

BEFORE THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 6-12

IN THE MATTER OF AMENDING
CHAPTER 9 OF LANE CODE TO ADD
ILLEGAL DUMPING REGULATIONS AND
PENALTIES (LC 9.020)

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

Chapter 9 of Lane Code is hereby amended by removing, substituting and adding new sections as follows:

REMOVE THIS SECTION

9.020
located on page 9-2
(a total of 1 page)


INSERT THIS SECTION

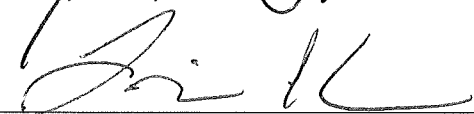
9.020
located on page 9-2
(a total of 1 page)

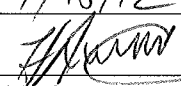
The sections above are attached and incorporated by this reference. The purpose of this substitution and addition is to add illegal dumping regulations and penalties (LC 9.020).

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion constitutes a separate, distinct and independent provision, and the remaining portions of this ordinance remain unaffected by any such holding.

ENACTED this 17 day of October, 2012.


Sid Leiken, Chair, Lane County Board of Commissioners


Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM
Date 9/18/12 Lane County

OFFICE OF LEGAL COUNSEL

9.020 Illegal Dumping and Penalty

(1) Any person who throws, places, or disposes of, or direct 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 identify, 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 hundred and twenty dollars (\$220.00) to a maximum of two thousand dollars (\$2,000.00) depending on the severity and nature of the violation. Repeated violations may be subject to the maximum fine even if the individual violations are not severe. Fines are to be determined by the enforcement officer at the time a violation is identified. *(Revised by Ordinance No. 13-07, Effective 1.11.08)*

At left margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted
9.020

**LEGISLATIVE
FORMAT**

Lane Code

9.020

9.020 Littering and Penalty-Illegal Dumping and Penalty

(1) Any person who throws, ~~or places,~~ or disposes of, or who directs or permits another person to throw, ~~or 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 that the purpose of collecting such waste, commits the violation of illegal dumping, ~~upon the private land or waters of another person without the permission of the owner, or upon public lands or waters, or upon any public place, any rubbish, trash, garbage, debris or other refuse, commits the violation of littering.~~

(2) ~~Littering is a Class B violation. The imposition of a fine does not relieve a responsible person of the duty to abate the nuisance. 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 identify, 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 hundred and twenty dollars (\$220.00) to a maximum of two thousand dollars (\$2,000.00) depending on the severity and nature of the violation. Repeated violations may be subject to the maximum fine even if the individual violations are not severe. Fines are to be determined by the enforcement officer at the time a violation is identified. A person is presumed to have violated LC 9.020 where that person's name or other indicia of identity that would ordinarily denote ownership of the item, such as the name of an addressee on an envelope, is found on an item in a deposit of illegally dumped rubbish. A person may rebut such a presumption by evidence sufficient to establish that it is more likely than not that the person was not responsible for the violation described in LC 9.020(1). (Revised by Ordinance No. 13-07, Effective 1.11.08)~~