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 Ordinance as amended by Ordinances 154 and 192; to Provide for a Permit System for Tire Salvage, Review by the Solid Waste Advisory Committee, Establish Penalties, and Defining Terms Related to Scrap Tires.

ORDINANCE NO. 259
AMENDING THE YAMHILL COUNTY SOLID WASTE COLLECTION AND DISPOSAL ORDINANCE AS AMENDED BY ORDINANCE 154 and ORDINANCE 192.

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAIN that the Solid Waste Disposal and Collection Ordinance, as amended by Ordinance No. 154 and Ordinance No. 192, be and hereby is amended as follows:

SECTION 1. -- The following shall be added to the Yamhill County Solid Waste Disposal and Collection Ordinance as amended by Ordinances 154 and 192 and shall become ARTICLE XI of said Ordinance:

ARTICLE XI

REGULATION OF SCRAP TIRES

Section 15.01 -- DEFINITIONS. The following definitions shall apply to § XI:

a. Motor vehicle tire: Any motor vehicle tire made wholly or in part of rubber or of any other synthetic material, including tire bodies, carcasses, casings or parts of tires in whatever form, originally designed for use by any vehicle

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-propelled by a motor, including any vehicle pushed or pulled
by a motorized vehicle.


b. Salvage: The use of a scrap tire for a purpose
other than on a motor vehicle. The term "salvage" does not
include the recycling of scrap tires through recapping or
other means for the purpose of making said scrap tires suitable
for use on a motor vehicle.

c. Scrap tire: Any motor vehicle tire, new or used,
whether or not it is in a condition to be reused, retreaded or
otherwise salvaged.

d. Permittee: Any person engaged in picking up
or transporting scrap tires for salvage or disposal, whether
or not incidental to another business, and who has obtained
a permit under this Ordinance prior to so acting; but
excluding franchise holders under this Ordinance.

Section 15.02 -- APPLICATIONS. Applications for
salvage permits shall be on forms provided by the Administrator.
In addition to any information required on the forms, the
Administrator may require such additional information as he
deems necessary to ensure compliance with this Ordinance. No
fee shall be charged for processing applications pursuant to
this Ordinance.

a. Applicants shall state the particular use
planned for the scrap tires, the number of tires required,
date use shall be completed, and the source of tires.

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b. Applicant shall state, specifically, the manner in which the scrap tires shall be screened from public view, anchored to the ground, if applicable.

c. Applicant shall identify any potential vector or pest breeding or habitat areas in the proposed use and the control methods to be utilized in order to avoid them.

Section 15.03 -- REVIEW. All applications shall be subject to review by the Yamhill County Solid Waste Advisory Committee and the Yamhill County Sanitarian. They shall make such investigation as they deem appropriate. The Committee shall hear the application at its next regular meeting after the completion of its investigation and the appropriate public notice is made, subject to continuance as necessary, and shall make a finding on the advisability of allowing the application based on the following criteria:

a. Utility of the proposed use.

b. Effect of the proposed use on the esthetics of the surrounding neighborhood.

c. Potential of the proposed use to create vector or pest breeding and/or habitat areas.

The decision of the Committee may be appealed within 30 days of the decision to the Board of Commissioners for a review. Such review, on appeal, shall be de novo by the Board of Commissioners.

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Section 15.04 -- ENFORCEMENT. In addition to the
penalties provided below, this § may be enforced pursuant to
ARTICLE II of this Ordinance.

Section 15.05 -- PROHIBITION.

a. No person shall knowingly sell or otherwise make
available to any other person more than 50 scrap tires for the
purpose of salvage or disposal in Yamhill County in any given
calendar year unless said other person is a permittee or
franchisee under this Ordinance.

b. No person shall knowingly receive more than 50
scrap tires for the purpose of salvage or disposal in Yamhill
County unless said person is a permittee or franchisee under
this Ordinance.

c. No person shall knowingly transport or cause to
be transported wholly within, or to a destination within,
Yamhill County for the purposes of salvage or disposal, more
than 50 scrap tires in any given calendar year unless the person
receiving said tires is a permittee or franchisee under this
Ordinance.

Section 15.06 -- PENALTIES. Violation of §15.05
of this Ordinance shall be a misdemeanor and shall be punishable,
upon conviction, by imprisonment in the County Jail for not
more than 30 days or by a fine of not more than Fifty Dollars ($50)
per tire furnished, received or transported, or both.

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SECTION 2 -- EMERGENCY. This Ordinance being deemed necessary for the protection of the health, safety and welfare of the citizens of Yamhill County, and an emergency having been declared, shall take effect immediately on the passage hereof.

NOW, THEREFORE, after review by the Yamhill County Solid Waste Advisory Committee, after public hearing and first reading on the 27th day of May, 1981 before the Yamhill County Board of Commissioners in regular session, an emergency having been declared, and upon a motion duly made and unanimously passed, this Amendment to the Yamhill County Solid Waste Collection and Disposal Ordinance as amended by Ordinance Number 154 and Ordinance Number 192, was adopted this 27th day of May, 1981.

ATTEST:

CHARLES STERN, County Clerk by:

PATRICIA A. MULLEN, Deputy

YAMHILL COUNTY BOARD OF COMMISSIONERS:

Chairman COLIN ARMSTRONG

Commissioner TED LOPUSZYNSKI

Commissioner ROBIN J. HAMBLET

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