

ORDINANCE NO. 3

An Ordinance regulating the carrying of scrap tires; requiring a permit for carrying scrap tires; prescribing duties of tire carriers, tire retailers and others; requiring tires to be disposed of in such places and in such manner as set by the District; requiring the filing of a penal bond by permit applicants. and providing for administration and enforcement.

PUBLIC HEARINGS July 13, 1973 and August 10, 1973

ADOPTED AUGUST 10, 1973 WITH STIPULATION

MODIFICATIONS:

ORDINANCE No. 10

ORDINANCE No. 18

ORDINANCE No. 19

ORDINANCE No. 21

ORDINANCE No. 28

MSD TIRE ORDINANCE

THE METROPOLITAN SERVICE DISTRICT herein ordains the following:

SECTION I.    Definitions

1. "Board" means the governing body of the Metropolitan Service District.
2. "Disposal" means the discarding or processing of a motor vehicle tire as waste. It does not include the salvaging of tires for resale, retreading, or re-manufacture into other products.
3. "Disposal site" means a disposal site for solid waste operating under a permit granted by the Department of Environmental Quality pursuant to ORS 459.205 to 459.265.
4. "Motor vehicle tire" or "tire" means any tire made wholly or in part of rubber used on any vehicle propelled by a motor, including vehicles pulled or pushed by a vehicle propelled by a motor, regardless of whether such vehicle is used on a public highway; it includes scrap tires, tire bodies, carcasses, casings or parts of tires in whatever form, except those intended for a use other than on vehicle wheels.
5. "Person " means any individual, firm, corporation, partnership or other entity as the context may require.
6. "Retail sale" means a sale for any purpose other than resale in the regular course of business; it includes sale of tires as incidental to the sale of a motor vehicle or other item. The sale of more than one motor vehicle tire to any one person at any one time shall constitute one retail sale.
7. "Scrap tire" means any tire, new or used, whether or not it is in such condition as to be reused, retreaded or otherwise salvaged and is being discarded for any reason.

8. "Scrap tire generator" means any person who as incident to the normal course of business, generates more than 100 scrap tires annually. It includes vehicle fleet owners, trucking companies, taxi companies, bus companies, public agencies, and other persons not engaged in a business directly dealing with tires.
9. "Tire carrier" means any person engaged in picking up or transporting scrap tires for the purpose of disposal or salvage and disposal, whether or not incidentally to some other business.
10. "Tire processing center" means a place or piece of equipment where or by which scrap tires are processed to such a form as prescribed by the Metropolitan Service District.
11. "Tire retailer" means any person engaged in the business of selling motor vehicle tires at retail sale whether or not such sale is incidental to some other business or whether such tires are incidental to the sale of a motor vehicle; it includes every person who makes more than two retail sales of motor vehicle tires in any calendar year.

## SECTION II. Permits

No person may act as a tire carrier within the Metropolitan Service District without first obtaining a permit from the District. The District shall issue forms on which applications for such permit can be made; on such forms the applicant for a permit shall set forth:

1. Name and place of business.
2. The principal business in which he is engaged
3. Whether he is engaged in any type of salvage of tires such as retreading or sorting of tires for retreading.
4. Number of trucks and identification.
5. Such other information as the Metropolitan Service District shall require.

A permit shall be issued for a period of one year. The fee for such permit is \$10 for each tire carrier, which includes a permit for one vehicle. The fee for each additional vehicle owned or operated by a tire carrier is \$5.

SECTION III. Permit Exclusion

1. Except as provided in subsection 2, no permit is required of a tire carrier who transports fewer than 10 scrap tires at any one time in any one vehicle and who also transports no more than 300 scrap tires in a calendar year. This exclusion does not apply to anyone hauling tires 48 inches in outside diameter or larger.
2. No permit is required of a refuse collector operating under a license of franchise from the MSD or from any city or county in the Metropolitan Service District who transports fewer than 4 scrap tires at any one time in any one vehicle and who also transports no more than 100 scrap tires in any calendar year per vehicle.
3. No permit is required of:
  - a) Tire carriers transporting scrap tires from one point outside the Metropolitan Service District to another point outside the Metropolitan Service District if no tires are picked up or disposed of within the Metropolitan Service District.
  - b) The state, a city, county, municipal corporation, special district or other political subdivision, any agency thereof or any employee thereof acting within the scope of his employment.
  - c) Tire carriers engaged in the business of retreading tires and who are carrying tires to be retreaded.

SECTION IV. Conditions for Permits

Any permit issued under this Ordinance is conditioned upon the continued observance of all the terms of the permit, this Ordinance

and the solid waste ordinances or statutes of the state, Metropolitan Service District, and the county within which such carrier is operating.

SECTION V. Duties of Tire Carrier

Tire carriers subject to the permit requirements of this Ordinance must deliver all those scrap tires picked up or transported by them for the purpose of disposal only to a disposal site authorized by this ordinance to accept tires in the form the tires are delivered, or to a processing center authorized by this Ordinance.

SECTION VI. Duties of Tire Retailer and Scrap Tire Generator

1. A tire retailer or scrap tire generator shall dispose of scrap tires only in the following manner:
  - a) By giving up said tire to a tire carrier operating under a permit granted pursuant to this Ordinance; or
  - b) By himself transporting said tire to a disposal site authorized to accept the tires or to a tire processing center authorized under this Ordinance
  - c) By returning the scrap tire to the owner.
2. A tire retailer or scrap tire generator choosing to dispose of scrap tires pursuant to subsection 1 b above must have a permit as a tire carrier if he exceeds the limitation of Section III on the number of tires transported.
3. Tires intended for retreading rather than disposal may be delivered to a retreading business; a tire retreading business shall be considered a scrap tire generator for the purposes of this Ordinance with respect to any tires disposed of by such business as waste.

SECTION VII. Acceptance of Scrap Tires by Retailers

If requested by a purchaser, a tire retailer must accept at the time of sale for each tire sold at retail sale one scrap tire from

the purchaser. The tire retailer may charge the consumer upon the acceptance of the scrap tire a reasonable fee sufficient to cover his costs, if any, of storage, transportation, processing, and disposal.

#### SECTION VIII. Disposal of Tires

Tires may be accepted for the purpose of on-site disposal only at such disposal sites authorized by the Metropolitan Service District for disposal of tires. The operator of such a disposal site may dispose of tires only in a manner meeting Metropolitan Service District's specifications as set forth by regulations.

#### SECTION IX. Processing Centers

1. Only those processing centers authorized pursuant to this Ordinance to process tires may accept tires for processing. Such processing shall render the tires into such form as is prescribed by the Metropolitan Service District by regulation for disposal of the tires at an authorized disposal site. Authorized processing centers shall accept all tires of a size and type prescribed by the MSD.
2. A tire retailer or a scrap tire generator may be authorized by the Metropolitan Service District to process tires so long as he processes only those tires he generates himself in the normal course of business as a tire retailer or scrap tire generator. Such processing shall render the tires into such form as is prescribed by the Metropolitan Service District by regulation for disposal of the tires at an authorized disposal site. A tire retailer or scrap tire generator authorized to process tires shall not accept tires from any other person.

#### SECTION X. Disposal Site Authorizations

The Metropolitan Service District, within thirty days of the effective date of this Ordinance, shall survey the disposal sites within

the boundaries of the District and shall issue certificates of authorization to accept tires for on-site disposal to those disposal sites for which the technical and economic feasibility of disposing of tires in a manner or manners prescribed by the Metropolitan Service District by regulation can be demonstrated.

SECTION XI. Processing Center Authorization

The Metropolitan Service District, within thirty days of the effective date of this Ordinance, shall survey the processing centers within the boundaries of the District and shall issue certificates of authorization to accept tires for processing to those processing centers which demonstrate the technical and economic feasibility of processing said tires into a form prescribed by the Metropolitan Service District for incorporation into a disposal site.

SECTION XII. Acceptance of Tires by Disposal Site

All disposal sites which accept or hold themselves out as accepting refuse from the general public shall accept all tires brought to them by any person other than a tire carrier operating under a permit granted pursuant to this Ordinance, so long as such person does not deliver more than 10 tires to the disposal site in any one day. The operator of a disposal site may levy a unit charge per tire sufficient to cover the cost of storage and transportation to a disposal site or processing center authorized under this Ordinance to accept such tires in their then present form for on-site disposal or processing, plus any subsequent processing and disposal costs. At regular intervals, tires shall be moved to an approved processing center or be processed.

SECTION XIII. Franchises

The Board may by resolution limit the number of permits granted pursuant to this Ordinance and award exclusive franchises for tire carriers or tire processing centers in defined areas and set fees for such franchises.

SECTION XIV. Records Required

Every tire carrier, tire retailer, scrap tire generator, or owner of a disposal site or processing center shall keep such records or other pertinent papers in such form as the Board may require and shall deliver such records or papers to the Board when requested. The Board or their designated agent may at any reasonable time enter onto the business premises of any carrier, retailer, disposal site or processing center for the purpose of inspecting such records or papers.

SECTION XV. Extension of Ordinance to Areas Outside MSD

The Board may by resolution make agreements with the governing body of any county which is partially or wholly within the Metropolitan Service District or of any county, whether in Washington or Oregon, which is contiguous to any county which is partially or wholly within the Metropolitan Service District to extend to any such county or part of any such county the provisions of this Ordinance or of any permit system, franchise system, or procedure for administration or enforcement of this Ordinance drawn up pursuant to this Ordinance.

SECTION XVI. Agreements for Administration or Enforcement

The Board may contract with any county wholly or partially within the Metropolitan Service District or any county with which the Metropolitan Service District has made an agreement pursuant to Section XV, or with the state, any city or regional association of governments, for the administration or enforcement of any of the provisions of this Ordinance or of the rules or resolutions adopted pursuant thereto.

SECTION XVII. Penal Bond

Every applicant for a permit under Section II shall execute a bond in the penal sum of \$1,000 in favor of the Metropolitan



Service District. Said bond shall be executed by the applicant as principal and by a surety company authorized to transact surety business within the State of Oregon. Such bond shall be filed with the Board in accordance with the following conditions:

In the carrying out of the business of tire carriers, the principal shall comply with all the provisions of this Ordinance and such regulations issued hereunder, and that any person injured by a failure to so comply may have a right of action on said bond in his own name; provided that such action be commenced within one year after the injury; but the surety on such bond shall not be liable thereunder to any person in an amount in excess of \$1,000.

#### SECTION XVIII. Violations

Violation of any provision of this Ordinance or of any rule promulgated pursuant thereto is a class C misdemeanor, as defined by 1971 ORS 161.505 to 161.685 for the first offense, and a class B misdemeanor, as defined by 1971 ORS 161.505 to 161.685, for the second offense.

#### SECTION XIX. Effective Date

This ordinance shall take effect thirty days subsequent to the completion and Board approval of the following twelve items, or so many of those items as deemed necessary by the Board for effective operation of the ordinance:

1. Prepare and present an application for funds to DEQ for program implementation.
2. Receive implementation funding.
3. Prepare administrative procedures related to the Tire Ordinance.
4. Identify and develop minimum standards of service for tire carriers and processors.
5. Identify tire carriers service areas.

6. Advertise for applications for tire carrier and processing authorization.
7. Develop tire carrier permit system.
8. Develop tire processing franchise or permit system.
9. Establish enforcement record keeping system.
10. Develop a system for the detection and pursuit of roadside dumpers.
11. Coordinate enactment of MSD Ordinances in county and other areas outside MSD.
12. Coordinate and conduct public meetings on the completed administrative procedures.

Adopted on this 10th day of August, 1973



Lloyd E. Anderson, Chairman  
Metropolitan Service District Board



Robert Schumacher, Vice Chairman  
Metropolitan Service District Board



**METROPOLITAN SERVICE DISTRICT**

6400 S.W. CANYON COURT PORTLAND, OREGON 97221 (503) 297-3726

August 12, 1974

Mr. Harold C. Hart, Administrator  
Division of Court Process  
225 County Courthouse  
Portland, Oregon 97204

Dear Mr. Hart:

Enclosed is a signed copy of Emergency Ordinance No. 18 amending Ordinance No. 3, Ordinance No. 11, and Ordinance No. 12 in order to allow for the authorization of special project scrap tire processing centers for the processing of scrap tires existing before the MSD Tire Program, deleting the requirement that at least two general processing centers be authorized, and declaring an emergency.

Please include Ordinance No. 18 in the Metropolitan Service District Ordinance File.

Very truly yours,

Jean M. Woodman  
Clerk of the Board

jw  
encls.



**METROPOLITAN SERVICE DISTRICT**

6400 S.W. CANYON COURT PORTLAND, OREGON 97221 (503) 297-3726

May 30, 1974

Mr. Harold C. Hart, Administrator  
Division of Court Process  
225 County Courthouse  
Portland, Oregon 97204

Dear Mr. Hart:

Enclosed is a copy of the MSD Ordinance No. 10 amending MSD Tire Ordinance No. 3, and a copy of Ordinance No. 11 authorizing and establishing processing centers and administrative fees for the MSD Tire Processing and Disposal Program. The ordinances were adopted by the MSD Board of Directors on May 24, 1974, and signed by both the Chairman and Vice Chairman.

Please include Ordinances No. 10 and 11 in the Metropolitan Service District Ordinance File.

Very truly yours,

Jean M. Woodman  
Clerk of the Board

jw  
encls.

C. C. Kemper \_\_\_\_\_