

JUN 18 1985

JUNE WAGNER
COUNTY CLERK

DEPUTY

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF TILLAMOOK COUNTY, OREGON

Sitting as the BOARD OF DIRECTORS
OF THE TILLAMOOK COUNTY SOLID WASTE DISPOSAL DISTRICT

Ordinance Amending)
Ordinance No. 4) AMENDMENT TO ORDINANCE NO. 4
_____)

The Tillamook County Board of Commissioners, sitting as the Board of Directors of the Tillamook County Solid Waste Disposal District, hereby ordains as follows:

1. Ordinance No. 4, dated February 14, 1973, is amended by adding a new Article X to read as follows:

"ARTICLE X. PROHIBITION.

Section 10.01. Solid Waste Accumulation Prohibited.

a) It shall be unlawful for any person to maintain, display or allow to exist on any property, or within public road rights-of-way adjacent to any property the following:

1) Accumulation, collection, storage or display or inoperable vehicles or solid waste that (a) is offensive or hazardous to the health and safety of the public; (b) creates offensive odors; or (c) creates a condition of unsightliness.

2) An abandoned, discarded, or unattended icebox, refrigerator or other container with a compartment of more than one and one-half cubic feet capacity and a door or lid which locks or fastens automatically when closed.

3) Any abandoned or inoperable vehicle upon private or public property.

b) Violation of Section 10.01(a) constitutes a nuisance.

Section 10.02. Civil Remedies.

a) The accumulation, storage, collection, transportation, or disposal of solid waste by any person in violation of this ordinance or regulations promulgated thereunder is a nuisance, and the Board or County Counsel may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or other appropriate legal proceedings to temporarily

or permanently enjoin or abate such storage, accumulation, collection, transportation, or disposal.

b) The provisions of this section are in addition to, and not in lieu of, any criminal prosecution or penalties as provided by county or state law. Violation of this ordinance is subject to citation under the Tillamook County Enforcement Ordinance, Ordinance No. 35, as it may be amended from time to time.

c) The express or implied repeal of any ordinance, or parts of ordinance(s), by adoption of this ordinance, shall not be construed as abating any actions or legal proceedings now pending under or by virtue of such ordinance so repealed, nor as discontinuing, abating, or modifying any penalty accruing or to accrue nor as affecting the liability of any person, firm or corporation, nor as waiving any right of Tillamook County to enforce any violation of the Solid Waste Franchising and Nuisance Abatement Ordinance of 1973.

d) Each day of violation of any provision of this ordinance constitutes a separate offense and is separately punishable, but may be joined in a single prosecution."

2. This ordinance being deemed necessary by the Board of Commissioners for the immediate preservation of the public peace, health, safety and general welfare of the citizens of Tillamook County, an emergency is declared to exist and this ordinance shall take effect immediately upon its passage.

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

APPROVED AS TO FORM:

Gerald A. Woodward
Gerald A. Woodward, Chairman

Mark A. Wehrly
Mark A. Wehrly, County Counsel

Dean J. Kinkade
Dean J. Kinkade, Commissioner

Barbara Legno
Recording Secretary

Gerald J. Creasy
Gerald J. Creasy, Commissioner