

PATRICIA K. HITT, COUNTY CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY

AN ORDINANCE IMPLEMENTING)	ORDINANCE No: 2017-07-01
FLOW CONTROL.)	First Reading: <u>8/2/2017</u>
)	Second Reading: <u>8/16/2017</u>
)	Effective Date: <u>11/16/2017</u>

THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY
ORDAINS AS FOLLOWS:

SECTION ONE: Chapter 13.110 is added to title 13 of the Douglas County
Code, as follows:

"Chapter 13.110

"FLOW CONTROL

"13.110.010 Flow Control. Notwithstanding any provision of Title 13 to the contrary, all collection service franchisees shall dispose of all franchised solid waste (that is, solid waste collected pursuant to a Douglas County franchise agreement) only at disposal sites and transfer stations that are approved by Douglas County. In addition to authorizing disposal sites and transfer stations owned or operated by Douglas County, Douglas County is also authorized but not required to approve disposal sites and transfer stations in the exercise of its reasonable business judgment that are not owned and operated by Douglas County and/or that are not located within the geographic boundary of Douglas County. The Douglas County Solid Waste Director is delegated the authority to adopt and update from time to time a written list of approved disposal sites and transfer stations. No disposal site or transfer station not on the Solid Waste Director's written list shall be deemed to be "approved," within the meaning of the foregoing sentences. Further, Douglas County is authorized to adopt solid waste disposal fees that vary from disposal site or transfer station to disposal site or transfer station depending on factors that Douglas County determines in its reasonable business judgment are appropriate, including but not limited to whether the disposal site or transfer station is owned and/or operated by Douglas County, whether the disposal site or transfer station is located within the geographic boundary of Douglas County, whether the amount of the fees are rationally related to the overall financial stability of the solid waste operation; and whether the amount of the fees are rationally related to Douglas County's obligation to demonstrate finance assurance for landfill closure and post-closure costs to the Oregon Department of Environmental Quality.

"13.110.020 Reporting. For waste generate within the geographic boundary of Douglas County, all collection service franchisees shall be required to report to Douglas County the monthly tonnages collected from within the franchised area (that is, outside city limits), collected from outside the franchised area (this is, within city limits), and for

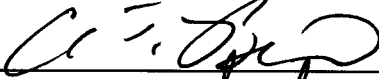
each such collection area the identity of the disposal site or transfer station where the solid waste is disposed of and the tonnages of such disposal. The manner of reporting shall be determined by Douglas County within its reasonable business judgment.

"13.110.030 Franchise Amendments. All existing and future collection service franchise agreements shall be deemed to be amended on the effective date of this chapter to incorporate Douglas County Code sections 13.110.010 and 13.110.020 as if fully set forth in each such franchise agreement."

SECTION TWO: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance 2017-07-01 is declared by a court or administrative agency to be invalid, such declaration shall not affect, impair, invalidate, or nullify the remainder of this Ordinance.

Dated: August 16, 2017.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY

By 
Chris Boice, Chair


By 
Gary Leif, Commissioner

By _____
Tim Freeman, Commissioner

Recording Secretary

By 

Approved as to form:

By 

County Counsel

Date 8/16/2017