

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 01-12

IN THE MATTER OF AMENDING CHAPTER 5 OF LANE CODE TO ADOPT ILLICIT DISCHARGE REGULATIONS OUTSIDE OF THE EUGENE-SPRINGFIELD URBAN GROWTH BOUNDARIES AND ADOPT CITY OF EUGENE REGULATIONS PERTAINING TO ILLICIT DISCHARGE FOR APPLICATION BY THE CITY OF EUGENE WITHIN THE EUGENE URBAN GROWTH BOUNDARY; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES. (LC 5.710, LC 5.747).

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

Section 1. The provisions of the Eugene Code, as attached in Exhibit "A" to this Ordinance are hereby adopted and incorporated herein by this reference for application by the City of Eugene on the urbanizable lands within the Eugene Urban Growth Boundary and shall be codified into Lane Code.

Section 2. Chapter 5 of Lane Code is hereby amended by removing and inserting the following sections:

REMOVE THESE SECTIONS

5.710 – 5.747
as located on pages 5-11 – 5-15
(a total of 5 pages)

INSERT THESE SECTIONS

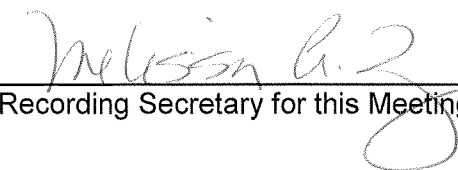
5.710 – 5.747
as located on pages 5-11 – 5-15
(a total of 5 pages)

Section 3. Said sections are attached hereto and incorporated herein by this reference. The purpose of this substitution and addition is to adopt illicit discharge regulations outside of the Eugene-Springfield Urban Growth Boundaries and to adopt City of Eugene regulations pertaining to illicit discharge for application by the City of Eugene to the urbanizable lands within the Eugene urban growth boundary; and adopting severability clauses (LC 5.710, LC 5.747).

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

ENACTED this 15th day of February, 2012.


Chair, Lane County Board of Commissioners


Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 1-24-12 Lane County


OFFICE OF LEGAL COUNSEL

Exhibit A

6.446 Discharge of Foreign Matter - Preventative Devices.

- (1) No person responsible shall allow wastewater or poisonous substance from his or her premises to flow out on or under a public way or on any adjoining lot or grounds.
- (2) No person responsible shall place or cause to be placed a substance which is harmful to or has a tendency to clog the city sewer or permit such substance in the control of such person to enter the city sewer.
- (3) No person shall discharge, or cause to be discharged, into the city stormwater system any substance other than stormwater, except discharges resulting from fire fighting activities, or discharges authorized by written approval of the city manager or the manager's designee. The city manager may deny approval to discharge into the city stormwater system if the discharge poses a threat to health, safety, public welfare, or the environment, or is otherwise prohibited by law. The city manager may withdraw approval to discharge if the manager determines that a discharge poses a threat to health, safety, public welfare, or the environment, or is otherwise prohibited by law. Any person lawfully discharging pursuant to a National Pollutant Discharge Elimination System permit as of July 24, 1996 shall be deemed to have received written approval from the city manager. Such approval may be withdrawn if the manager determines that the discharge poses a threat to health, safety, public welfare, or the environment, or is otherwise prohibited by law. The city manager may adopt rules pursuant to section 2.019 of this code to define specific circumstances or criteria for a determination that a discharge poses a threat to health, safety, public welfare, or the environment.
- (4) Every establishment or place where the substances prohibited in subsection (2) above is or may be produced is hereby required to install such necessary catch basin traps or other devices for the purpose of preventing such substance from entering a city sewer. It shall be the responsibility of the individual violating this provision to furnish the city upon request, plans prepared by a registered engineer showing the proposed method of elimination. Such device shall be approved only if tests and subsequent engineering data establish that a desirable standard of removal is produced.
- (5) No person responsible shall allow stormwater to flow out on or under a public way in a manner that creates a hazard for those lawfully using the public way or that creates a hazard to improvements within the public way.
- (6) The conditions prohibited by this section are nuisances and subject to abatement as provided in this code.

(Section 6.446, formerly Section 7.070, amended by Ordinance No. 19653, enacted November 22, 1989, effective May 22, 1990; renumbered by Ordinance No. 19939, enacted November 17, 1993, effective December 17, 1993; and Ordinance No. 20052, enacted June 24, 1996, effective July 24, 1996.)

5.710 Definitions.

For the purposes of LC 5.700 through 5.750, the following words and phrases have the meanings ascribed to them:

Director. The Director of Public Works, the Director's designee, or the Manager of the Land Management Division, or the Manager's designee.

Certificate of Fitness. A certificate issued for a particular property by the Oregon Health Division following a satisfactory site characterization by a licensed drug laboratory decontamination contractor, sampling and testing by an independent, third party approved by the Oregon Health Division, and any necessary contamination reduction of the property by such licensed contractor. The certificate authorizes removal of the property from the State Building Codes Division's "Unfit for Use" listing and allows reuse of the property.

Illicit Discharge. Any discharge to the storm water system that is not composed entirely of storm water, with the following exceptions:

- (a) Discharges from NPDES permitted industrial sources;
- (b) Fire fighting activities;
- (c) Water line flushing;
- (d) Landscape irrigation;
- (e) Diverted stream flows;
- (f) Rising ground water;
- (g) Uncontaminated ground water infiltration;
- (h) Uncontaminated pumped ground water;
- (i) Discharges from potable water sources;
- (j) Foundation drains;
- (k) Air conditioning condensation;
- (l) Irrigation water;
- (m) Springs;
- (n) Water from crawl space pumps;
- (o) Footing drains;
- (p) Lawn watering;
- (q) Individual residential car washing;
- (r) Flows from riparian habitats and wetlands;
- (s) De-chlorinated swimming pool discharges;
- (t) Street wash water.

Inoperable Vehicle. A vehicle which:

- (a) Has been left on private property for more than 30 days; and
- (b) Has broken or missing window(s); or broken or missing windshield; or a missing wheel(s), or a missing tire(s); or lacks an engine or will not run; or lacks a transmission or the transmission is inoperable; and

(c) The vehicle is over three years old.

(d) For purposes of this section, a showing that the vehicle(s) in question is unlicensed and, if operated on a public highway of this state, would be in violation of one or more of the following provisions: ORS 815.020, 815.100, 815.125, 815.155, 815.160, 815.170, 815.180, 815.195, 815.235, 815.245 through 815.260, 815.270, and 815.295 constitutes a rebuttable presumption that it is inoperable.

Motor Vehicle. A vehicle that is self-propelled or designed for self-propulsion.

Noxious Vegetation: Includes:

- (a) Weeds more than 10 inches high.
- (b) Grass more than 10 inches high unless that vegetation is an agricultural crop and does not create a fire hazard or traffic hazard.
- (c) Poison Oak or Poison Ivy.

- (d) Tansy Ragwort.
- (e) Blackberry bushes that extend into a public thoroughfare or across a property line.
- (f) Thistle.

Nuisance. Includes, but is not limited to any annoying, unpleasant, or obnoxious condition or practice causing an unreasonable threat to the public health, safety and welfare and defined as a nuisance in LC 5.720 through 5.750.

Person. Includes individuals, corporations, associations, firms, partnerships and joint stock companies.

Person in Charge of Property. An owner, agent, occupant, lessee, tenant, contract purchaser, or other responsible person having possession or control of the property or the supervision of a construction project on the property.

Responsible Person. As defined in LC 5.005(7), and includes:

- (a) The person in charge of property on which the nuisance exists or which abuts a public way where a nuisance exists.
- (b) The person who causes the nuisance to come into or continue in existence.

Putrescible Material. Organic material that decomposes and gives rise to foul or offensive odors, or foul or offensive by-products.

Solid Waste. Solid Waste includes all putrescible and non-putrescible waste, including, but not limited to, garbage, rubbish, refuse, ashes, waste paper and cardboard, grass clipping, composts, sewer sludge, residential, commercial, and industrial appliances, equipment and furniture, discarded or inoperable vehicles, vehicle parts or vehicle tires, manure, vegetable or animal solid and semisolid waste and dead animals. The term Solid Waste does not include:

- (a) Materials used for fertilizer or for other productive purposes on land in the growing and harvesting of crops or the raising of fowl or animals. This exception does not apply to the keeping of animals on land which has been zoned for residential nonagricultural purposes.

- (b) Septic tank and cesspool pumping or chemical toilet waste;

- (c) Reusable beverage containers as defined in ORS 459A.725.

- (d) Source separated principal recyclable materials as defined in ORS Chapter 459 and the Rules promulgated thereunder, which have been purchased or exchanged for fair market value.

Storm Water Sewer System, Storm Water System. For purposes of this chapter, a drain and collection system, including roads, ditches, channels, pipes, and culverts, designed and/or operated by Lane County for the sole purpose of collecting rain and other naturally occurring precipitation or storm water runoff. The Storm water sewer system is not a combined sewer system and does not include conveyance of any wastewater.

Storm Water, Storm Water Runoff. Water that washes off or runs off the land as a result of naturally occurring precipitation, such as a snow or rainstorm, which does not infiltrate into the soil.

Tire. The band of material used on the circumference of a wheel which forms the tread that comes in contact with the surface of the road.

Unfit for Use. A designation by the Oregon Health Division that means that the property has been found to be, or there are reasonable grounds to believe that the property was, the site of illegal drug manufacture and may be contaminated with hazardous chemicals or substances and therefore is not fit to use until appropriate site assessment and any necessary contamination reduction procedures have been performed by a licensed drug laboratory decontamination contractor.

Unregistered Vehicle. A vehicle without a license plate or with an expired license plate.

Vegetation. Plant life, including but not limited to, trees, shrubs, flowers, weeds and grass.

Vehicle. Any device in, upon, or by which any person or property is or may be transported, or drawn upon a public highway, and includes vehicles that are propelled or powered by any means, but does not include a device propelled by human power.

Waste. Waste is useless unwanted or discarded materials. The fact that materials, which would otherwise come within the definition of Solid Waste or Waste, may from time-to-time have value and thus be utilized, shall not remove them from the definition. *(Revised by Ordinance No. 11-87, Effective 9.17.87; 1-93, 4.16.93; 1-00, 4.12.00; 7-02, 6.14.02; 1-04, 4.9.04)*

5.720 Nuisances Vegetation.

(1) Any vegetation that creates the following conditions on any public or private property shall constitute a nuisance and no person responsible shall cause or permit such conditions to exist:

(a) Vegetation that is a hazard to pedestrian or vehicular use of any sidewalk or street by obstructing passage or vision. The hazards include, but are not limited to:

(i) Vegetation that encroaches upon or overhangs a pedestrian way or adjacent parking strip lower than nine feet or encroaches upon or overhangs a street lower than 15 feet.

(ii) Vegetation which obstructs motorist or pedestrian view of traffic signs and signals, street lights and name signs, or other safety fixtures or markings placed in the public way.

(b) Vegetation that is an obstruction of access to a use of any public facilities placed within the public way.

(c) Noxious vegetation on public or private property in those areas within Urban Growth Boundaries of incorporated cities or within developed and committed areas designated Community or zoned RR-5, RR-2, RR-1 or RA in the Lane County Rural Comprehensive Plan on August 1, 1987. No owner or person in charge of such property may allow noxious vegetation to be on the property or encroach into the right-of-way of a public thoroughfare abutting on the property.

(2) A failure to comply with this section shall be cause for a responsible person to be subject to the administrative enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance. *(Revised by Ordinance No. 11-87, Effective 9.17.87; 1-93, 4.16.93; 1-00, 4.12.00; 7-02, 6.14.02)*

5.725 Nuisance Storage of Tires.

(1) The following things, practices or conditions shall constitute a nuisance and no person responsible shall cause or permit such condition to exist:

(a) The storage of 4 or more used tires on private or public property in those areas within Urban Growth Boundaries of incorporated cities or within developed and committed areas designated Community or zoned RR-5, RR-2, RR-1 or RA in the Lane County Rural Comprehensive Plan on August 1, 1987, unless the tires are used for agricultural or landscaping purposes.

(b) The storage of 10 or more used tires on private or public property not described in 5.725(1)(a) above, unless the tires are used for agricultural or landscaping purposes.

(c) Notwithstanding the above, the storage of tires on private property is permitted if the property owner is conducting a legally operated business that normally deals in tires, or if the tires are completely enclosed within a building and do not constitute a fire hazard or health hazard.

(2) Failure to comply with this section shall be cause for a responsible person to be subject to the administrative civil penalty procedures set forth in this chapter. The imposition of a monetary penalty does not relieve a responsible person of the duty to abate the nuisance. *(Revised by Ordinance No. 11-87, Effective 9.17.87; 1-93, 4.16.93; 1-00, 4.12.00)*

5.730 Nuisance Vehicle Storage.

(1) The following things, practices or conditions shall constitute a nuisance and no person responsible shall cause or permit such condition to exist:

(a) Storing or permitting to be stored in excess of 90 days within any consecutive 12 month period an unregistered or inoperable vehicle or portion thereof, or two or more unregistered or inoperable vehicles at any one time on any private property in those areas within Urban Growth Boundaries of incorporated cities or within developed and committed areas designated Community or zoned RR-5, RR-2, RR-1 or RA in the Lane County Rural Comprehensive Plan on August 1, 1987, unless the vehicle is completely enclosed within a building, or is not visible from any public way and is located more than 200 feet from any property line, or unless it is stored on the premises of a business enterprise dealing in used vehicles lawfully conducted within the County.

(b) Storing or permitting the storing of more than three inoperable vehicles upon private property within the County and not described in 5.730(1)(a) above, unless the vehicle is completely enclosed within a building, or is not visible from any public way and is located more than 200 ft. from any property line, or unless it is stored on the premises in connection with a lawfully conducted business.

(2) A failure to comply with this section shall be cause for a responsible person to be subject to the administrative enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance. *(Revised by Ordinance No. 11-87, Effective 9.17.87; 1-93, 4.16.93; 1-00, 4.12.00)*

5.740 Accumulation, Collection or Storage of Solid Waste or Waste.

(1) Any accumulation, collection or storage of solid waste or waste, shall constitute a nuisance and no person responsible shall cause or permit such condition to exist unless the person responsible is licensed by lawful authority to operate a business specifically for those purposes.

(2) A failure to comply with this section shall be cause for a responsible person to be subject to the administrative enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance. *(Revised by Ordinance No. 11-87, Effective 9.17.87; 1-93, 4.16.93; 1-00, 4.12.00)*

5.745 An Abandoned, Discarded, or Unattended Icebox, Refrigerator, or Other Container with a Compartment.

(1) Any abandoned, discarded or unattended icebox, refrigerator or other container with a compartment of more than one and one-half cubic feet capacity and an airtight door or lid which locks or fastens automatically when closed and which cannot be easily opened from the inside shall constitute a nuisance and no person responsible shall cause or permit such condition to exist.

(2) A failure to comply with this section shall be cause for a responsible person to be subject to the administrative enforcement procedures set forth in this

chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance. *(Revised by Ordinance No. 11-87, Effective 9.17.87; 1-93, 4.16.93; 1-00, 4.12.00)*

5.747 Illicit Discharge.

Subsections 1 through 6 below apply outside the Eugene Urban Growth Boundary as defined by LC 10.600-20, and outside the Springfield Urban Growth Boundary as defined by LC 10.600-10.

(1) A responsible person shall not allow an illicit discharge from his or her premises to flow out on or under a public way.

(2) A responsible person shall not place or cause to be placed a substance which is harmful to or has a tendency to clog the County storm water system or permit such substance in the control of such person to enter the County storm water system.

(3) A person shall not discharge, or cause to be discharged, any substance other than storm water, except discharges authorized by written approval of the Oregon Department of Environmental Quality (DEQ) or the Director. The Director may deny approval to discharge into the County storm water system if the discharge poses a threat to health, safety, public welfare, or the environment, or is otherwise prohibited by law. The Director may withdraw approval to discharge if the Director determines that a discharge poses a threat to health, safety, public welfare, or the environment, or is otherwise prohibited by law. Any person lawfully discharging pursuant to a National Pollutant Discharge Elimination System permit as of March 10, 2004 is deemed to have received written approval from the Director. Such approval may be withdrawn if the Director determined that the discharge poses a threat to health, safety, public welfare, of the environment, or is otherwise prohibited by law.

(4) Every establishment or place where the substances prohibited in subsection (2) above is or may be produced is hereby required to install such necessary catch basin traps or other devices for the purpose of preventing such substance from entering the County storm water system. Where the Director reasonably believes that any such substance may be produced, the Director may require any responsible person to furnish to the County plans prepared by a registered engineer showing the proposed method of elimination. Such device shall be approved only if tests and subsequent engineering data establish that a desirable standard of removal is produced.

(5) A responsible person shall not allow storm water to flow out on or under a public way in a manner that creates a traffic or other hazard for those lawfully using the public way or that creates a hazard to improvements within the public way.

(6) A failure to comply with this section is cause for a responsible person to be subject to enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance.

(7) Lane County has adopted the following Illicit Discharge regulations to be applied by the City of Springfield on urbanizable land within the Springfield Urban Growth Boundary as set forth in LC 10.600-10.

- (1) The Springfield Illicit Discharge regulations as adopted by the Lane County Board of Commissioners as part of Ordinance No. 3-10
- (2) The Lane County Land Management Division will maintain and make available to the public copies of the applicable Illicit Discharge regulations. *(Revised by Ordinance No. 1-04, Effective 9.4.04; 3-10, 7.9.10)*

(8) Lane County has adopted the following Illicit Discharge regulations to be applied by the City of Eugene on urbanizable land within the Eugene Urban Growth Boundary as set forth in LC 10.600-20.

- (1) The Eugene Illicit Discharge regulations as adopted by the Lane County Board of Commissioners as part of Ordinance 01-12.

- (2) The Lane County Land Management Division will maintain and make available to the public copies of the applicable Illicit Discharge regulations.

At left margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted

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5.710 Definitions.

For the purposes of LC 5.700 through 5.750, the following words and phrases shall ~~mean~~**have the meanings ascribed to them:**

Director. The Director of Public Works, the Director's designee, or the Manager of the Land Management Division, or the Manager's designee.

Certificate of Fitness. A certificate issued for a particular property by the Oregon Health Division following a satisfactory site characterization by a licensed drug laboratory decontamination contractor, sampling and testing by an independent, third party approved by the Oregon Health Division, and any necessary contamination reduction of the property by such licensed contractor. The certificate authorizes removal of the property from the State Building Codes Division's "Unfit for Use" listing and allows reuse of the property.

Illicit Discharge. Any discharge to the storm water system that is not composed entirely of storm water, ~~or as determined by EPA Storm Water Phase II Final Rule,~~ with the following exceptions:

- (a) Discharges from NPDES permitted industrial sources;
- (b) Fire fighting activities;
- (c) Water line flushing;
- (d) Landscape irrigation;
- (e) Diverted stream flows;
- (f) Rising ground water;
- (g) Uncontaminated ground water infiltration;
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- (q) Individual residential car washing;
- (r) Flows from riparian habitats and wetlands;
- (s) De-chlorinated swimming pool discharges;
- (t) Street wash water.

Inoperable Vehicle. A vehicle which:

- (a) Has been left on private property for more than 30 days; and
- (b) Has broken or missing window(s); or broken or missing windshield; or a missing wheel(s), or a missing tire(s); or lacks an engine or will not run; or lacks a transmission or the transmission is inoperable; and
- (c) The vehicle is over three years old.
- (d) For purposes of this section, a showing that the vehicle(s) in question is unlicensed and, if operated on a public highway of this state, would be in violation of one or more of the following provisions: ORS 815.020, 815.100, 815.125, 815.155, 815.160, 815.170, 815.180, 815.195, 815.235, 815.245 through 815.260, 815.270, and 815.295 constitutes a rebuttable presumption that it is inoperable.

Motor Vehicle. A vehicle that is self-propelled or designed for self-propulsion.

Noxious Vegetation: Includes:

- (a) Weeds more than 10 inches high.

5.710

Lane Code

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(b) Grass more than 10 inches high unless that vegetation is an agricultural crop and does not create a fire hazard or traffic hazard.

(c) Poison Oak or Poison Ivy.

(d) Tansy Ragwort.

(e) Blackberry bushes that extend into a public thoroughfare or across a property line.

(f) Thistle.

Nuisance. Includes, but is not limited to any annoying, unpleasant, or obnoxious condition or practice causing an unreasonable threat to the public health, safety and welfare and defined as a nuisance in LC 5.720 through 5.750.

Person. Includes individuals, corporations, associations, firms, partnerships and joint stock companies.

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Responsible Person. As defined in LC 5.005(7), and includes:

(a) The person in charge of property on which the nuisance exists or which abuts a public way where a nuisance exists.

(b) The person who causes the nuisance to come into or continue in existence.

Putrescible Material. Organic material that decomposes and gives rise to foul or offensive odors, or foul or offensive by-products.

Solid Waste. Solid Waste includes all putrescible and non-putrescible waste, including, but not limited to, garbage, rubbish, refuse, ashes, waste paper and cardboard, grass clipping, composts, sewer sludge, residential, commercial, and industrial appliances, equipment and furniture, discarded or inoperable vehicles, vehicle parts or vehicle tires, manure, vegetable or animal solid and semisolid waste and dead animals. The term Solid Waste does not include:

(a) Materials used for fertilizer or for other productive purposes on land in the growing and harvesting of crops or the raising of fowl or animals. This exception does not apply to the keeping of animals on land which has been zoned for residential nonagricultural purposes.

(b) Septic tank and cesspool pumping or chemical toilet waste;

(c) Reusable beverage containers as defined in ORS 459A.725.

(d) Source separated principal recyclable materials as defined in ORS Chapter 459 and the Rules promulgated thereunder, which have been purchased or exchanged for fair market value.

Storm Water Sewer System, Storm Water System. For purposes of this chapter, a drain and collection system, including roads, ditches, channels, pipes, and culverts, designed and/or operated by Lane County for the sole purpose of collecting rain and other naturally occurring precipitation or storm water runoff. The Storm water sewer system is not a combined sewer system and does not include conveyance of any wastewater.

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Tire. The band of material used on the circumference of a wheel which forms the tread that comes in contact with the surface of the road.

Unfit for Use. A designation by the Oregon Health Division that means that the property has been found to be, or there are reasonable grounds to believe that the property was, the site of illegal drug manufacture and may be contaminated with hazardous

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chemicals or substances and therefore is not fit to use until appropriate site assessment and any necessary contamination reduction procedures have been performed by a licensed drug laboratory decontamination contractor.

Unregistered Vehicle. A vehicle without a license plate or with an expired license plate.

Vegetation. Plant life, including but not limited to, trees, shrubs, flowers, weeds and grass.

Vehicle. Any device in, upon, or by which any person or property is or may be transported, or drawn upon a public highway, and includes vehicles that are propelled or powered by any means, but does not include a device propelled by human power.

Waste. Waste is useless unwanted or discarded materials. The fact that materials, which would otherwise come within the definition of Solid Waste or Waste, may from time-to-time have value and thus be utilized, shall not remove them from the definition. *(Revised by Ordinance No. 11-87, Effective 9.17.87; 1-93, 4.16.93; 1-00, 4.12.00; 7-02, 6.14.02; 1-04, 4.9.04)*

5.720 Nuisances Vegetation.

(1) Any vegetation that creates the following conditions on any public or private property shall constitute a nuisance and no person responsible shall cause or permit such conditions to exist:

(a) Vegetation that is a hazard to pedestrian or vehicular use of any sidewalk or street by obstructing passage or vision. The hazards include, but are not limited to:

(i) Vegetation that encroaches upon or overhangs a pedestrian way or adjacent parking strip lower than nine feet or encroaches upon or overhangs a street lower than 15 feet.

(ii) Vegetation which obstructs motorist or pedestrian view of traffic signs and signals, street lights and name signs, or other safety fixtures or markings placed in the public way.

(b) Vegetation that is an obstruction of access to a use of any public facilities placed within the public way.

(c) Noxious vegetation on public or private property in those areas within Urban Growth Boundaries of incorporated cities or within developed and committed areas designated Community or zoned RR-5, RR-2, RR-1 or RA in the Lane County Rural Comprehensive Plan on August 1, 1987. No owner or person in charge of such property may allow noxious vegetation to be on the property or encroach into the right-of-way of a public thoroughfare abutting on the property.

(2) A failure to comply with this section shall be cause for a responsible person to be subject to the administrative enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance. *(Revised by Ordinance No. 11-87, Effective 9.17.87; 1-93, 4.16.93; 1-00, 4.12.00; 7-02, 6.14.02)*

5.725 Nuisance Storage of Tires.

(1) The following things, practices or conditions shall constitute a nuisance and no person responsible shall cause or permit such condition to exist:

(a) The storage of 4 or more used tires on private or public property in those areas within Urban Growth Boundaries of incorporated cities or within developed and committed areas designated Community or zoned RR-5, RR-2, RR-1 or RA in the

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Lane County Rural Comprehensive Plan on August 1, 1987, unless the tires are used for agricultural or landscaping purposes.

(b) The storage of 10 or more used tires on private or public property not described in 5.725(1)(a) above, unless the tires are used for agricultural or landscaping purposes.

(c) Notwithstanding the above, the storage of tires on private property is permitted if the property owner is conducting a legally operated business that normally deals in tires, or if the tires are completely enclosed within a building and do not constitute a fire hazard or health hazard.

(2) Failure to comply with this section shall be cause for a responsible person to be subject to the administrative civil penalty procedures set forth in this chapter. The imposition of a monetary penalty does not relieve a responsible person of the duty to abate the nuisance. *(Revised by Ordinance No. 11-87, Effective 9.17.87; 1-93, 4.16.93; 1-00, 4.12.00)*

5.730 Nuisance Vehicle Storage.

(1) The following things, practices or conditions shall constitute a nuisance and no person responsible shall cause or permit such condition to exist:

(a) Storing or permitting to be stored in excess of 90 days within any consecutive 12 month period an unregistered or inoperable vehicle or portion thereof, or two or more unregistered or inoperable vehicles at any one time on any private property in those areas within Urban Growth Boundaries of incorporated cities or within developed and committed areas designated Community or zoned RR-5, RR-2, RR-1 or RA in the Lane County Rural Comprehensive Plan on August 1, 1987, unless the vehicle is completely enclosed within a building, or is not visible from any public way and is located more than 200 feet from any property line, or unless it is stored on the premises of a business enterprise dealing in used vehicles lawfully conducted within the County.

(b) Storing or permitting the storing of more than three inoperable vehicles upon private property within the County and not described in 5.730(1)(a) above, unless the vehicle is completely enclosed within a building, or is not visible from any public way and is located more than 200 ft. from any property line, or unless it is stored on the premises in connection with a lawfully conducted business.

(2) A failure to comply with this section shall be cause for a responsible person to be subject to the administrative enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance. *(Revised by Ordinance No. 11-87, Effective 9.17.87; 1-93, 4.16.93; 1-00, 4.12.00)*

5.740 Accumulation, Collection or Storage of Solid Waste or Waste.

(1) Any accumulation, collection or storage of solid waste or waste, shall constitute a nuisance and no person responsible shall cause or permit such condition to exist unless the person responsible is licensed by lawful authority to operate a business specifically for those purposes.

(2) A failure to comply with this section shall be cause for a responsible person to be subject to the administrative enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance. *(Revised by Ordinance No. 11-87, Effective 9.17.87; 1-93, 4.16.93; 1-00, 4.12.00)*

5.745 An Abandoned, Discarded, or Unattended Icebox, Refrigerator, or Other Container with a Compartment.

(1) Any abandoned, discarded or unattended icebox, refrigerator or other container with a compartment of more than one and one-half cubic feet capacity and an

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**LEGISLATIVE
FORMAT**

5.747 Lane Code 5.747
airtight door or lid which locks or fastens automatically when closed and which cannot be easily opened from the inside shall constitute a nuisance and no person responsible shall cause or permit such condition to exist.

(2) A failure to comply with this section shall be cause for a responsible person to be subject to the administrative enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance. *(Revised by Ordinance No. 11-87, Effective 9.17.87; 1-93, 4.16.93; 1-00, 4.12.00)*

5.747 Illicit Discharge.

~~For the purposes of this section, the following requirements~~ **Subsections 1 through 6 below apply within outside the Eugene Urban Growth Boundary as defined at by LC 10.600-20, and outside the Springfield Urban Growth Boundary as defined by LC 10.600-10, and outside the incorporated city limits**

(1) ~~No~~**A** responsible person shall **not** allow an illicit discharge from his or her premises to flow out on or under a public way.

(2) ~~No~~**A** responsible person shall **not** place or cause to be placed a substance which is harmful to or has a tendency to clog the County storm water system or permit such substance in the control of such person to enter the County storm water system.

(3) ~~No~~**A** person shall **not** discharge, or cause to be discharged, any substance other than storm water, except discharges authorized by written approval of the Oregon Department of Environmental Quality (DEQ) or the Director. The Director may deny approval to discharge into the County storm water system if the discharge poses a threat to health, safety, public welfare, or the environment, or is otherwise prohibited by law. The Director may withdraw approval to discharge if the Director determines that a discharge poses a threat to health, safety, public welfare, or the environment, or is otherwise prohibited by law. Any person lawfully discharging pursuant to a National Pollutant Discharge Elimination System permit as of March 10, 2004 ~~is shall~~ be deemed to have received written approval from the Director. Such approval may be withdrawn if the Director determined that the discharge poses a threat to health, safety, public welfare, of the environment, or is otherwise prohibited by law.

(4) Every establishment or place where the substances prohibited in subsection (2) above is or may be produced is hereby required to install such necessary catch basin traps or other devices for the purpose of preventing such substance from entering the County storm water system. Where the Director reasonably believes that any such substance may be produced, the Director may require any responsible person to furnish to the County plans prepared by a registered engineer showing the proposed method of elimination. Such device shall be approved only if tests and subsequent engineering data establish that a desirable standard of removal is produced.

(5) ~~No~~**A** responsible person shall **not** allow storm water to flow out on or under a public way in a manner that creates a traffic or other hazard for those lawfully using the public way or that creates a hazard to improvements within the public way.

(6) A failure to comply with this section ~~shall be~~ is cause for a responsible person to be subject to enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance.

(7) Lane County has adopted the following Illicit Discharge regulations to be applied by the City of Springfield on urbanizable land within the Springfield Urban Growth Boundary as set forth in LC 10.600-10.

(1) The Springfield Illicit Discharge regulations as adopted by the Lane County Board of Commissioners as part of Ordinance No. 3-10

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5.747 Lane Code 5.747

- (2) The Lane County Land Management Division will maintain and make available to the public copies of the applicable Illicit Discharge regulations. *(Revised by Ordinance No. 1-04, Effective 9.4.04; 3-10, 7.9.10)*

(8) Lane County has adopted the following Illicit Discharge regulations to be applied by the City of Eugene on urbanizable land within the Eugene Urban Growth Boundary as set forth in LC 10.600-20.

- (1) The Eugene Illicit Discharge regulations as adopted by the Lane County Board of Commissioners as part of Ordinance 01-12.
- (2) The Lane County Land Management Division will maintain and make available to the public copies of the applicable Illicit Discharge regulations.