

ORDINANCE NO. 17

An Ordinance establishing procedures and standards for evaluating applications for tire carrier permits and processing center authorizations, and declaring an emergency.

PUBLIC HEARING

August 30, 1974 - Emergency Ordinance

ADOPTED ON AUGUST 30, 1974

MODIFICATIONS:

ORDINANCE No. 28 (REPEALED)

ORDINANCE NO. 17

An Ordinance establishing procedures and standards for evaluating applications for tire carrier permits and processing center authorizations, and declaring an emergency.

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 74-190

DATE 8-30-74

BY Paul M. Woodrum
CLERK OF THE BOARD

ORDINANCE NO. 17

THE METROPOLITAN SERVICE DISTRICT ORDAINS:

SECTION I. Applications for Tire Carrier Permits

1. Applications for tire carrier permits shall be made on forms supplied by the MSD. Applications must be complete. The time limit set forth in section (2) below will not begin until the MSD has accepted an application as complete and ready for processing. An incomplete application will be returned to the applicant. A separate application shall be filed for each individual or corporate tire carrier engaged in the business of carrying scrap tires.
2. If the MSD does not act to grant or deny the permit within 90 days of acceptance of a complete application, the permit shall be deemed granted for the service areas set out in the application unless the MSD notifies the applicant that more time is needed to review and process the application and advises the applicant how much time will be needed to complete the review.

SECTION II. Notice of Application

The MSD Program Manager shall give notice of the receipt of the application to all cities and counties within the MSD boundaries and interested parties who have requested such notice and shall publish the notice in a newspaper having a general circulation greater than 50,000. The notice shall state the name of the applicant, the type of permit requested, the

number of trucks applied for and the service areas applied for and shall state that the recipient of the notice and the public have 30 days from the date thereof to file written comments pertinent to the application.

SECTION III. Grant or Denial of the Permit

1. The MSD Program Manager shall after time for comment has expired review the application and any comments filed thereon. He may make investigation of the applicant or his plant equipment. The Program Manager may deny the permit if:
 - a. Applicant's penal bond is not in the proper amount or is legally inadequate;
 - b. Applicant has not complied with all applicable laws, regulations or ordinances, and permits and franchise agreements to which he is a party respecting the collection, transportation and disposal of scrap tires;
 - c. Applicant has knowingly made any false statement to the MSD staff or Board;
 - d. Applicant has at any time been convicted of a felony;
 - e. Applicant is not of good repute and moral character; or
 - f. Applicant has not demonstrated his capacity to meet the standards of service of Ordinance No. 12.
2. If in his judgment the applicant cannot adequately meet in all the service areas for which the application is made, the standards of service for tire carriers of Ordinance No. 12, the Program Manager may restrict the permit to only those service areas in which applicant has demonstrated he can meet the standards of service.

SECTION IV. Public Hearings

If the Program Manager finds that a permit application has caused or might cause if granted, public controversy or raises questions of public policy, he may refer the application to the MSD Board of Directors for public hearing at their next regular or special meeting. The applicant and all those filing timely written comments on the application shall be given no less than four days nor more than 10 days written notice of the time and place of the hearing by mail. At the hearing any member of the public may appear and be heard on the application.

SECTION V. Appeal after Denial of the Tire Carrier Permit

1. If the Program Manager or Board of Directors, as the case may be, denies the application for a tire carrier permit, the Program Manager shall promptly send notice of the denial to the applicant at the address shown on his application. The applicant shall have 15 days from the mailing of the notice of denial to the applicant to make an appeal to the Board of Directors. The appeal period shall commence the day after the notice of denial is put in the United States mail, postage prepaid, to the address shown on the application. The notice of denial shall state that the application was denied and that the applicant has a right to appeal the denial to the Board of Directors within the time allowed and the right to a contested case hearing under the procedures set out in ORS Chapter 183.

2. The appeal shall be heard by the Board or a Hearings Officer designated by the Board, and shall be heard and conducted as a contested case hearing under the procedures set out in ORS Chapter 183.

SECTION VI. Applications for Processing Center Authorization

Applications for tire processing center authorization shall be made on forms supplied by the MSD. Applications must be complete. Incomplete applications will be returned to the applicant. A separate application shall be filed for each processing center, though only one application must be filed where two or more processing machines are in the same location.

SECTION VII. Notice of Application

The MSD Program Manager shall give notice of the receipt of the application to all cities and counties within the MSD boundaries, to all other persons holding current authorizations for tire processing centers, and to any interested party who has requested such notice from the MSD and shall publish the notice in a newspaper having a general circulation greater than 50,000. The notice shall state the name of the applicant, the type of authorization requested, the number of machines involved and the service area applied for and shall state that the recipient of the notice and the public have 30 days from the date thereof to file written comment pertinent to the application.

SECTION VIII. Grant or Denial of Processing Center Authorization

The MSD Program Manager shall after time for comment has expired review the application and any comments filed thereon. He may make investigation of the applicant or his plant and equipment. The Program Manager may deny the authorization if:

- a. Applicant's penal bond, if required, is not in the proper amount or is legally inadequate;
- b. Applicant has not complied with all applicable laws, regulations or ordinances, and permits and franchise agreements to which the applicant is a party respecting the collection, transportation and disposal of scrap tires;
- c. Applicant has knowingly made any false statements to the MSD staff or Board;
- d. Applicant has at any time been convicted of a felony;
- e. Applicant is not of good repute and moral character;
- f. Applicant is not possessed of or has not demonstrated financial responsibility or technical capability to meet the requirements of a tire processing center; or
- g. The authorization of the tire processing center would jeopardize operation and validity of any other tire processing center currently authorized by the MSD.

SECTION IX. Public Hearing on Tire Processing Center Authorization

If the Program Manager finds that an application for tire processing center authorization has caused or might cause if granted public controversy or raises questions of public policy, he may refer the application to the MSD Board of Directors for public hearing at a regular or special meeting. The applicant,

all holders of current authorizations to operate processing centers, and all those filing timely written comments on the application shall be given no less than four days nor more than ten days written notice of the time and place of hearing by mail. At the hearing, any member of the public may appear and be heard on the application.

SECTION X. Appeal after Denial of Tire Processing Center Authorization

1. If the Program Manager or the Board of Directors, as the case may be, denies the application for a tire processing center authorization, the Program Manager shall promptly send notice of the denial to the applicant at the address shown on his application. The applicant shall have 15 days from the mailing of the notice of denial to the applicant to make an appeal to the Board of Directors. The appeal period shall commence the day after the notice of denial is put in the United States mail, postage prepaid to the address shown on the application. The notice of denial shall state that the application was denied and that the applicant has a right to appeal the denial to the Board of Directors within the time allowed and the right to a contested case hearing under the procedures set out in ORS Chapter 183.
2. The appeal shall be heard by the Board or a hearings officer designated by the Board, and shall be heard and conducted as a contested case hearing under the procedures set out in ORS Chapter 183.

SECTION XI. Emergency Ordinance

Sixty (60) day temporary permits have been issued to tire carriers within the MSD boundaries and will expire soon. In order for the processing of these applications by the MSD staff to begin immediately, an emergency is declared to exist, and this ordinance takes effect upon passage.

Dated: August 30, 1974

METROPOLITAN SERVICE DISTRICT


Robert Schumacher, Chairman


James Robnett, Vice Chairman