

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending )  
the "Columbia County Solid )  
Waste Management Ordinance" )  
\_\_\_\_\_ )

ORDINANCE NO. 92-5

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

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 92-5.

SECTION 2. AUTHORITY.

This ordinance is adopted under the authority granted by ORS 203.035, 459.085 and 459.108.

SECTION 3. PURPOSE.

The purpose of this ordinance is to add the provisions allowed by ORS 459.108 to Chapter VII of the "Columbia County Solid Waste Management Ordinance".

SECTION 4. AMENDMENT.

Chapter VII of the "Columbia County Solid Waste Management Ordinance" is amended by the addition of the new provisions shown on Exhibit "A" which is attached hereto and incorporated herein by this reference.

SECTION 5. SEVERABILITY.

If any provision 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 remaining portions thereof.

SECTION 6. EMERGENCY CLAUSE.

This ordinance being immediately necessary to maintain the public health, safety and welfare, an emergency is declared to exist and this ordinance shall take effect immediately.

REGULARLY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON THIS 18th DAY OF March, 1992.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: John K. King  
Office of County Counsel

Attest:

By: Jan Seunhalgh  
Recording Secretary

First Reading: 3/18/92  
Second Reading: 3/18/92  
Effective Date: 3/18/92

By:

Michael W. King  
Chairman

By:

R. Blinn  
Commissioner

By:

Jack R. Peterson  
Commissioner

EXHIBIT "A"

The following new provisions are added to and incorporated into Chapter VII of the "Columbia County Solid Waste Management Ordinance":

Section 7.05 INCORPORATION OF STATUTES. ORS 164.775, 164.785 and 164.805 are incorporated herein as though the same were spelled out here in their entirety. Any action conducted or prohibited by those statutes are also prohibited within this county by this ordinance.

Section 7.06 CIVIL PENALTY ESTABLISHED. Section 7.05 may be enforced by, and violators thereof are subject to the penalties provided in, the Columbia County Enforcement Ordinance. Violation thereof is declared to be an infraction and is subject to the penalties provided in Section 23, and such other enforcement action as provided in Section 27, of the Columbia County Enforcement Ordinance. In addition to the maximum civil penalty allowed by Section 23 of the Enforcement Ordinance, the total amount of civil penalty may be increased to include all of the costs incurred by the city and county in removing the refuse or offensive substance unlawfully placed on property and in eliminating the effects of such unlawful placement. The civil penalties established in Sections 23 and 27 of the Enforcement Ordinance, and in this section, are an alternative to criminal enforcement proceedings. When the County maintains a civil action against any person to collect the penalties provided in the Enforcement Ordinance and in this section, it shall not cause a criminal prosecution to be commenced or maintained against that person for the same actions.

Section 7.07. REBUTTABLE PRESUMPTION ESTABLISHED. A name found on various items in a deposit of rubbish or other solid waste placed on land or in water in violation of ORS 164.775, 164.785 and 164.805, incorporated herein by Section 7.05 above, constitutes rebuttable evidence that the person whose name appears on the items has violated this ordinance. However, the rebuttable presumption created by this section exists only when a name on items denotes ownership of the items, such as the name of an addressee on an envelope.