

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending the Columbia)
✓ County Solid Waste Management Ordinance to)
Clarify that a Franchise is Required to Collect,) ORDINANCE No. 2010-7
Store, Dispose, or Transport Waste for)
Compensation)

The Board of County Commissioners for Columbia County, Oregon, ordains as follows:

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2010-7.

SECTION 2. AUTHORITY

This Ordinance is adopted pursuant to ORS 203.035 and ORS 459.085.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to clarify that a franchise in accordance with the Solid Waste Management Ordinance is required for the storage, collection, transport, or disposal of waste for compensation and that a person must have a franchise to store, collect, transport or dispose of the waste of the person's tenant or lessee. This Ordinance also defines "unrestrained load."

SECTION 4. AMENDMENT AND AUTHORIZATION.

The Board of County Commissioners hereby amends the Columbia County Solid Waste Management Ordinance as shown in Attachment A, attached hereto and incorporated herein by this reference.

SECTION 5. SEVERABILITY.

If for any reason any court of competent jurisdiction holds any portion of this Ordinance, including its attachments or any portion therein, to be invalid, and such holding is upheld on any appeal, such portion shall be deemed a separate, distinct and independent portion. Any such holding shall not affect the validity of the remaining portions.

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SECTION 6. EMERGENCY CLAUSE.

This Ordinance, being immediately necessary for the health, safety and welfare of the citizens of Columbia County, an emergency is declared to exist, and it shall become effective on the date of adoption.

DATED this 6th day of October, 2010.

Approved as to Form

By: [Signature]
Office of County Counsel

Recording Secretary

By: [Signature]
Jan Greenhalgh, Recording Secretary

First Reading: 10-6-10
Second Reading: 10-6-10
Effective Date: 10-6-10

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Anthony Hyde, Chair

By: [Signature]
Earl Fisher, Commissioner

By: [Signature]
Rita Bernhard, Commissioner

ATTACHMENT A

Proposed Amendments to the Solid Waste Management Ordinance

Additions are shown in underline; deletions are shown in ~~strikethrough~~.

Section 1.05 Specific Definitions

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- (F) COMPENSATION. Any direct or indirect payment made by the source of generation or person last using a source separated material or discarded solid waste. Compensation includes paid-for services, such as but not limited to reing proceeds and direct or indirect payment of money, goods, services or benefits by tenants, lessees or similarly situated persons.

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- (FF) UNRESTRAINED LOAD: Any load that can drop, fall out, leak, blow or otherwise escape from the transporting vehicle. Waste in closed plastic bags that are below the sidewalls of a transporting vehicle is not an unrestrained load. Bags that are above the sidewalls of a transporting vehicle are unrestrained loads unless they are secured by rope, net, tie-down, strap, and/or covered by a tarp or canopy.

[Renumber (FF) and (GG)]

Section 4.01 Persons, Activities And Practices Regulated

- (A) — It shall be unlawful for any person not franchised in accordance with the provisions of this ordinance to:

- (A) ~~s~~Store, collect, transport or dispose of any waste or solid waste within Columbia County, Oregon; ~~unless such person is franchised in accordance with the applicable provisions of this ordinance.~~
- (B) Store, collect, transport or dispose of any waste or solid waste generated by the person's tenant or lessee;
- (BC) ~~It shall be unlawful for any person to c~~Create or maintain a disposal site, within Columbia County, Oregon; ~~and, unless such person is franchised in accordance with the applicable provisions of this ordinance.~~
- (ED) ~~It shall be unlawful for any person to c~~Create or maintain a transfer station within Columbia County, Oregon ~~unless such person is franchised in accordance with the applicable provisions of this Ordinance.~~ This section does not apply to the creation or maintenance of the Columbia County Transfer Station and Household Hazardous Waste Facility.