

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 18-01

IN THE MATTER OF AMENDING LANE CODE
CHAPTER 9 TO REVISE URBAN GROWTH AREA
RECYCLING REGULATIONS

WHEREAS, Lane Code Chapter 9 sets forth policies and authorities related to Solid Waste;
and

WHEREAS, Environment and Health Solid Waste Policy and Authority needs to be updated
and amended to comply with current Oregon law and DEQ regulations; and

WHEREAS, the Board of County Commissioners has conducted a public hearing and is now
ready to take action;

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDAINS** as
follows:

REMOVE THESE SECTIONS

9.005 – 9.015

9.035 – 9.117

INSERT THESE SECTIONS.

9/005 – 9.010

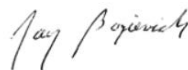
9.035 – 9.115

These sections are attached hereto and incorporated herein by this reference. 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 constitutes a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions hereof.

Nothing herein is intended to, nor acts to amend, replace, or otherwise conflict with any other ordinances of Lane County or any other Code or statutory provisions unless expressly so stated.

The office of Lane County Legal Counsel is authorized to codify this Ordinance and to make any technical changes, not affecting its substance, as are reasonably necessary to accomplish codification.

ENACTED this 27th day of February, 2018.



Commissioner Bozievich, Chair
Lane County Board of Commissioner

APPROVED AS TO FORM

Date

2/1/2018



9.005

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Chapter 9

ENVIRONMENT AND HEALTH

SOLID WASTE ~~REGULATIONS~~ POLICY AND AUTHORITY

9.005 Purpose and Authority.

(1) It is policy of Lane County to provide for safe and sanitary accumulation, storage, collection, transportation, disposal and recycling of solid waste, while providing opportunities for its citizens to recycle and divert waste or unwanted materials from the waste disposal stream.

(2) The regulations in this Chapter are established to:

(a) Prohibit and provide for abatement of accumulated solid waste on both public and private property in such a manner so as to prevent a public nuisance, hazard to health, or condition of unsightliness,

(b) Provide for the proper and lawful disposal of waste materials,

(c) Provide opportunities, education, and encouragement for recycling,

(d) Encourage coordinated solid waste collection, disposal, and recycling programs with the cities located in the County, and

(e) Comply with the requirements of applicable laws and regulations.

(3) In carrying out the County's policy, the Director is authorized to:

(a) Enforce the provisions of Lane Code 9.020 through 9.045,

(b) Require that haulers operating within the urban growth boundary of a city conduct their collection, hauling, and recycling operations in accordance with the rules adopted by that city,

(c) Establish such rules as are necessary, in the Director's judgment, to ensure that the County's policy and the requirements of Oregon laws and administrative rules are met, and

(d) To enforce such rules in accordance with this chapter, provided that:

(i) Such rules may not be adopted until the haulers have been notified of the proposed rules and given not less than 30 days' opportunity to comment, and

(ii) Written notice of adopted rules is provided to haulers, cities, and other known affected parties at the time of adoption.

9.005010 Definitions.

~~For the purpose of this chapter~~ As used in Lane Code sections 9.005 through 9.117, 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 lawful 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 disposal site does not include a Material Recovery Facility, a facility subject to the permit requirements of ORS 468B.050 or a landfill site which is not open to the public or a hauler that is used by the a property owner or person in control of the premises to only owner's agent to dispose of soil, rock, concrete or other

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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 person authorized to enforce provisions of the Lane Code, as defined in LC 5.005(4) 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 within Lane County that~~ produces municipal solid waste ~~in Lane County or that~~ pays for municipal solid waste collection or disposal services, ~~whether on their that person's~~ 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, ~~as defined in OAR 340-093-0030(55), when~~ 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 ~~(27).~~
- (d) Infectious wastes as defined in OAR 340-93-0030 ~~(56).~~
- (e) Hazardous waste exempted from regulation under 40 CFR 261.4 (b)(1) and 40 CFR 261.5, when managed as hazardous waste.

Person. ~~An individual or entity as defined in LC Chapter 1.010.~~

~~Program Elements. Those specific services required to promote and implement an opportunity to recycle, as provided in ORS 459A.007 and OAR 340-090-0040.~~

Putrescible Solid Waste. Organic material that can decompose and ~~then~~ give rise to foul smelling and offensive products, ~~and/~~ or attract vectors, ~~as defined in OAR 340-93-0030(78) 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 and placed in a dump or landfill.~~

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 that~~ transports municipal solid waste produced ~~in Lane County~~ by that person ~~in Lane County.~~

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,~~

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~~vegetable or animal solid and semisolid wastes, dead animals and other wastes, but the term as defined in OAR 240-93-0030(91). Solid Waste~~ does not include:

(a) ~~Environmentally hazardous wastes as defined by local, state and/or federal regulatory agencies in ORS 466.005.~~

(b) ~~Materials used for fertilizer or for other productive purposes as defined in OAR 340-93-0030(91)(b), 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) ~~Woody biomass fuel combusted in a licensed facility, as defined in OAR 340-93-0030(91)(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; 13-07, 1.11.08)*

~~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; 13-07, 1.11.08)*

REGULATIONS AND ENFORCEMENT

9.020 Illegal Dumping and Penalty

(1) Any person who throws, places, or disposes of, or directs or permits another person to throw, place, or dispose of refuse, electronic waste, yard debris, construction/demolition debris, or hazardous waste upon private land without the permission of the landowner, or upon public lands, public places, or in public waters, other than in receptacles provided for the purpose of collecting such waste, commits the violation of illegal dumping.

(2) A person is presumed to have participated in illegal dumping in violation of LC 9.020(1) where that person's name or other indicia of identity, indicia that would ordinarily denote a person's ownership of the item, such as a name or an addressee on an envelope, is found on an item that has been illegally thrown, placed, or disposed of on public or private land, or in public waters. A person may rebut this presumption by providing the County with evidence that establishes that the person was not likely responsible for the illegal dumping of the item in violation of LC 9.020(1).

(3) Illegal Dumping is a Class A violation. The presumptive fine for the violation of LC 9.020(1) is four hundred and thirty five dollars (\$435.00). However, fines associated with the violation of LC 9.020(1) may range from a minimum of two

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(2) Violation of LC 9.026(1) is a Class A violation. *(Revised by Ordinance No. 13-07, Effective 1.11.08)*

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. *(Revised by Ordinance No. 13-07, Effective 1.11.08)*

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. *(Revised by Ordinance No. 13-07, Effective 1.11.08)*

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:

—(a1) 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

—(b2) 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.

—(e3) Contained in the body of the transport vehicle in such a way as not to cause any part of the hauled solid waste to be deposited upon any roadway or driveway in the County. *(Revised by Ordinance No. 5-92, Effective 6.3.92)*

9.040 Deposits Prohibited.

Except under conditions specified by the Manager, no person shall place, deposit or dump, or cause to be placed, deposited or dumped, into any disposal facility at any disposal site, any of the following materials:

(1) Hot ashes or other burning material;

(2) Sewage sludge, offal or the contents of septic tanks and pit privies;

(3) Auto bodies or vehicle tires;

(4) Animal carcasses;

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~~(5) Explosives, carbides, chemicals, drugs, and other materials considered to be dangerous;~~

~~(6) Household appliances (refrigerators, stoves, washing machine, dryer, etc.);~~

~~(7) Motor oil;~~

~~(8) Computer monitors and CPUs, laptops, and televisions;~~

~~(9) Lead acid batteries; and~~

~~(10) Tires.~~

9.045 Salvage and Other Orders by Manager.

~~(1) No person shall salvage at disposal sites unless specifically authorized in writing by the Manager.~~

~~(2) A person using Lane County disposal sites shall obey all orders of the Manager, Director, and site attendant given for the purpose of carrying out this chapter.~~

9.050 Failure to Comply.

~~Failure to comply with any of the requirements of LC 9.030 through 9.115 may be subject to administrative enforcement as provided by LC Chapter 5. Failure to comply with a license or other discretionary permit approval issued pursuant to the requirements of any of the sections of this chapter is also subject to administrative enforcement pursuant to LC Chapter 5.~~

URBAN GROWTH AREA RECYCLING REGULATIONS

9.060 Urban Growth Area Recycling Regulations.

~~(1) Any person or company providing collection of refuse for a fee (or exchange of value) within the area between the city limits and the urban growth boundary (UGB) of any city with a population of 4,000 or greater in Lane County must:~~

~~(a) Provide residential and commercial customers with the same program elements adopted by the particular city within each UGB, and comply with the applicable requirements of ORS chapter 459A and OAR chapter 90.~~

~~(b) On November 1 of each year, provide to the Division for approval a description of the person or company's proposed plan for compliance with the requirements of each applicable program element contained in OAR 340-090-0040(3). Collection service providers may also use this plan to propose and seek approval for alternate methods of complying with 9.060(1)(a).~~

~~(c) For all educational materials to be provided to customers, provide a copy of the materials to the Division for approval not less than 30 days prior to distribution, and~~

~~(d) Provide an annual report, in a form acceptable to the Division, demonstrating compliance with the approved plan.~~

~~(2) In addition to the requirements of LC 9.115(1), any person or company providing collection of refuse for a fee (or exchange of value) within the area between the city limits and the UGB of any city with a population of 50,000 or greater in Lane County must:~~

~~(a) If requested by the County, provide a copy of its residential refuse collection service rate schedule, which will be handled by the County as confidential information pursuant to OAR 340-090-0120.~~

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(b) Deliver all loads of construction and demolition debris containing recyclables and 10 cubic yards or greater in size to a material handling facility for sorting, and

(c) Offer and provide recycling collection services to all multifamily properties with 5 or more housing units, as provided in OAR 340-090-0040(3)(d). In the event that the particular city within the UGB requires recycling collection services for multifamily properties of fewer than 5 units, the services within the UGB must be the same as provided in the city.

(3) Failure to comply with any of the above provisions is a Class 1 failure to comply.

SOLID WASTE SYSTEM BENEFIT FEE

9.040080 Solid Waste System Benefit Fee.

(1) A Solid Waste System Benefit Fee shall be imposed for solid waste Management Services provided by the Division. The fee ~~shall be~~ assessed against the weight of any municipal solid waste ~~which is~~ generated inside Lane County, and the fee ~~shall will~~ be collected by the Division from the hauler of such waste. The ~~Solid Waste System Benefit~~ Fee is a user fee charged to all solid waste generators in Lane County for the provision of services including, but not limited to, waste reduction and recycling services, special and household hazardous waste services and the user convenience/transfer station system.

(2) -The Board will establish or adjust the amount of the Fee by Order, which will Solid Waste System Benefit Fee shall not exceed the estimated reasonable costs for the County's provision of these services. The Order must state the effective date of the established or adjusted Fee, which may not be less than 30 days after the adoption of the Order. (Revised by Ordinance No. 1-99, Effective 6.25.99)

9.043 Compliance.

~~No person shall collect, transport or dispose of municipal solid waste generated in the County except in full compliance with LC 9.030 through 9.115. This provision shall not prevent the transportation of municipal solid waste through the County. (Revised by Ordinance No. 1-99, Effective 6.25.99; 1-00, 4.12.00)~~

9.045 Amount of Fee.

~~The Board shall establish or adjust the amount of the Solid Waste System Benefit Fee by Order, and the Order shall state the effective date of the established or adjusted Solid Waste System Benefit Fee which shall not be less than 30 days after adoption of the Order. (Revised by Ordinance No. 1-99, Effective 6.25.99)~~

9.050085 Solid Waste System Benefit Fee Collection, and Remittance, and Reporting.

(1) Collection. For ~~M~~municipal ~~s~~Solid ~~w~~Waste collected within Lane County and disposed of at ~~county~~County facilities, the ~~Solid Waste System Benefit~~ Fee will be collected at the disposal facility in the same manner as the disposal fees.

(a) A person hauling its own waste to a disposal site or facility operated by Lane County must pay the Solid Waste System Benefit Fee at the tem that disposal fees are paid.

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~~_____ (b) A hauler disposing of For Municipal-municipal Solid-solid Waste waste~~ collected within Lane County and disposed of at non-county facilities, ~~the hauler shall must~~ remit the appropriate Solid Waste System Benefit Fee to the County based on the number of tons collected within Lane County. Any ~~Municipal-municipal Solid-solid Waste-waste~~ collected outside of Lane County and disposed of at ~~county-County~~ facilities ~~shall is~~ not ~~be~~ subject to the ~~Solid Waste System Benefit~~ Fee.

(2) ~~Reporting. Each hauler subject to the Fee must complete a Solid Waste System Benefit Fee report in accordance with instructions and on forms provided by the Division. The report, accompanied by any required payment, must be submitted on or before the 25th day of the month for the preceding month's disposal quantities. The report form may include, but is not limited to, total gross billings and receipts for all collection and disposal services performed within the County, the number of residential and non-residential generators within the hauler's service area, the number of tons collected within the service area and disposed of within and outside the County, and other such information as requested by the Division. Each hauler subject to Solid Waste System Benefit Fee remittance for wastes collected within Lane County and disposed of at non-County facilities shall remit such payment by the 25th day of the month for the preceding month's disposal quantities. The Manager may grant a variance from this 25th day of the month payment requirement due to hauler billing practices, if such a request is made in writing by a hauler.~~

~~_____ (3) Remittance. Each hauler subject to the Fee for wastes collected within Lane County and disposed of at non-County facilities must remit payment with the monthly report. The Manager may, upon written request of a hauler, allow payment to be made on a different date to accommodate the hauler's billing practices.~~

(34) ~~Billing Notice. Each hauler subject to Solid Waste System Benefit Fee remittance shall the Fee must~~ incorporate in each ~~of its~~ billings ~~sent~~ to Lane County waste generators, the ~~following clear and legible~~ statement with the current fee ~~amountfigure~~ included:

"This billing includes a \$___ per ton Lane County Solid Waste System Benefit Fee charged to all waste generators in Lane County for County-provided waste reduction and recycling, special and household hazardous waste and user convenience/transfer station services." *(Revised by Ordinance No. 1-99, Effective 6.25.99)*

9.053—Reports.

~~Each hauler subject to Solid Waste System Benefit Fee payments shall complete a Solid Waste System Benefit Fee report in accordance with instructions and on forms provided by the Division. The Solid Waste System Benefit Fee report, accompanied by any required Solid Waste System Benefit Fee payments, shall be submitted by certified mail on or before the 25th day of the month for the preceding month's disposal quantities. The Solid Waste System Benefit Fee report may include, but not be limited to, total gross billings and receipts for all collection and disposal services performed within the County, the number of residential and non-residential generators within the hauler's service area, the number of tons collected within the service area and disposed of within and outside the County, and other such information as requested by the Division. *(Revised by Ordinance No. 1-99, Effective 6.25.99)*~~

9.055090 Calculation of Solid Waste System Benefit Fee.

If the Manager determines, after review of the Solid Waste System Benefit Fee report, or upon failure of a hauler to submit the Solid Waste System Benefit Fee report, that the hauler has not supplied appropriate information, the Manager may recalculate the hauler's

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Solid Waste System Benefit Fee in accordance with this subsection. If the Manager finds that the information supplied by the hauler is inaccurate, incomplete or understated, the Manager may, at his or her sole discretion, determine an appropriate amount for the Solid Waste System Benefit Fee due from the hauler. The Manager shall send the hauler a notice, by certified mail, setting forth the recalculated Solid Waste System Benefit Fee amount. The notice shall include a statement of the reasons why the Solid Waste System Benefit Fee has been recalculated. The Manager may base the recalculation on information in County records or on any data currently or previously supplied by the hauler. The written notice shall be deemed received by the hauler three (3) days after the date of mailing, and payment shall be due within ten (10) days of receipt unless appealed. Upon receipt of the notice, the hauler shall have seven (7) days in which to respond. The hauler may, within the seven day response period, request a meeting with the Manager to appeal the amount of the recalculated Solid Waste System Benefit Fee. The Manager shall issue and mail, by certified mail, a written decision to the hauler within three (3) days following such a meeting, and any fees due per the Manager's decision shall be payable within ten (10) days of the Manager's decision. *(Revised by Ordinance No. 1-99, Effective 6.25.99)*

~~**9.057 Self-Haulers at Lane County Disposal Sites.**~~

~~A generator which hauls its own waste to a disposal site or facility operated by Lane County shall pay the Solid Waste System Benefit Fee at the time that disposal fees are paid. Self-haulers who pay disposal fees and the Solid Waste System Benefit Fee at the time of disposal shall not be required to submit the Solid Waste System Benefit Fee report. *(Revised by Ordinance No. 1-99, Effective 6.25.99)*~~

9.060095 Examination of Records.

The Manager shall have the right to examine records, including access to computer records, maintained by a hauler. The term "record" shall include, but is not limited to, all accounts of a hauler. The Manager shall be allowed access at all reasonable times to inspect and copy at reasonable cost all business records related to a hauler's collection, transportation and disposal of solid waste to the extent necessary to ensure that all fees required to be collected or paid have been remitted to the Division. Such records shall be maintained by the hauler for no less than six (6) years. *(Revised by Ordinance No. 1-99, Effective 6.25.99)*

9.063100 Confidential Character of Information Obtained.

To the extent permitted by law, the Manager or any person having an administrative or clerical duty under the provisions of LC 9.040 through 9.070 shall not disclose or make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any person required to file a Solid Waste System Benefit Fee report, or any other person visited or examined in the discharge of official duty, or the amount or source of income profits, losses, expenditures, or any particular thereof, set forth in any statement or application, or to permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any person. Provided that nothing in this subsection shall be construed to prevent:

(1) The disclosure to, or the examination of records and equipment by another Lane County official, employee or agent for collection of fees for the sole purpose of administering or enforcing any provision of this sub-chapter; or collecting fees imposed hereunder.

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(2) The disclosure, after the filing of a written request to that effect, to the fee payer himself or herself, receivers, trustees, executors, administrators assignees, and guarantors, if directly interested, of information as to any paid fees, any unpaid fees or amount of fees required to be collected, or interest and penalties, further provided, however, that the County Counsel approves each such disclosure and that the Manager may refuse to make any disclosure referred to in this paragraph when in his or her opinion the public interest would suffer thereby.

(3) The disclosure of general statistics regarding fees collected or business done in the County or portion thereof.

(4) Necessary disclosures in connection with appeals or forced collections as provided in LC 9.040 through 9.070. *(Revised by Ordinance No. 1-99, Effective 6.25.99; 1-00, 4.12.00)*

9.065105 Collection Actions.

Exercise of any remedy by the County under LC 9.040 through 9.070 does not preclude exercise of other remedies.

(1) If a hauler has failed to remit Solid Waste System Benefit Fees to the County in a timely manner, the County may use any available legal remedy to collect the overdue, unpaid Solid Waste System Benefit Fee from the hauler.

(2) If a self-hauler fails to pay the Solid Waste System Benefit Fee to the County in a timely manner, the County may use any available legal remedy to collect the unpaid Solid Waste System Benefit Fee from the self-hauler. *(Revised by Ordinance No. 1-99, Effective 6.25.99; 1-00, 4.12.00)*

9.067110 Failure to Comply.

Any person who hauls municipal solid waste and willfully or negligently fails to bill, fails to collect or fails to pay or remit to the Division the Solid Waste System Benefit Fee commits a failure to comply with LC 9.~~040-080~~ through 9.~~070105~~. Failure to comply with any of the requirements of LC 9.~~040-080~~ through 9.~~070-105~~ shall be subject to administrative enforcement pursuant to LC Chapter 5.

LC 9.067 shall not preclude prosecution for any other violations, misdemeanors or felonies under Oregon law committed by such person while hauling municipal solid waste. The provisions of LC 9.040 through 9.070 are cumulative and are additional limitations upon all other laws and ordinances. The County may recover costs, including staff and other related costs, incurred to enforce compliance with the provisions of LC 9.040 through 9.070. *(Revised by Ordinance No. 1-99, Effective 6.25.99; 1-00, 4.12.00)*

9.070115 Injunctive Relief.

The County may institute appropriate actions or proceedings, including application for injunctive relief, action to compel performance or other appropriate actions to prevent, restrain, correct or abate any violation or threatened violation of LC 9.040 through 9.070. *(Revised by Ordinance No. 1-99, Effective 6.25.99; 1-00, 4.12.00)*

~~9.090—Deposits Prohibited.~~

~~Except under conditions specified by the Health Officer or his/her duly authorized representative, no person shall place, deposit or dump, or cause to be placed, deposited or dumped, into any disposal facility at any disposal site, any of the following materials:~~

- ~~_____ (a) Hot ashes or other burning material;~~
- ~~_____ (b) Sewage sludge, offal or the contents of septic tanks and pit privies;~~
- ~~_____ (c) Auto bodies or vehicle tires;~~

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~~_____ (d) Animal carcasses; or
_____ (e) Explosives, carbides, chemicals, drugs and other materials
considered to be dangerous. (Revised by Ordinance No. 5 92, Effective 6.3.92)~~

9.095—Salvage and Other Orders by Health Officer.

~~_____ (1) No person shall salvage at disposal sites unless specifically authorized in writing by the Health Officer.~~

~~_____ (2) A person using Lane County disposal sites shall obey all orders of the Health Officer, Director and site attendant given for the purpose of carrying out this chapter. (Revised by Ordinance No. 5 92, Effective 6.3.92; 1 00, 4.12.00)~~

9.110—Additional Regulations.

~~The Board may promulgate all reasonable regulations pertaining to the administration of the provisions of this chapter. (Revised by Ordinance No. 20 72, Effective 10.13.72; 1 00, 4.12.00)~~

9.115—Urban Growth Area Recycling Regulations.

~~_____ (1) Any person or company providing collection of refuse for a fee (or exchange of value) within the area between the city limits and the urban growth boundary of cities with a population of 4,000 or greater in Lane County must:~~

~~_____ (a) By July 1, 1992 and thereafter, provide curbside recycling service to each residential refuse collection service customer on the same day and frequency that refuse is collected from the customer. The curbside recycling service must collect all principal recyclable materials designated for the Lane County watershed by the Oregon Department of Environmental Quality.~~

~~_____ (b) By July 1, 1992 and thereafter, provide an education and promotion program conducted to inform customers of the manner and benefits of reducing, reusing and recycling waste material. The program must:~~

~~_____ (i) Provide recycling notification and education packets to all new residential, commercial and institutional refuse collection service customers, including information that describes or lists the materials collected, the schedule for collection, the way to properly prepare materials for collection and reasons that persons should separate materials for recycling; and~~

~~_____ (ii) Once per calendar quarter, provide recycling information to all residential, commercial and institutional refuse collection service customers that describes or lists the materials collected and the schedule for collection, and once per year, provide additional information describing the way to properly prepare materials for collection.~~

~~_____ (c) By January 1, 1993 and thereafter, provide one durable, rigid, weather proof recycling container to each residential refuse collection service customer.~~

~~_____ (2) In addition to the requirements listed above, by July 1, 1992 and thereafter, any person or company providing collection of refuse for a fee (or exchange of value) within the area between city limits and the urban growth boundary of cities with a population of 10,000 or greater in Lane County must charge residential refuse collection service rates that encourage waste reduction, reuse and recycling. The rate schedule must:~~

~~_____ (a) Include at least one rate for a container that is 21 gallons or smaller.~~

~~_____ (b) Be structured such that the rate per pound of waste disposed does not decrease with increasing size of containers.~~

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~~————— (c) Be structured such that the rate per container does not decrease if more than one container is collected.~~

~~————— (3) Beginning January 1, 1993 and thereafter, any person or company providing collection of refuse for a fee (or exchange of value) within the area between the city limits and the urban growth boundary of cities with a population of 10,000 or greater in Lane County must, upon request from Lane County, provide Lane County a copy of the residential refuse collection service rate schedule.~~

~~————— (4) Failure to comply with any of the above provisions is a Class 1 failure to comply. (Revised by Ordinance No. 5-92, Effective 6.3.92; 1-00, 4.12.00)~~

~~9.117 Failure to Comply.~~

~~Failure to comply with any of the requirements of LC 9.030 through 9.115 may be subject to administrative enforcement as provided by LC Chapter 5. Failure to comply with a license or other discretionary permit approval issued pursuant to the requirements of any of the sections of this chapter is also subject to administrative enforcement pursuant to LC Chapter 5. (Revised by Ordinance No. 1-93, Effective 4.16.93; 1-00, 4.12.00)~~

RESTRICTION ON USE OF SOLID FUEL SPACE HEATING DEVICES

9.120 Purpose and Findings.

(1) The health, safety and welfare of the citizens of Lane County are adversely affected by the degradation of air quality. Violations of federal ambient air quality standards, as measured by the Lane Regional Air Protection Agency (LRAPA), occur periodically in Lane County.

(2) Wood and other solid fuel combustion for space heating produces particulate matter and other emissions which are physically harmful and aesthetically unpleasant, and which contribute to the degradation of air quality and the violation of federal ambient air quality standards.

(3) Periodic restriction of the use of solid fuel space heating devices will improve air quality. LRAPA has the expertise to determine when such air quality is at such a level that such restriction is necessary to preserve the health, safety and welfare of the citizens of Lane County.

(4) It is the intent of Lane County that the penalty section of this ordinance not take effect until November 1, 1991. *(Revised by Ordinance No. 9-90, Effective 1.18.91; 1-10, 6.11.10)*

9.125 Definitions.

As used herein, the following words and phrases have the meanings ascribed:

Green Advisory for Eugene-Springfield Area. A 24-hour period beginning at 4:00 p.m. when PM10 levels are forecast by LRAPA to be less than 100 micrograms per cubic meter and PM2.5 levels are forecast to be less than 25 micrograms per cubic meter, within the Eugene/Springfield Metropolitan Area General Plan Urban Growth Boundary.

Green Advisory for Oakridge Area. A 24-hour period beginning at 4:00 p.m. when PM10 levels are forecast by LRAPA to be less than 100 micrograms per cubic meter and PM2.5 levels are forecast to be less than 20 micrograms per cubic meter, within the Oakridge Urban Growth Boundary.

Lane Regional Air Protection Agency. A regional air quality control authority established under the provisions of and with the authority and powers derived from ORS 468.500 et seq. (renumbered 468A.100 through 468A.180 in 1991)

Chapter 9**ENVIRONMENT AND HEALTH****SOLID WASTE POLICY AND AUTHORITY****9.005 Purpose and Authority.**

(1) It is policy of Lane County to provide for safe and sanitary accumulation, storage, collection, transportation, disposal and recycling of solid waste, while providing opportunities for its citizens to recycle and divert waste or unwanted materials from the waste disposal stream.

(2) The regulations in this Chapter are established to:

(a) Prohibit and provide for abatement of accumulated solid waste on both public and private property in such a manner so as to prevent a public nuisance, hazard to health, or condition of unsightliness,

(b) Provide for the proper and lawful disposal of waste materials,

(c) Provide opportunities, education, and encouragement for recycling,

(d) Encourage coordinated solid waste collection, disposal, and recycling programs with the cities located in the County, and

(e) Comply with the requirements of applicable laws and regulations.

(3) In carrying out the County's policy, the Director is authorized to:

(a) Enforce the provisions of Lane Code 9.020 through 9.045,

(b) Require that haulers operating within the urban growth boundary of a city conduct their collection, hauling, and recycling operations in accordance with the rules adopted by that city,

(c) Establish such rules as are necessary, in the Director's judgment, to ensure that the County's policy and the requirements of Oregon laws and administrative rules are met, and

(d) To enforce such rules in accordance with this chapter, provided that:

(i) Such rules may not be adopted until the haulers have been notified of the proposed rules and given not less than 30 days' opportunity to comment, and

(ii) Written notice of adopted rules is provided to haulers, cities, and other known affected parties at the time of adoption.

9.010 Definitions.

As used in Lane Code sections 9.005 through 9.117, the following words and phrases mean:

Director. The Director of the Lane County Department of Public Works.

Disposal Site. A location used for the lawful 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.; The term disposal site does not include a Material Recovery Facility, a facility subject to the permit requirements of ORS 468B.050 or a landfill site not open to the public or a hauler that is used by a property owner or owner's agent to dispose of soil, rock, concrete or other similar non-decomposable material.

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

Enforcement Officer. A person authorized to enforce provisions of the Lane Code, as defined in LC 5.005(4).

Generator. A person within Lane County that produces municipal solid waste or that pays for municipal solid waste collection or disposal services, whether on that person's behalf or on behalf of another.

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 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, as defined in OAR 340-093-0030(55), when used as landfill cover material.
- (c) Material delivered to a permitted construction and demolition landfill as defined in OAR 340-93-0030(27).
- (d) Infectious wastes as defined in OAR 340-93-0030(56).
- (e) Hazardous waste exempted from regulation under 40 CFR 261.4(b)(1) and 40 CFR 261.5, when managed as hazardous waste.

Person. An individual or entity as defined in LC 1.010.

Program Elements. Those specific services required to promote and implement an opportunity to recycle, as provided in ORS 459A.007 and OAR 340-090-0040.

Putrescible Solid Waste. Organic material that can decompose and give rise to foul smelling and offensive products or attract vectors, as defined in OAR 340-93-0030(78).

Refuse. Rubbish, trash, garbage, vegetable and animal waste, ashes, waste household articles, and other materials ordinarily and customarily hauled off and placed in a dump or landfill.

Salvage. The practice of retrieving reclaimable materials, such as paper, metal, bottles, rags or other objects, from solid waste for the purpose of sale or other use.

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

Solid Waste. All putrescible and nonputrescible wastes as defined in OAR 240-93-0030(91). Solid Waste does not include:

- (a) Hazardous waste as defined in ORS 466.005.
- (b) Materials used for fertilizer or for other productive purposes as defined in OAR 340-93-0030(91)(b)..
- (c) Woody biomass fuel combusted in a licensed facility, as defined in OAR 340-93-0030(91)(c). *(Revised by Ordinance No. 5-92, Effective 6.3.92; 1-99, 6.25.99; 1-00, 4.12.00; 13-07, 1.11.08)*

REGULATIONS AND ENFORCEMENT

9.020 Illegal Dumping and Penalty

(1) Any person who throws, places, or disposes of, or directs or permits another person to throw, place, or dispose of refuse, electronic waste, yard debris, construction/demolition debris, or hazardous waste upon private land without the permission of the landowner, or upon public lands, public places, or in public waters,

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. *(Revised by Ordinance No. 13-07, Effective 1.11.08)*

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. *(Revised by Ordinance No. 13-07, Effective 1.11.08)*

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. *(Revised by Ordinance No. 13-07, Effective 1.11.08)*

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. *(Revised by Ordinance No. 13-07, Effective 1.11.08)*

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.

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:

(1) 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

(2) 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.

(3) Contained in the body of the transport vehicle in such a way as not to cause any part of the hauled solid waste to be deposited upon any roadway or driveway in the County. *(Revised by Ordinance No. 5-92, Effective 6.3.92)*

9.040 Deposits Prohibited.

Except under conditions specified by the Manager, no person shall place, deposit or dump, or cause to be placed, deposited or dumped, into any disposal facility at any disposal site, any of the following materials:

- (1) Hot ashes or other burning material;
- (2) Sewage sludge, offal or the contents of septic tanks and pit privies;
- (3) Auto bodies or vehicle tires;
- (4) Animal carcasses;
- (5) Explosives, carbides, chemicals, drugs, and other materials considered to be dangerous;
- (6) Household appliances (refrigerators, stoves, washing machine, dryer, etc.);
- (7) Motor oil;
- (8) Computer monitors and CPUs, laptops, and televisions;
- (9) Lead acid batteries; and
- (10) Tires.

9.045 Salvage and Other Orders by Manager.

- (1) No person shall salvage at disposal sites unless specifically authorized in writing by the Manager.
- (2) A person using Lane County disposal sites shall obey all orders of the Manager, Director, and site attendant given for the purpose of carrying out this chapter.

9.050 Failure to Comply.

Failure to comply with any of the requirements of LC 9.030 through 9.115 may be subject to administrative enforcement as provided by LC Chapter 5. Failure to comply with a license or other discretionary permit approval issued pursuant to the requirements of any of the sections of this chapter is also subject to administrative enforcement pursuant to LC Chapter 5.

URBAN GROWTH AREA RECYCLING REGULATIONS

9.060 Urban Growth Area Recycling Regulations.

(1) Any person or company providing collection of refuse for a fee (or exchange of value) within the area between the city limits and the urban growth boundary (UGB) of any city with a population of 4,000 or greater in Lane County must:

(a) Provide residential and commercial customers with the same program elements adopted by the particular city within each UGB, and comply with the applicable requirements of ORS chapter 459A and OAR chapter 90,

(b) On November 1 of each year, provide to the Division for approval a description of the person or company's proposed plan for compliance with the requirements of each applicable program element contained in OAR 340-090-0040(3), Collection service providers may also use this plan to propose and seek approval for alternate methods of complying with 9.060(1)(a).

(c) For all educational materials to be provided to customers, provide a copy of the materials to the Division for approval not less than 30 days prior to distribution, and

(d) Provide an annual report, in a form acceptable to the Division, demonstrating compliance with the approved plan.

(2) In addition to the requirements of LC 9.115(1), any person or company providing collection of refuse for a fee (or exchange of value) within the area between the city limits and the UGB of any city with a population of 50,000 or greater in Lane County must:

(a) If requested by the County, provide a copy of its residential refuse collection service rate schedule, which will be handled by the County as confidential information pursuant to OAR 340-090-0120,

(b) Deliver all loads of construction and demolition debris containing recyclables and 10 cubic yards or greater in size to a material handling facility for sorting, and

(c) Offer and provide recycling collection services to all multifamily properties with 5 or more housing units, as provided in OAR 340-090-0040(3)(d). In the event that the particular city within the UGB requires recycling collection services for multifamily properties of fewer than 5 units, the services within the UGB must be the same as provided in the city.

(3) Failure to comply with any of the above provisions is a Class 1 failure to comply.

SOLID WASTE SYSTEM BENEFIT FEE

9.080 Solid Waste System Benefit Fee.

(1) A Solid Waste System Benefit Fee is imposed for solid waste Management Services provided by the Division. The fee is assessed against the weight of any municipal solid waste generated inside Lane County, and the fee will be collected by the Division from the hauler of such waste. The Fee is a user fee charged to all solid waste generators in Lane County for the provision of services including, but not limited to, waste reduction and recycling services, special and household hazardous waste services and the user convenience/transfer station system.

(2) The Board will establish or adjust the amount of the Fee by Order, which will not exceed the estimated reasonable costs for the County's provision of these services. The Order must state the effective date of the established or adjusted Fee, which may not be less than 30 days after the adoption of the Order. *(Revised by Ordinance No. 1-99, Effective 6.25.99)*

9.085 Solid Waste System Benefit Fee Collection, Remittance, and Reporting.

(1) Collection. For municipal solid waste collected within Lane County and disposed of at County facilities, the Fee will be collected at the disposal facility in the same manner as the disposal fees.

(a) A person hauling its own waste to a disposal site or facility operated by Lane County must pay the Solid Waste System Benefit Fee at the time that disposal fees are paid.

(b) A hauler disposing of municipal solid waste collected within Lane County and disposed of at non-county facilities, must remit the appropriate Solid Waste System Benefit Fee to the County based on the number of tons collected within Lane County. Any municipal solid waste collected outside of Lane County and disposed of at County facilities is not subject to the Fee.

(2) Reporting. Each hauler subject to the Fee must complete a Solid Waste System Benefit Fee report in accordance with instructions and on forms provided by the Division. The report, accompanied by any required payment, must be submitted on or before the 25th day of the month for the preceding month's disposal quantities. The report form may include, but is not limited to, total gross billings and receipts for all collection and disposal services performed within the County, the number of residential and non-residential generators within the hauler's service area, the number of tons collected within the service area and disposed of within and outside the County, and other such information as requested by the Division.

(3) Remittance. Each hauler subject to the Fee for wastes collected within Lane County and disposed of at non-County facilities must remit payment with the monthly report. The Manager may, upon written request of a hauler, allow payment to be made on a different date to accommodate the hauler's billing practices.

(4) Billing Notice. Each hauler subject to the Fee must incorporate in each of its billings sent to Lane County waste generators, the statement with the current fee amount included:

"This billing includes a \$___ per ton Lane County Solid Waste System Benefit Fee charged to all waste generators in Lane County for County-provided waste reduction and recycling, special and household hazardous waste and user convenience/transfer station services." *(Revised by Ordinance No. 1-99, Effective 6.25.99)*

9.090 Calculation of Solid Waste System Benefit Fee.

If the Manager determines, after review of the Solid Waste System Benefit Fee report, or upon failure of a hauler to submit the Solid Waste System Benefit Fee report, that the hauler has not supplied appropriate information, the Manager may recalculate the hauler's Solid Waste System Benefit Fee in accordance with this subsection. If the Manager finds that the information supplied by the hauler is inaccurate, incomplete or understated, the Manager may, at his or her sole discretion, determine an appropriate amount for the Solid Waste System Benefit Fee due from the hauler. The Manager shall send the hauler a notice, by certified mail, setting forth the recalculated Solid Waste System Benefit Fee amount. The notice shall include a statement of the reasons why the Solid Waste System Benefit Fee has been recalculated. The Manager may base the recalculation on information in County records or on any data currently or previously supplied by the hauler. The written notice shall be deemed received by the hauler three (3) days after the date of mailing, and payment shall be due within ten (10) days of receipt unless appealed. Upon receipt of the notice, the hauler shall have seven (7) days in which to respond. The hauler may, within the seven day response period, request a meeting with the Manager to appeal the amount of the recalculated Solid Waste System Benefit Fee. The Manager shall issue and mail, by certified mail, a written decision to the hauler within three (3) days following such a meeting, and any fees due per the Manager's decision shall be payable within ten (10) days of the Manager's decision. *(Revised by Ordinance No. 1-99, Effective 6.25.99)*

9.095 Examination of Records.

The Manager shall have the right to examine records, including access to computer records, maintained by a hauler. The term "record" shall include, but is not limited to, all accounts of a hauler. The Manager shall be allowed access at all reasonable times to inspect and copy at reasonable cost all business records related to a hauler's collection, transportation and disposal of solid waste to the extent necessary to ensure that all fees required to be collected or paid have been remitted to the Division. Such records shall be maintained by the hauler for no less than six (6) years. *(Revised by Ordinance No. 1-99, Effective 6.25.99)*

9.100 Confidential Character of Information Obtained.

To the extent permitted by law, the Manager or any person having an administrative or clerical duty under the provisions of LC 9.040 through 9.070 shall not disclose or make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any person required to file a Solid Waste System Benefit Fee report, or any other person visited or examined in the discharge of official duty, or the amount or source of income profits, losses, expenditures, or any particular thereof, set forth in any statement or application, or to permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any person. Provided that nothing in this subsection shall be construed to prevent:

(1) The disclosure to, or the examination of records and equipment by another Lane County official, employee or agent for collection of fees for the sole purpose of

administering or enforcing any provision of this sub-chapter; or collecting fees imposed hereunder.

(2) The disclosure, after the filing of a written request to that effect, to the fee payer himself or herself, receivers, trustees, executors, administrators assignees, and guarantors, if directly interested, of information as to any paid fees, any unpaid fees or amount of fees required to be collected, or interest and penalties, further provided, however, that the County Counsel approves each such disclosure and that the Manager may refuse to make any disclosure referred to in this paragraph when in his or her opinion the public interest would suffer thereby.

(3) The disclosure of general statistics regarding fees collected or business done in the County or portion thereof.

(4) Necessary disclosures in connection with appeals or forced collections as provided in LC 9.040 through 9.070. *(Revised by Ordinance No. 1-99, Effective 6.25.99; 1-00, 4.12.00)*

9.105 Collection Actions.

Exercise of any remedy by the County under LC 9.040 through 9.070 does not preclude exercise of other remedies.

(1) If a hauler has failed to remit Solid Waste System Benefit Fees to the County in a timely manner, the County may use any available legal remedy to collect the overdue, unpaid Solid Waste System Benefit Fee from the hauler.

(2) If a self-hauler fails to pay the Solid Waste System Benefit Fee to the County in a timely manner, the County may use any available legal remedy to collect the unpaid Solid Waste System Benefit Fee from the self-hauler. *(Revised by Ordinance No. 1-99, Effective 6.25.99; 1-00, 4.12.00)*

9.110 Failure to Comply.

Any person who hauls municipal solid waste and willfully or negligently fails to bill, fails to collect or fails to pay or remit to the Division the Solid Waste System Benefit Fee commits a failure to comply with LC 9.080 through 9.105. Failure to comply with any of the requirements of LC 9.080 through 9.105 shall be subject to administrative enforcement pursuant to LC Chapter 5.

LC 9.067 shall not preclude prosecution for any other violations, misdemeanors or felonies under Oregon law committed by such person while hauling municipal solid waste. The provisions of LC 9.040 through 9.070 are cumulative and are additional limitations upon all other laws and ordinances. The County may recover costs, including staff and other related costs, incurred to enforce compliance with the provisions of LC 9.040 through 9.070. *(Revised by Ordinance No. 1-99, Effective 6.25.99; 1-00, 4.12.00)*

9.115 Injunctive Relief.

The County may institute appropriate actions or proceedings, including application for injunctive relief, action to compel performance or other appropriate actions to prevent, restrain, correct or abate any violation or threatened violation of LC 9.040 through 9.070. *(Revised by Ordinance No. 1-99, Effective 6.25.99; 1-00, 4.12.00)*

RESTRICTION ON USE OF SOLID FUEL SPACE HEATING DEVICES

9.120 Purpose and Findings.

(1) The health, safety and welfare of the citizens of Lane County are adversely affected by the degradation of air quality. Violations of federal ambient air quality standards, as measured by the Lane Regional Air Protection Agency (LRAPA), occur periodically in Lane County.

(2) Wood and other solid fuel combustion for space heating produces particulate matter and other emissions which are physically harmful and aesthetically