

W. Q. A

Memorandum Date: November 7, 2007  
Agenda Date: November 28, 2007

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**TO:** Board of County Commissioners

**DEPARTMENT:** Public Works

**PRESENTED BY:** Jeff Bishop, Waste Management Superintendent

**AGENDA ITEM TITLE:** FIRST READING AND PUBLIC HEARING/ Ordinance No. 13-07/ In the matter of amending chapter 9 of Lane Code to add new definitions and violations to establish enforcement of solid waste regulations for littering, violation of posted restrictions of use, non-payment of fees, destruction of property, interference with official duties, failure to disclose identity, and giving false information (LC 9.005, 9.015-9.028, 9.990)

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**I. MOTION**

MOVE FIRST READING AND PUBLIC HEARING/ ORDINANCE NO. 13-07/ IN THE MATTER OF AMENDING CHAPTER 9 OF LANE CODE TO ADD NEW DEFINITIONS AND VIOLATIONS TO ESTABLISH ENFORCEMENT OF SOLID WASTE REGULATIONS FOR LITTERING, VIOLATION OF POSTED RESTRICTIONS OF USE, NON-PAYMENT OF FEES, DESTRUCTION OF PROPERTY, INTERFERENCE WITH OFFICIAL DUTIES, FAILURE TO DISCLOSE IDENTITY, AND GIVING FALSE INFORMATION (LC 9.005, 9.015-9.028, 9.990)

**II. AGENDA ITEM SUMMARY**

The Board is being asked to approve amendments to Lane Code Chapter 9 which would authorize the Public Works Director or designee(s) to issue civil citations for the violations of littering; destruction of County property; violations of posted restrictions of use; failure to pay for services; false identification; interference with official duties; and failure to identify.

The ordinance is intended to permit Waste Management Division nuisance abatement program staff to issue civil citations when they can identify the source of trash found illegally dumped. This authority would also allow them to issue citations to people who break into WMD transfer sites for the purposes of vandalism or theft.

The authority the Board is being asked to grant through these amendments to Lane Code is very similar to the authority given Parks Division enforcement staff to enforce park rules under the provisions of LC 6.500 – 6.575. However, the authority in this case is more limited in scope, as fewer violations are included.

### **III. BACKGROUND/IMPLICATIONS OF ACTION**

#### **A. Board Action and Other History**

In 2005, the Board directed the Public Works Department to develop a program within the Waste Management Division to address the issue of illegal dumping in County right of way and on County property and to provide assistance to the Land Management Division's enforcement program in identifying and cleaning up nuisance properties.

Staff developed a plan to establish the new program, adding the element of transfer site security – a chronic problem worsened in recent years by high values for certain materials on the secondary market, including scrap metals and lead-acid batteries. In addition, the boom in identity theft led to interest in personal documents which had been placed in paper recycling containers.

In January 2006, the Board passed Order 06-1-18-2 establishing a Nuisance Abatement Program in the Waste Management Division with a staff of one new FTE, to be funded by the Waste Management Enterprise Fund.

Shortly thereafter, the Board passed Order 06-2-8-11 creating the classification specifications and salary range for the Nuisance Abatement Specialist position approved in the previous Order.

Lane County's first Nuisance Abatement Specialist started work in May 2006. By March 2007, when he left County employ, he had cleaned up 201 illegal dumps and consulted with Land Management on several nuisance properties. After his departure, a new Nuisance Abatement Specialist was recruited and started work in June 2007. As of mid-October, she has abated an additional 145 dumpsites and has participated in the cleanup planning of two nuisance property enforcement actions.

#### **B. Policy Issues**

Should the Public Works Department's Nuisance Abatement Program contain an

enforcement element that can serve as a deterrent to future illegal dumping and/or abuse of County facilities?

**C. Board Goals**

The Nuisance Abatement program contributes to the achievement of the Strategic Plan goal of "...maintaining a healthy environment with regard to air quality, water quality, waste management, land use and parks." In addition, it helps meet the Department's mission statement: "To maintain and enhance the livability and sustainability of Lane County's natural and built environments by providing safe and cost effective public infrastructure and related services."

Lane County's Solid Waste Management Plan was developed by the Lane County Resource Recovery Advisory Committee and Waste Management Division staff and adopted by the Board of Commissioners in 2002. Section 6.4 of the plan identifies illegal dumping and security of personnel and facilities as needs to be addressed, and section 6.5 recommends that the Division "hire personnel to monitor illegal dumping and security of rural transfer stations."

Finally, the anticipated deterrent effect of issuing citations for violations is consistent with the Strategic Plan's focus on "prevention services which serve to reduce the need for additional services in the long term."

**D. Financial and/or Resource Considerations**

Waste Management does not expect that approval of this item would incur any costs except for the incidental costs associated with printing citation pads, postage, etc. Citations would be issued by existing staff in the performance of existing duties. In the event a citation were to be contested, staff would need to attend the court session; however, it is not expected that this would prove to be burdensome nor detract from the accomplishment of the program's overall mission.

However, citations paid without contest or those unsuccessfully contested in the Central Lane Justice Court would accrue some revenue for the Division. When the citee pays a fine to the Court, the Court subtracts its unitary assessment, makes contributions to the County, Medical Liability and Court Security Funds and splits the balance (the portion of the total penalty known as the "fine") with the agency that issued the citation.

The violations identified in the proposed ordinance are Class A and Class B violations carrying standard penalty amounts of \$427 and \$242, respectively; however, the Court may require the violator to make restitution in addition and may increase the amount of the fine if it feels the circumstances warrant such action.

Staff estimate that approximately 5-10% of illegal dumpsites yield information sufficient to issue a citation. Using the more conservative figure of 5% and the 346 dumpsites already identified and abated by the program, issuance of 17 Class B Littering citations at \$242 per occurrence would have yielded \$4114 in gross revenue. After the Court's payments to the various funds were deducted, net revenue return to Waste Management would have been \$1530.

The other violations proposed – Destruction of County Property; Violations of Posted Restrictions of Use; Failure to Pay for Services; False Identification; Interfering with an Enforcement Officer; and Failure to Identify – are Class A violations with a standard penalty of \$427. Citations issued for these violations would occur within the context of site security duties. Since the focus of our efforts along these lines has been to improve the physical barriers at the sites, rather than on site patrols with the intent of catching people at the site, we lack extensive data to estimate the potential fine revenue from this source. However, since the inception of the nuisance abatement program, LCSO has issued four citations for trespassing at Lane County transfer sites in response to citizen and staff reports of people inside sites after hours. In addition, Waste Management staff have had interactions with five other after-hours site visitors that could have resulted in citations, had they had citation authority at the time. With that authority, nuisance abatement staff would expend greater effort toward intercepting after-hours site visitors, and such interactions could be expected to increase proportionally.

In the event that a person were to be caught in the commission of multiple infractions, e.g., breaking into a transfer site, then removing items of value or destroying County property, multiple citations could be issued at that time and WMD could request that the Court require restitution.

## **E. Analysis**

As noted above, illegal dumping and site security are chronic issues. In the course of the nuisance abatement program to date, Waste Management has developed an effective program to clean up illegal dump sites and has identified numerous sites of particular interest from a prevention standpoint. The Division has also dedicated substantial staff time toward improving security at transfer sites.

However, for these programs to improve further, staff will need the ability to enforce existing ordinances. While LCSO has been most helpful in issuing citations for illegal dumping and for trespassing on WMD sites when circumstances allow, their staffing levels and the remote nature of many problem sites do not allow them to give these issues any special emphasis. Without the deterrent effect of regular, targeted enforcement efforts, the nuisance abatement program will have as its primary effect the extension of curbside trash pickup to the

County right-of-way.

The violations enumerated in the proposed ordinance already exist in Chapter 6 of Lane Code, however, authority to enforce under the provisions of Chapter 6 is limited to peace officers and, in some cases, Parks employees. Adoption of the proposed ordinance would establish these violations in LC 9 and add a definition of "Enforcement Officer" which would authorize the Public Works Director or the Director's designee(s) to enforce this limited slate of violations. This method of establishing enforcement authority in "compartments" ensures that a given group of employees is handed only the specific enforcement duties deemed appropriate by the Board.

Nuisance Abatement program staff have undergone enforcement (DPSST) training equivalent to that given Parks enforcement employees. They have also developed cordial working relationships with their counterparts in other agencies who are working on illegal dumping issues within their jurisdictions. Recently, we have been offered the use of sophisticated surveillance equipment by both BLM and USFS.

With the information gained through the use of this equipment, WMD staff could expect to have an impact of illegal activities at remote sites without the expenditure of large amounts of staff time or tedious "stakeouts." The agencies offering the use of the equipment, though, are restricted as to the type of citations they can issue and would not be able to perform the actual enforcement in most cases. Again, County staff would need to be able to issue citations in order to capitalize on this information.

While work on nuisance property issues continues to be an important part of the program's mission, issues related to nuisance properties are not addressed directly in this proposal, as adequate existing administrative enforcement procedures currently exist in LC 5. However, it is conceivable that citations for interfering with an enforcement officer or failure to identify could arise from the Nuisance Abatement Specialist's work in a nuisance property case.

**f. Alternatives/Options**

If the Board chooses not to extend enforcement authority to designated Waste Management staff, then the Division will continue to request enforcement services from other agencies. The level of service available from other agencies could be expected to be seriously limited by issues of jurisdiction and by the amount of resources that they can afford to dedicate to these issues.

## **V. TIMING/IMPLEMENTATION**

If the Board approves this proposed ordinance, then nuisance abatement program staff has the training and equipment needed to begin issuing citations for violations (as they are encountered) as soon as the ordinance takes effect.

## **VI. RECOMMENDATION**

The Public Works Department recommends approval of the motion stated above.

## **VII. FOLLOW-UP**

The Waste Management Division will provide a report of citation activity annually, or at any other interval as requested by the Board.

## **VII. ATTACHMENTS**

Ordinance No. 13-07

Proposed amendments to Lane Code Chapter 9 / Legislative format

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 13-07 | IN THE MATTER OF AMENDING CHAPTER 9 OF  
LANE CODE TO ADD NEW DEFINITIONS,  
VIOLATIONS AND ENFORCEMENTS (LC 9.005,  
9.015-9.028, 9.990)

The Board of County Commissioners of Lane County ordains as follows:

Chapter 9 of Lane Code is hereby amended by removing, substituting and adding new sections as follows:

**DELETE THESE SECTIONS**

9.005  
Located on pages 9-1 through 9-2  
(a total of 2 pages)

None

9.990  
Located on page 9-42  
(a total of 1 page)

**INSERT THESE SECTIONS**

9.005  
Located on pages 9-1 through 9-2  
(a total of 2 pages)

9.015 through 9.028  
Located on pages 9-2 through 9-4  
( total of 3 pages)

9.990  
Located on page 9-46  
(a total of 1 page)

Said sections are attached hereto and incorporated herein by reference. The purpose of these additions and substitutions is to add new definitions, violations and to establish enforcement (LC 9.005; 9.015-0.028; 9.990).

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_ 2007.

\_\_\_\_\_  
Chair, Lane County Board of Commissioners

\_\_\_\_\_  
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 10/22/07 Lane County

\_\_\_\_\_  
OFFICE OF LEGAL COUNSEL

**Chapter 9****ENVIRONMENT AND HEALTH****SOLID WASTE REGULATIONS****9.005 Definitions.**

For the purpose of this chapter, the following words and phrases shall mean:

**Director.** The Director of the Lane County Department of Public Works. The Director or designee(s) may enforce the provisions of Lane Code 9.020 through 9.028.

**Disposal Site.** A location 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, 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 Material Recovery Facility, a facility subject to the permit requirements of ORS 468B.050 or a landfill site which is used by the owner or person in control of the premises to only 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.

**Division.** The Waste Management Division of the Lane County Department of Public Works.

**Enforcement Officer.** A peace officer or county employee, while said officer or employee is engaged in the enforcement of any provision of LC 9.020 through 9.028.

**Generator.** A person who produces municipal solid waste in Lane County or pays for municipal solid waste collection or disposal services on their behalf or on behalf of another person who produces municipal solid waste in Lane County.

**Health Officer.** The Health Officer appointed by the Board, or his/her duly authorized representative.

**Hauler.** A person engaged in the business of collecting, transporting or disposing of municipal solid waste generated within Lane County.

**Manager.** The Manager of the Waste Management Division of the Lane County Department of Public Works, or the Manager's duly authorized representative.

**Material Recovery Facility.** A facility permitted by the State of Oregon to accept non-source separated commercial waste for the purpose of extracting the recyclable fraction thereof.

**Municipal Solid Waste.** All Domestic Solid Waste delivered to any permitted Incinerator, Transfer Station or Municipal Solid Waste Landfill, as those terms are defined in OAR 340-093-0030, excluding:

- (a) Waste containing more than one percent asbestos by weight.
- (b) Inert wastes used as landfill cover material as defined in OAR 340-093-0030.
- (c) Material delivered to a permitted construction and demolition landfill as defined in OAR 340-93-0030.
- (d) Infectious wastes as defined in OAR 340-93-0030
- (e) Hazardous waste exempted from regulation under 40 CFR 261.4 (b)(1) and 40 CFR 261.5, when managed as hazardous waste.

**Person.** As defined in LC Chapter 1.

**Putrescible Solid Waste.** Organic material that can decompose and then give rise to foul smelling and offensive products, and/or attract vectors such as flies, rats, etc.

**Refuse.** Rubbish, trash, garbage, vegetable and animal waste, ashes, waste household articles, and other materials ordinarily and customarily hauled off and dumped for promoting health and cleanliness.



**Salvage.** The practice of retrieving reclaimable materials, such as paper, metal, bottles, rags or other objects, from solid waste which has been deposited in a disposal site for the purpose of sale or other use.

**Self-hauler.** A person who transports municipal solid waste produced in Lane County by that person.

**Solid Waste.** All putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, sewage sludge, septic tank and cesspool pumpings or other sludge, commercial, industrial, demolition and construction wastes; discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, dead animals and other wastes, but the term does not include:

(a) Environmentally hazardous wastes as defined by local, state and/or federal regulatory agencies.

(b) Materials used for fertilizer or for other productive purposes or which are salvageable as such materials are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals.

(c) Materials which have been source separated from solid waste as part of an organized program for recycling. *(Revised by Ordinance No. 5-92, Effective 6.3.92; 1-99, 6.25.99; 1-00, 4.12.00)*

#### **9.010 Purpose and Policy.**

The provisions of LC 9.015 through 9.115 are adopted for the purposes and policies of:

(a) Protecting the health, safety and welfare of the people of the County;

(b) Providing for safe and sanitary accumulation, storage, collection, transportation, disposal and recycling of solid waste;

(c) Prohibiting and providing for abatement of accumulation of solid waste on public and private property in such a manner so as to create a public nuisance, a hazard to health, or a condition of unsightliness.

(d) Providing for coordinated solid waste collection and disposal program with cities within the County.

(e) Requiring recycling services and related requirements in compliance with ORS 459A.010. *(Revised by Ordinance No. 5-92, Effective 6.3.92; 1-99, 6.25.99; 1-00, 4.12.00)*

#### **9.015 Adoption of Solid Waste Regulations.**

Pursuant to Oregon Laws and the Home Rule authority of the County, LC 9.020 through 9.115 are adopted for the purpose of solid waste regulation and management. *(Revised by Ordinance No. 1-00, Effective 4.12.00)*

#### **9.020 Littering and Penalty.**

(1) Any person who throws or places, or who directs or permits another person to throw or place, other than in receptacles provided for that purpose, upon the private land or waters of another person without the permission of the owner, or upon public lands or waters, or upon any public place, any rubbish, trash, garbage, debris or other refuse, commits the violation of littering.

(2) Littering is a Class B violation. The imposition of a fine does not relieve a responsible person of the duty to abate the nuisance.

(3) A person is presumed to have violated LC 9.020 where that person's name or other indicia of identity that would ordinarily denote ownership of the item, such as the name of an addressee on an envelope, is found on an item in a deposit of illegally dumped rubbish. A person may rebut such a presumption by evidence sufficient to establish that it is more likely than not that the person was not responsible for the violation described in LC 9.020(1).

**9.022 Violation of Posted Restrictions of Use.**

(1) A person commits the violation of posted restrictions of use of a County Road or Local Access Road or Public Works Facility if the person does any of the following:

(a) Enters or remains in a Public Works Facility, or on a Local Access Road or County Road and appurtenant right-of-way in violation of the terms of any posted County sign giving notice of the limits of use.

(b) Operates or parks, or causes to be operated or parked, any motor vehicle on a Local Access Road, County Road and appurtenant right-of-way or Public Works Facility in violation of the terms of any posted County sign giving notice of the limits of use.

(2) Definitions. For the purposes of this section 9.022, the following words and phrases have the following ascribed meanings:

Local Access Road. Any road as so defined in ORS 368.001(3) [2005 Ed.]

County Road. Any County road as defined in ORS 368.001 [2005 Ed.]

Public Works Facility. Any facility or property operated or managed by the Lane County Public Works Department or any Division thereof, including but not limited to solid waste disposal or transfer sites, road maintenance shops, materials stockpile sites, County parks, and open spaces or areas managed by the Public Works Department for the purpose of wetland or habitat mitigation or enhancement.

Posted Limits of Use. Any County sign duly posted at a Public Works Facility, Local Access Road or County Road giving notice of the Board of County Commissioners' order limiting hours, seasons or other conditions of use.

(3) Violation of LC 9.022 is a Class A violation.

**9.023 Non-Payment of Fees.**

(1) A person commits the violation of non-payment of fees if the person knowingly fails to pay an established fee as required by LM 60.875 at any Lane County solid waste disposal or transfer site.

(2) A violation of LC 9.023(1) is a Class C violation.

**9.024 Destruction of Public Property.**

(1) Other than duly authorized County employees or agents in the performance of their duties, a person commits the violation of destruction of public property where the person, defaces, damages, destroys or removes a County structure, sign, equipment, facility, plant, tree, wood, soil, gravel, sand, or other substance.

(2) Violation of LC 9.024(1) is a Class A violation.

**9.026 Interference with Official Duties.**

(1) A person commits the violation of interference with official duties if the person obstructs, harasses or interferes with the official duties of an Enforcement Officer.

(2) Violation of LC 9.026(1) is a Class A violation.

**9.027 Failure to Identify.**

(1) A person commits the violation of failure to identify if the person refuses to disclose their identity to an enforcement officer who requests the identification for the purpose of investigating or issuing a violation citation.

(2) Violation of LC 9.027(1) is a Class A violation.

**9.028 False Information.**

(1) A person commits the violation of giving false information to an enforcement officer if the person knowingly uses or gives a false or fictitious name, address or date of birth to any enforcement officer.

- (2) A violation of LC 9.028(1) is a Class A violation.

**9.030 Disposal - Public Place; Private Property.**

(1) No person shall place, throw, deposit or otherwise dispose of solid waste in any public place, public road, public park, or on any private property, or in the waters within the County, except as provided in LC 9.030(2), at the official disposal sites provided by the County or at other disposal sites which have been approved by all appropriate regulatory agencies.

(2) No owner or occupant of private property shall deposit, accumulate, or permit to be deposited or accumulated, putrescible solid waste upon such private property for a period in excess of seven days. Storage of putrescible solid waste shall be in public or private litter receptacles, approved by the Health Officer, or in garbage cans or in securely tied bundles. *(Revised by Ordinance No. 5-92, Effective 6.3.92)*

**9.035 Solid Waste Hauling Regulations.**

No person shall transport or carry solid waste in or on a motor vehicle or trailer, upon a public road in the County, unless such solid waste is either:

- (a) completely covered on all sides and on the top and bottom thereof and such cover is either a part of or securely fastened to the body of such motor vehicle or trailer; or
- (b) securely tied to the body of such motor vehicle or trailer so that no piece, article, item or part of such solid waste is not fastened to the body of such motor vehicle or trailer.

(a) Boats shall be sanitized prior to being launched into the lakes to prevent introduction of foreign organisms harmful to the lakes including, but not limited to, eurasian water milfoil.

(b) Motorboat speed within 100 feet of the water supply inlet on the southwest corner of Clear Lake shall not exceed 10 mph.

(c) Motorboat operators shall provide regular maintenance of the boat motor so as not to harm the waters of the Lakes. *(Revised by Ordinance No. 6-98, Effective 12.2.98)*

## ENFORCEMENT

### 9.990 Failure to Comply.

(1) A failure to comply with any provision of this chapter, except LC 9.020 through 9.028, LC 9.120 through 9.160 and 9.900, shall constitute a Class 1 failure to comply and shall be handled in accordance with LC Chapter 5.

(2) Any person may sign a County notice of failure to comply with LC 9.035.

(3) The Director of the Lane County Department of Health and Human Services, or duly authorized representative, may sign notices of failure to comply for LC 9.200, 9.500, 9.550 and 9.600. The Director of the Lane County Department of Public Works, the Manager of the Land Management Division, or their duly authorized representative, may sign a notice of failure to comply for LC 9.117, 9.300, or 9.410. Subject to available resources, the Director of the Department of Public Safety for Lane County, or the Director's authorized representative, may issue a notice of failure to comply for persons not in compliance with LC 9.950.

(4) Each day in which a failure to comply with LC 9.554, 9.558, 9.560, or 9.564 continues constitutes a separate failure to comply.

(5) At the expiration of the period set by the County for correction of any failure to comply with LC sections 9.310 through 9.370, the County shall again inspect the dwelling. If the condition has not been corrected, the responsible owner or occupant may be cited for failure to comply.

(6) Violation of LC 9.135 shall be subject to the procedures of LC 9.145 and the penalty as specified in LC 9.150. *(Revised by Ordinance No. 20-72, Effective 10.13.72; 5-73, 8.4.73; 9-73, 8.15.73; 10-74, 8.23.74; 7-75, 5.16.75; 7-84, 7.27.84; 9-90, 1.18.91; 6-98, 12.2.98; 1-00, 4.12.00; 6-00, 7.1.00)*

## Chapter 9

### ENVIRONMENT AND HEALTH

#### SOLID WASTE REGULATIONS

##### 9.005 Definitions.

For the purpose of this chapter, the following words and phrases shall mean:

**Director.** The Director of the Lane County Department of Public Works. The Director or designee(s) may enforce the provisions of Lane Code 9.020 through 9.028.

**Disposal Site.** A location 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, 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 Material Recovery Facility, a facility subject to the permit requirements of ORS 468B.050 or a landfill site which is used by the owner or person in control of the premises to only 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.

**Division.** The Waste Management Division of the Lane County Department of Public Works.

**Enforcement Officer.** A peace officer or county employee, while said officer or employee is engaged in the enforcement of any provision of LC 9.020 through 9.028.

**Generator.** A person who produces municipal solid waste in Lane County or pays for municipal solid waste collection or disposal services on their behalf or on behalf of another person who produces municipal solid waste in Lane County.

**Health Officer.** The Health Officer appointed by the Board, or his/her duly authorized representative.

**Hauler.** A person engaged in the business of collecting, transporting or disposing of municipal solid waste generated within Lane County.

**Manager.** The Manager of the Waste Management Division of the Lane County Department of Public Works, or the Manager's duly authorized representative.

**Material Recovery Facility.** A facility permitted by the State of Oregon to accept non-source separated commercial waste for the purpose of extracting the recyclable fraction thereof.

**Municipal Solid Waste.** All Domestic Solid Waste delivered to any permitted Incinerator, Transfer Station or Municipal Solid Waste Landfill, as those terms are defined in OAR 340-093-0030, excluding:

- (a) Waste containing more than one percent asbestos by weight.
- (b) Inert wastes used as landfill cover material as defined in OAR 340-093-0030.
- (c) Material delivered to a permitted construction and demolition landfill as defined in OAR 340-93-0030.
- (d) Infectious wastes as defined in OAR 340-93-0030
- (e) Hazardous waste exempted from regulation under 40 CFR 261.4 (b)(1) and 40 CFR 261.5, when managed as hazardous waste.

**Person.** As defined in LC Chapter 1.

Putrescible Solid Waste. Organic material that can decompose and then give rise to foul smelling and offensive products, and/or attract vectors such as flies, rats, etc.

Refuse. Rubbish, trash, garbage, vegetable and animal waste, ashes, waste household articles, and other materials ordinarily and customarily hauled off and dumped for promoting health and cleanliness.

Salvage. The practice of retrieving reclaimable materials, such as paper, metal, bottles, rags or other objects, from solid waste which has been deposited in a disposal site for the purpose of sale or other use.

Self-hauler. A person who transports municipal solid waste produced in Lane County by that person.

Solid Waste. All putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, sewage sludge, septic tank and cesspool pumpings or other sludge, commercial, industrial, demolition and construction wastes; discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, dead animals and other wastes, but the term does not include:

(a) Environmentally hazardous wastes as defined by local, state and/or federal regulatory agencies.

(b) Materials used for fertilizer or for other productive purposes or which are salvageable as such materials are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals.

(c) Materials which have been source separated from solid waste as part of an organized program for recycling. (*Revised by Ordinance No. 5-92, Effective 6.3.92; 1-99, 6.25.99; 1-00, 4.12.00*)

#### **9.010 Purpose and Policy.**

The provisions of LC 9.015 through 9.115 are adopted for the purposes and policies of:

(a) Protecting the health, safety and welfare of the people of the County;  
(b) Providing for safe and sanitary accumulation, storage, collection, transportation, disposal and recycling of solid waste;

(c) Prohibiting and providing for abatement of accumulation of solid waste on public and private property in such a manner so as to create a public nuisance, a hazard to health, or a condition of unsightliness.

(d) Providing for coordinated solid waste collection and disposal program with cities within the County.

(e) Requiring recycling services and related requirements in compliance with ORS 459A.010. (*Revised by Ordinance No. 5-92, Effective 6.3.92; 1-99, 6.25.99; 1-00, 4.12.00*)

#### **9.015 Adoption of Solid Waste Regulations.**

| Pursuant to Oregon Laws and the Home Rule authority of the County, LC ~~9.030-020~~ through 9.115 are adopted for the purpose of solid waste regulation and management.  
| (*Revised by Ordinance No. 1-00, Effective 4.12.00*)

#### **9.020 Littering and Penalty.**

| (1) Any person who throws or places, or who directs or permits another person to throw or place, other than in receptacles provided for that purpose, upon the private land or waters of another person without the permission of the owner, or upon public lands or waters, or upon any public place, any rubbish, trash, garbage, debris or other refuse, commits the violation of littering.

(2) Littering is a Class B violation. The imposition of a fine does not relieve a responsible person of the duty to abate the nuisance.

(3) A person is presumed to have violated LC 9.020 where that person's name or other indicia of identity that would ordinarily denote ownership of the item, such as the name of an addressee on an envelope, is found on an item in a deposit of illegally dumped rubbish. A person may rebut such a presumption by evidence sufficient to establish that it is more likely than not that the person was not responsible for the violation described in LC 9.020(1).

#### 9.022 Violation of Posted Restrictions of Use.

(1) A person commits the violation of posted restrictions of use of a County Road or Local Access Road or Public Works Facility if the person does any of the following:

(a) Enters or remains in a Public Works Facility, or on a Local Access Road or County Road and appurtenant right-of-way in violation of the terms of any posted County sign giving notice of the limits of use.

(b) Operates or parks, or causes to be operated or parked, any motor vehicle on a Local Access Road, County Road and appurtenant right-of-way or Public Works Facility in violation of the terms of any posted County sign giving notice of the limits of use.

(2) Definitions. For the purposes of this section 9.022, the following words and phrases have the following ascribed meanings:

Local Access Road. Any road as so defined in ORS 368.001(3) [2005 Ed.]

County Road. Any County road as defined in ORS 368.001 [2005 Ed.]

Public Works Facility. Any facility or property operated or managed by the Lane County Public Works Department or any Division thereof, including but not limited to solid waste disposal or transfer sites, road maintenance shops, materials stockpile sites, County parks, and open spaces or areas managed by the Public Works Department for the purpose of wetland or habitat mitigation or enhancement.

Posted Limits of Use. Any County sign duly posted at a Public Works Facility, Local Access Road or County Road giving notice of the Board of County Commissioners' order limiting hours, seasons or other conditions of use.

(3) Violation of LC 9.022 is a Class A violation.

#### 9.023 Non-Payment of Fees.

(1) A person commits the violation of non-payment of fees if the person knowingly fails to pay an established fee as required by LM 60.875 at any Lane County solid waste disposal or transfer site.

(2) A violation of LC 9.023(1) is a Class C violation.

#### 9.024 Destruction of Public Property.

(1) Other than duly authorized County employees or agents in the performance of their duties, a person commits the violation of destruction of public property where the person, defaces, damages, destroys or removes a County structure, sign, equipment, facility, plant, tree, wood, soil, gravel, sand, or other substance.

(2) Violation of LC 9.024(1) is a Class A violation.

**9.026 Interference with Official Duties.**

(1) A person commits the violation of interference with official duties if the person obstructs, harasses or interferes with the official duties of an Enforcement Officer.

(2) Violation of LC 9.026(1) is a Class A violation.

**9.027 Failure to Identify.**

(1) A person commits the violation of failure to identify if the person refuses to disclose their identity to an enforcement officer who requests the identification for the purpose of investigating or issuing a violation citation.

(2) Violation of LC 9.027(1) is a Class A violation.

**9.028 False Information.**

(1) A person commits the violation of giving false information to an enforcement officer if the person knowingly uses or gives a false or fictitious name, address or date of birth to any enforcement officer.

(2) A violation of LC 9.028(1) is a Class A violation.

**9.030 Disposal - Public Place; Private Property.**

(1) No person shall place, throw, deposit or otherwise dispose of solid waste in any public place, public road, public park, or on any private property, or in the waters within the County, except as provided in LC 9.030(2), at the official –disposal sites provided by the County or at other disposal sites which have been approved by all appropriate regulatory agencies.

(2) No owner or occupant of private property shall deposit, accumulate, or permit to be deposited or accumulated, putrescible solid waste upon such private property for a period in excess of seven days. Storage of putrescible solid waste shall be in public or private litter receptacles, approved by the Health Officer, or in garbage cans or in securely tied bundles. *(Revised by Ordinance No. 5-92, Effective 6.3.92)*

**9.035 Solid Waste Hauling Regulations.**

No person shall transport or carry solid waste in or on a motor vehicle or trailer, upon a public road in the County, unless such solid waste is either:

(a) completely covered on all sides and on the top and bottom thereof and such cover is either a part of or securely fastened to the body of such motor vehicle or trailer; or

(b) securely tied to the body of such motor vehicle or trailer so that no piece, article, item or part of such solid waste is not fastened to the body of such motor vehicle or trailer.



| At right margin indicates changes  
**Bold** indicates material being added  
~~Strikethrough~~ indicates material being deleted  
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| (a) Boats shall be sanitized prior to being launched into the lakes to prevent introduction of foreign organisms harmful to the lakes including, but not limited to, eurasian water milfoil.

(b) Motorboat speed within 100 feet of the water supply inlet on the southwest corner of Clear Lake shall not exceed 10 mph.

(c) Motorboat operators shall provide regular maintenance of the boat motor so as not to harm the waters of the Lakes. *(Revised by Ordinance No. 6-98, Effective 12.2.98)*

## **ENFORCEMENT**

### **9.990 Failure to Comply.**

| (1) A failure to comply with any provision of this chapter, except **LC 9.020 through 9.028**, LC 9.120 through 9.160 and 9.900, shall constitute a Class 1 failure to comply and shall be handled in accordance with LC Chapter 5.

(2) Any person may sign a County notice of failure to comply with LC 9.035.

(3) The Director of the Lane County Department of Health and Human Services, or duly authorized representative, may sign notices of failure to comply for LC 9.200, 9.500, 9.550 and 9.600. The Director of the Lane County Department of Public Works, the Manager of the Land Management Division, or their duly authorized representative, may sign a notice of failure to comply for LC 9.117, 9.300, or 9.410. Subject to available resources, the Director of the Department of Public Safety for Lane County, or the Director's authorized representative, may issue a notice of failure to comply for persons not in compliance with LC 9.950.

(4) Each day in which a failure to comply with LC 9.554, 9.558, 9.560, or 9.564 continues constitutes a separate failure to comply.

| (5) At the expiration of the period set by the County for correction of any failure to comply with LC -sections 9.310 through 9.370, the County shall again inspect the dwelling. If the condition has not been corrected, the responsible owner or occupant may be cited for failure to comply.

(6) Violation of LC 9.135 shall be subject to the procedures of LC 9.145 and the penalty as specified in LC 9.150. *(Revised by Ordinance No. 20-72, Effective 10.13.72; 5-73, 8.4.73; 9-73, 8.15.73; 10-74, 8.23.74; 7-75, 5.16.75; 7-84, 7.27.84; 9-90, 1.18.91; 6-98, 12.2.98; 1-00, 4.12.00; 6-00, 7.1.00)*