orders of the Board of Commissioners under this
Ordinance shall be by writ of review to the Circuit Court of the State of Oregon for Yamhill County.

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

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

1. The total cost of the nuisance abatement;
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;
3. That if the owner of the property objects to the cost of the abatement, as indicated, he may file a notice of objection with the Board of Commissioners not more than 10 days from the date of the notice.

(m) If within 10 days the written statement of objection provided for in §1(3) is filed, the Board shall, at the second regular meeting, hear the objections to the cost to be assessed. After hearing the objections, the Board shall determine whether an adjustment of the assessment should be made.

(n) If the costs of the abatement are not paid within 30 days from the date of notice or from the date of the determination by the Board of the cost to be assessed pursuant to a written statement of objection, an assessment of the costs as stated or as determined by the Board shall be made by Resolution and shall thereupon be entered in the docket of County Liens created in §(k), above. The amount of the charges and expenses when so docketed shall constitute a First Lien upon such lands or premises, except as to taxes. If the charges and expenses are not paid and the lien discharged by the owner or occupant of such lands within 90 days from the date the lien is docketed, the County Clerk
shall certify the same to the Tax Collector of Yamhill County, who shall extend
the amount thereof upon the current tax rolls. When so extended, the same shall
constitute a valid lien against such premises and shall be collected by the Tax
Collector in the same manner as taxes are collected. All liens so certified by
the County Clerk to the Tax Collector after September 1 of each year shall be
extended on the next roll delivered to the Tax Collector under ORS 311.115.

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

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

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

ATTEST:

[Signature]
County Clerk

[Signature]
Deputy

APPROVED AS TO FORM:

[Signature]
D_PROC, S. GARRETTSON, Assistant
Yamhill County Counsel

YAMHILL COUNTY BOARD OF COMMISSIONERS

[Signature]
Chairman

[Signature]
Commissioner

[Signature]
Commissioner

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