

ORDINANCE NO. 23

An ordinance to bring tire salvage operations under the regulatory program of the MSD Tire Ordinances; to authorize tire salvage centers; to assess and collect a fee for supervision of scrap tire salvage; and to establish criteria and procedures for authorization of tire salvage centers.

PUBLIC HEARINGS

October 11, 1974 and October 25, 1974

ADOPTED ON OCTOBER 25, 1974

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APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 74-233

DATE 10-25-74

BY *Paul M. Woodman*
CLERK OF THE BOARD

An ordinance to bring tire salvage operations under the regulatory program of the MSD tire ordinances; to authorize tire salvage centers; to assess and collect a fee for supervision of scrap tire salvage; and to establish criteria and procedures for authorization of tire salvage centers.

THE MSD BOARD OF DIRECTORS ordains as follows:

SECTION I. Definition

Subsection 7 of Section I of Ordinance No. 3, as amended, is amended to read:

"'Salvage' means the use of a scrap tire in a new form or in its original form for purposes approved by the Metropolitan Service District other than as a motor vehicle tire."

SECTION II Delivery of Tires to a Tire Salvage Center

Section V of Ordinance No. 3, as amended, is amended to read:

"1. Tire Carriers subject to the permit requirements of this ordinance must deliver all those scrap tires picked up or transported by them for the purposes of disposal only to:

- a. A disposal site authorized by the Metropolitan Service District to accept tires in the form they are delivered;
- b. A processing center authorized by the Metropolitan Service District; or
- c. A tire salvage center authorized by the Metropolitan Service District.

2. Tire carriers shall obtain authorization from MSD for the removal of scrap tires for salvage outside of the MSD boundaries."

SECTION III. Delivery to Retreader

Subsection 3 of Section VI of Ordinance No. 3, as amended, is amended to read:

"Tires intended for retreading rather than disposal or salvage 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 IV.

Section V is added to and made a part of Ordinance No. 3, as amended.

SECTION V. Authorization of Tire Salvage Centers

Section XI A. The MSD Program Manager may issue certificates of authorization to accept tires for salvage to those tire salvage centers which demonstrate the technical and economic capacity to salvage scrap tires.

SECTION VI. Records Required for Tire Salvage Centers

Section XIV of Ordinance No. 3, as amended, is amended to read: "Every tire carrier, tire retailer, scrap tire generator, or owner of a disposal site, processing center, or tire salvage center shall keep such records or 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 VII.

Section VIII is added to and made a part of Section I of Ordinance No. 11, as amended.

SECTION VIII. Definition of Tire Salvage Center

6. "Tire salvage center" means a place or piece of equipment authorized pursuant to Ordinance No. 3, as amended, to salvage scrap tires by means other than those required of a scrap tire processing center.

SECTION IX. Fee for Salvaged Tires

Section II or Ordinance No. 11, as amended, is amended to read:

"1. The fees approved and authorized in this section shall be used for the establishment and administration of the MSD Tire Processing and Disposal Program.

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, general and special project processing centers, tire salvage centers and persons carrying scrap tires outside of the MSD boundaries for the purpose of salvage to the Metropolitan Service District for each motor vehicle tire."

SECTION X. Penal Bond for Tire Salvage Centers

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

"Every applicant for authorization to operate a special project processing center or tire salvage 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 or tire salvage center, as the case may be, the principal shall comply with all of the provisions of this ordinance, Ordinance No. 3, as amended and Ordinance No. 4, and Ordinance No. 12, as amended, 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 XI.

Section XII is added to and made a part of Ordinance No. 12.

SECTION XII. Authorization for Tire Salvage Centers

2.4 Tire Salvage Centers

2.4.1 Application. Application for authorization to act as a tire salvage center or to carry scrap tires outside of the MSD boundaries for the purpose of salvage shall be completed on forms furnished by the MSD Program Manager. In addition to such other information as the MSD Program Manager may require, the applicant shall set forth:

1. The approximate number and size of tires to be salvaged or carried;
2. The estimated duration of the salvage operation;
3. Where and how the salvage operation will be carried out; and
4. A plan for disposal of any tires not salvaged.

2.4.2 Recipient of Salvaged Tires. Applicants shall furnish the MSD Program Manager a letter from the person accepting salvaged tires indicating:

1. The quantity desired;
2. Proposed use of the salvaged tires;
3. Willingness to furnish the MSD with a monthly accounting of tires accepted, certified as accurate; and
4. The eventual destination of the salvaged tires.

2.4.3 Permits. The MSD Program Manager shall evaluate all applications for tire salvage centers and grant authorization pursuant to Section XIA of MSD Ordinance No. 3, as amended. Permits shall be granted for a specified period of time but shall be revoked for failure to comply with MSD Ordinances No. 3,4,11, and 12, all as amended. A tire salvage center shall comply with applicable laws, regulations, ordinances, and permits and franchise agreements to which the tire salvage center is a party respecting the collection, transportation, and disposal of scrap tires.

2.4.4 Processing Fee. The tire salvage center shall make a monthly accounting to the MSD of the number of tires salvaged and transmit the appropriate funds to the MSD pursuant to Section II of Ordinance No. 11, as amended, with each accounting.

2.4.5 Records. All tire salvage centers shall submit on a monthly basis a certified count of all tires processed. The certified count shall be determined by an approved electronic or mechanical device. The tire salvage center shall also provide, on a monthly basis, an accounting of all tires disposed and not salvaged. All records pertaining to the salvage and disposal of tires shall be made available for inspection by the MSD at reasonable hours in accordance with Section XIV of MSD Ordinance No. 3, as amended.

2.4.6 Site Operation. The MSD Program Manager may require as part of its authorization of a tire salvage center that the tire salvage site be fenced by a site obscuring fence approved by the MSD Program Manager. Salvage of tires shall occur only during normal working hours.

2.4.7 Acceptance of Tires. A tire salvage center shall accept only tires that are capable of being salvaged.

2.4.8 Disposal of Tires Not Salvaged. The tire salvage center shall deliver all tires inadvertently accepted by it and not salvageable to a permitted general scrap tire processing center.

2.4.9 Variance. The Metropolitan Service District Program Manager may grant a variance of these standards of service on a temporary basis if an unplanned event occurs and upon written request from the tire salvage center or person carrying tires for salvage outside of the MSD boundaries.

SECTION XIII. Applications for Tire Salvage Center Authorization
Section VI of Ordinance No. 17 is amended to read:

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

SECTION XIV. Notice of Application

Section VII of Ordinance No. 17 is amended to read:

"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 or tire salvage centers, as the case may be, 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 or salvage operations involved in 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 XV . Grant or Denial of Tire Salvage Center Authorization
Section VIII of Ordinance No. 17 is amended to read:

"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 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 salvage center, as the case may be; or
- g. In the case of an application for authorization to act as a tire processing center, the authorization of the tire processing center would jeopardize the operation and validity of any other tire processing center currently authorized by the MSD."

SECTION XVI. Public Hearing on Tire Salvage Center Authorization

Section IX of Ordinance No. 17 is amended to read:

"If the Program Manager finds that an application for authorization to act as a tire processing center or tire salvage center 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 or tire salvage centers, as the case may be and all those filing timely written comments on the application shall be given no less than four days and not 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 XVII. Appeal of Denial of Tire Salvage Center Authorization

Section X of Ordinance No. 17 is amended to read:

- "1. If the Program Manager or the Board of Directors, as the case may be, denies the application for authorization to act as a tire processing center or tire salvage center,

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 XVIII. Effective Date

This Ordinance shall take effect 30 days upon passage.

Date of Adoption:



Robert Schumacher, Chairman



James Robnett, Vice Chairman