

ORDINANCE NO. 34

AN ORDINANCE MODIFYING THE MSD CODE.

PUBLIC HEARINGS

JANUARY 9, 1976

JANUARY 23, 1976

ADOPTED

JANUARY 23, 1976

MODIFICATIONS

Revised January 8, 1976

METROPOLITAN SERVICE DISTRICT
O R D I N A N C E N O. 3 4

An ordinance modifying the MSD Code, amending Sections 12.16.010(13), 12.16.010(15), 12.16.060(1)(b), 12.16.110, 12.16.120, 12.16.130, 12.16.140, 12.16.180(2), 12.16.190, 12.18.030(3), 12.18.050(1), 12.18.050(2), 12.18.100, 20.10.250, 20.10.600, 20.10.640, 20.10.650, 20.10.660, 20.10.670 and 20.10.680

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 76-464

DATE 1-23-76

BY John M. Wood
CLERK OF THE BOARD

NOTE: The language in brackets will be deleted and the language underlined will be added.

ORDINANCE NO. 34

THE METROPOLITAN SERVICE DISTRICT ORDAINS THE FOLLOWING:

SECTION I:

Section 12.16.010(13) and (15) of the Code of MSD(Code) are amended to read as follows:

12.16.010 DEFINITIONS:

(13) "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.) for the purpose of landfill disposal or salvage pursuant to the Code.

(15) "Tire Salvage Center" means a place or piece of equipment authorized to salvage scrap tires. (by means other than those required of a scrap tire processing center.)

SECTION II:

Section 12.16.060(1)(b) of the Code is amended to read:

12.16.060 DUTIES OF A TIRE RETAILER AND SCRAP TIRE
GENERATOR:

b) By himself transporting said tire to a disposal site, (authorized to accept the tires or to a tire processing center authorized under this code; or) a tire processing center or a tire salvage center authorized under this code; or

SECTION III:

Section 12.16.110 of the Code is amended to read:

12.16.110 PROCESSING CENTER AND SALVAGE CENTER AUTHORIZATION:

SECTION IV:

Section 12.16.120 of the Code is amended to read:

12.16.120 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 Code, so long as such person does not deliver more than 30 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 Code 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(to be processed.) or salvage center.

SECTION V:

Section 12.16.130 of the Code is amended to read:

12.16.130 EXCLUSIVE CONTRACTS: The Board may by resolution limit the number of permits granted pursuant to this Code and award exclusive contracts for tire carriers, tire salvage centers or tire processing centers in defined areas and set fees for such contracts.

SECTION VI:

Section 12.16.140 of the Code is amended to read:

12.16.140 RECORDS REQUIRED: Every tire carrier, tire retailer, scrap tire generator, or owner of a disposal site or processing center or tire salvage 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 on to the business premises of any carrier, retailer, disposal site, salvage center or processing center for the purpose of inspecting such records or papers.

SECTION VII:

Section 12.16.180(2) of the Code is amended to read:

12.16.180 ADMINISTRATIVE FEES:

2) The Board of the Metropolitan Service District authorized and approves a fee of up to 3 cents (for 18 months) beginning August 1, 1974 and ending January 31, 1977 (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 VIII:

Section 12.16.190 of the Code is amended to read:

12.16.190 MAXIMUM FEES FOR GENERAL TIRE PROCESSING CENTERS:

1) The Board of the Metropolitan Service District authorizes and approves a maximum fee that may be charged by an operator of a general tire processing center or tire salvage center.

2) The maximum fee that may be charged for processing or salvaging motor vehicle tires of a size up to and including 7:50 x 17 or 8:00 x 19.5 for tubeless or a ply rating up to and including 10 ply shall be 25 cents for each tire, which shall include the administrative fee approved in Section 12.16.180.

3) The maximum fee that may be charged for processing or salvaging motor vehicle tires with a minimum bead diameter of 20 inches and up to and including a tire having an outside diameter of 48 inches or a ply rating of 12 ply or greater, shall be 85 cents for each tire, which shall include the administrative fee approved in Section 12.16.180.

SECTION IX:

Section 12.18.030(3) of the Code is amended to read;

12.18.030 GRANT OR DENIAL OF PERMIT:

3) In the case of an application for a processing center or salvage center, the Manager may deny the permit in addition to the ground set forth in paragraph 1 above if he has reasonable ground to believe that the proposed tire processing center or salvage center would jeopardize the operation and validity of any other tire processing center or salvage center currently authorized by the MSD.

SECTION X:

Section 12.18.050(1) and (2) of the Code are amended to read:

12.18.050 SUSPENSION, MODIFICATION, REVOCATION OR REFUSAL
TO RENEW A PERMIT:

1) The (Board) Manager may suspend, modify, revoke or refuse a permit if it has reasonable grounds to believe that a permit holder has done any of the following:

a) Wilfully violated any of the provisions of Chapters 12.16, 12.18, or 20.10 or ORS 459, or his permit and any conditions attached thereto;

b) Wilfully misrepresented the statement in the application for his permit or in any testimony or documentary evidence given to the Manager or to the Board; or

c) Wilfully refused to provide adequate service to the public after written notification and a reasonable opportunity to do so.

2) In lieu of suspension, modification, revocation or refusal to renew a permit, the (Board) Manager may order compliance and make suspension, modification, revocation or renewal contingent upon compliance with the order within a time stated within the order.

SECTION XI:

Section 12.18.100 of the Code is amended to read:

12.18.100 (PENAL) BOND: 1) Every applicant

1) Every applicant for a permit under Chapters 12.16.020 or 20.10.500 (, or 20.10.600) shall deliver to MSD a permit or license bond in the sum of \$1,000 in favor of MSD and in a satisfactory form.

2) Every applicant as well as all existing permittees

under Chapters 20.10.200 or 20.10.600 shall deliver to MSD a performance bond in the sum of \$10,000 in favor of MSD and in a satisfactory form.

3) (The bond) Bonds shall be executed by the applicant as principal and by a corporate surety authorized to transact business in Oregon.

SECTION XII:

Section 20.10.250 of the Code is amended to read:

20.10.250 SITE OPERATION: The general processing center shall not unnecessarily stockpile tires. Stockpiles shall not exceed (a five day processing capability) 2,000 tires unless special permission is granted. The site shall also be free of all litter and debris.

SECTION XIII:

Section 20.10.600 of the Code is amended to read:

20.10.600 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 Manager. In addition to such other information as the MSD 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) Location and method of salvage operation; (will be carried out;) and

4) (A plan for disposal of any tires not salvaged.)
Verification from the recipient of salvaged tires as prescribed in Section 20.10.610.

SECTION XIV:

Section 20.10.640 of the Code is amended to read:

20.10.640 RECORDS: (All tire salvage centers shall submit on a monthly basis a certified count of all tire 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 12.16.140 of the Code of the MSD) MSD shall provide to all authorized tire salvage centers receipt books of tickets bound in triplicate and sequentially numbered. The tire salvage center shall complete a receipt in triplicate for each delivery and provide one copy to the customer, retain one copy and submit one copy to MSD by the tenth of the month following the receipt of tires for salvage. All receipts must be accounted for and retained by the tire salvage center for two years. All records pertaining to the processing and disposal of scrap tires shall be made available for inspection at reasonable hours in accordance with Section 12.16.140.

SECTION XV:

Section 20.10.650 of the Code is amended to read:

20.10.650 SITE OPERATION: (The MSD Manager may require as part of it's authorization of a tire salvage center that the tire salvage site be fenced by a site-obscuring fence approved by the MSD Manager. Salvage of tires shall occur only during normal working hours.) All tire salvage centers may open their facilities to the general public including licensed tire carriers in accordance with a self determined schedule commensurate with their needs. The tire salvage center shall not unnecessarily stockpile tires. Stockpiles shall not exceed 2,000 tires unless a variance is obtained from the Manager. A variance may be granted upon written request if the salvage center demonstrates an ability to process more than 2,000 tires

in a five day period, or otherwise shows good cause why the limit should be exceeded. The site shall maintain a neat appearance and a site obscuring fence may be required by the MSD. All off-site and on-site access roads shall have an all weather surface and proper drainage shall be provided. An attendant shall be on duty during all hours the salvage center is open to the public and shall keep such records required by Section 20.10.640 of the Code.

SECTION XVI:

Section 20.10.660 of the Code is amended to read:

20.10.660 ACCEPTANCE OF TIRES: (A tire salvage center shall accept only tires that are capable of being salvaged.) All salvage centers are required to accept a specified percentage of truck tires in relation to the total volume of tires accepted. This percentage shall be determined by the MSD Manager and shall be approximately equal to the average percentage of truck tires in relation to total volume of tires processed by permitted processing centers. Tire salvage centers must salvage all tires accepted.

SECTION XVII:

Section 20.10.670 of the Code is amended to read:

(20.10.670 DISPOSAL OF TIRES NOT SALVAGED: The tire salvage center shall deliver all tires accepted by it and not salvaged to a permitted general scrap tire processing center within 30 days.)

20.10.670 CERTIFIED TIRE COUNT: The tire salvage center shall provide monthly to MSD a certified count of all tires processed. This count can be accomplished by an electronic or mechanical device approved by MSD.

SECTION XVIII:

Section 20.10.680 of the Code is amended to read:

20.10.680 VARIANCE: The Metropolitan Service District Program Manager may grant a variance of these administrative rules on a temporary basis if an unplanned event occurs and upon written request from the tire salvage center. (or persons carrying tires for salvage outside of the MSD boundaries.)

DATE: 1/23/76


