

ORDINANCE NO. 18

An Ordinance 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.

PUBLIC HEARING

August 9, 1974 - Emergency Ordinance

ADOPTED ON AUGUST 9, 1974

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APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 74-182

DATE 8-9-74

BY Jean Marie Dooder
CLERK OF THE BOARD

ORDINANCE NO. 18

THE METROPOLITAN SERVICE DISTRICT ORDAINS:

SECTION I: Section I of Ordinance No. 11 is amended to read:

"SECTION I

1. (same)

2. (same)

3. (same)

4. "Special project processing center" means a place or piece of equipment where or by which quantities of scrap tires in excess of 5,000 in number existing before August 1, 1974, are processed to such form as prescribed by the Metropolitan Service District.

(4.) 5. "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."

SECTION II:

Section II of Ordinance No. 11 is repealed.

SECTION III:

Section III of Ordinance No. 11 is amended to read:

"SECTION (III) II

1. (same)

2. The Board of the Metropolitan Service District authorizes and approves a fee of 3 cents for the first 18 months after the effective date of MSD Ordinance No. 3 and a fee of 2 cents for the next 12 months, to be paid by the individual, (and) general and special

project processing centers to the Metropolitan Service District for each motor vehicle tire."

SECTION IV:

Section IV of Ordinance No. 11 is amended to read:

"Section (IV) III

1. The Board of the Metropolitan Service District authorizes and approves a maximum fee that may be charged by the operator of a general tire processing center.
2. (same)
3. (same)"

SECTION V:

Section VI is added to and made a part of Ordinance No. 11.

SECTION VI:

Every applicant for authorization to operate a special project processing center 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 special project processing center, the principal shall comply with all the provisions of this ordinance, Ordinance No. 3 and Ordinance No. 4 and any person injured by a failure so to 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 VII:

Section IX of Ordinance No. 3 is amended to read:

"1. (same)

2. (same)

3. The MSD may authorize processing centers to process quantities of scrap tires existing before the effective date of this ordinance. Such processing shall render the tires into such form as is prescribed by the Metropolitan Service District by regulation for disposal of tires at an authorized disposal site. Notwithstanding any other provision of this ordinance, a processing center authorized pursuant to this subsection may accept for processing only those tires authorized by the MSD and must accept all such tires authorized of a size and type prescribed by the MSD."

SECTION VIII:

Section IX is added to and made a part of Exhibit A, Scrap Tire Program Standard of Service, Ordinance No. 12, and is made a part of that ordinance as if fully set out therein.

SECTION IX:

"2.3 Special Project Processing Centers

2.3.1 Applications

Application for a Special Project Processing Center shall be completed on forms furnished by the MSD.

2.3.2 Permits

MSD shall evaluate all applications for Special Project Processing Centers and grant authorization in accordance with Section IX, of MSD Ordinance No. 3. Permits shall be granted for a specified period of time but shall be revoked for failure to comply with MSD Ordinances No. 3 and 4 and

these standards of service. A Special Project Processor shall comply with all applicable laws, regulations, ordinances, and permits and franchise agreements to which the Processor is a party respecting the collection, transportation, and disposal of scrap tires.

2.3.3 Processing Fee

The MSD Board, shall by ordinance, establish a tire processing sur-charge to be levied for program administration. The Special Project Processing Center shall make a monthly accounting to MSD and transmit the appropriate funds with each accounting.

2.3.4 Acceptance of Tires

A Special Project Processing Center shall process only those tires authorized by the MSD. Scrap tires shall not be accepted from any other person or business in accordance with Section IX of MSD Ordinance No. 3.

2.3.5 Records

All Special Project Processing Centers shall submit on a monthly basis a certified count of all tires processed. This certified count shall be determined by an approved electronic or mechanical device. The Special Project Processing Center shall also provide, on a monthly basis, an accounting of all processed tires disposed.

All records pertaining to the processing and disposal of tires shall be made available for inspection by MSD at reasonable hours in accordance with Section XIV of MSD Ordinance No. 3.

2.3.6 Site Operation

The MSD may require as part of its authorization that the processing site be fenced by a sight-obscuring fence approved by MSD. Processing of tires shall occur during normal working hours.

2.3.7 Disposal of Processed Tires

The Special Project Processing Center shall dispose of processed tires only at authorized disposal sites. In the event that processed tires are used for purposes other than disposal, authorization shall be obtained from the MSD.

2.3.8 Machine Specifications

The Special Project Processing Center shall have equipment approved by MSD.

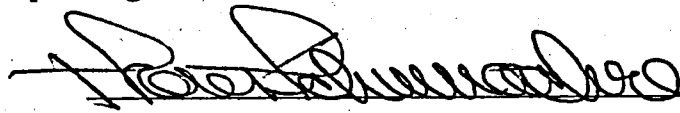
2.3.9 Variance

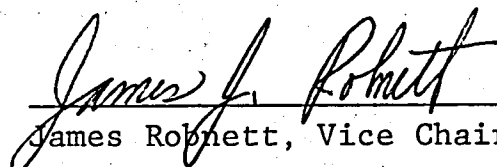
The Metropolitan Service District may grant a variance of these standards of service on a temporary basis if unplanned events occur and upon written request from the Special Project Processing Center.

SECTION X:

In order for the processing of hundreds of thousands of scrap tires in the tri-county area to begin immediately, an emergency is declared to exist, and this ordinance takes effect upon passage.

Dated: August 9, 1974


Robert Schumacher, Chairman


James Robnett, Vice Chairman