

ORDINANCE NO. 54

AN ORDINANCE AMENDING THE SCRAP TIRE PROGRAM TO ESTABLISH TIRE
TRANSFER STATIONS AND ABOLISH SCRAP TIRE CARRIER SERVICE AREAS.

PUBLIC HEARINGS:

OCTOBER 28, 1977 AND NOVEMBER 10, 1977

ADOPTED:

NOVEMBER 10, 1977

AMENDMENTS:

METROPOLITAN SERVICE DISTRICT

O R D I N A N C E N O . 5 4

An ordinance modifying the MSD Code, amending or adding Sections 12.16.010(16), 12.16.050(1), 12.16.060(1), 12.16.120, 12.16.130, 12.16.140, 12.16.165, 12.16.190, 12.18.010(1) and (3), 12.18.020(2) and (3), 12.18.050(1), 12.18.070, 12.18.100(2), 20.10.030, 20.10.040, 20.10.050, 20.10.120, 20.10.130, 20.10.700, 20.10.710, 20.10.720, 20.10.740, 20.10.750, and 20.10.760.

SHORT TITLE: An Ordinance Amending the Scrap Tire Program to Establish Tire Transfer Stations and Abolish Scrap Tire Carrier Service Areas.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 77-951 DATE 11-10-77
YES NO ABST.

BARTELS
GORDON
McCREADY
ROBNETT
SALQUIST
SCHUMACHER
MILLER, CHAIRMAN

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

John Miller
Clerk of the Board

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

ORDINANCE NO. 54

THE METROPOLITAN SERVICE DISTRICT ORDAINS THE FOLLOWING:

SECTION I:

Section 12.16.010(16) of the Code of MSD (Code) is added to read as follows:

(16) "Tire Transfer Station" means a place open to the public where scrap tires are received and stored for shipment directly to a general tire processing center, tire salvage center, or a tire retreading facility.

SECTION II:

Section 12.16.050(1) of the Code is amended to read:

Section 12.16.050 DUTIES OF TIRE CARRIER

(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; or

(d) A tire transfer station authorized by the Metropolitan Service District.

SECTION III:

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

Section 12.16.060 DUTIES OF A TIRE RETAILED 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 code;

(b) By himself transporting said tire to a disposal site, a tire processing center, (or) a tire salvage center, or a tire transfer station authorized under this Code; or

(c) By returning the scrap tire to the owner.

SECTION IV:

Section 12.16.120 of the Code is amended to read:

Section 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, (or) salvage center, or transfer station.

SECTION V:

Section 12.16.130 of the Code is amended to read:

Section 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, or tire transfer stations in defined areas and set fees for such contracts.

SECTION VI:

Section 12.16.140 of the Code is amended to read:

Section 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, or tire transfer station 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, salvage center, (or) processing center, or tire transfer station, for the purpose of inspecting such records or papers.

SECTION VII:

Section 12.16.165 of the Code is added to read:

Section 12.16.165 TRANSFER STATIONS

Only those tire transfer stations authorized and permitted by the MSD to accept tires for direct transfer to a general tire processing center, salvage center, or retreader may operate as a transfer station. The MSD shall issue forms on which applications for such authorization can be made. Permits shall be issued for a period of up to one (1) year.

SECTION VIII:

Section 12.16.190 of the Code is amended to read:

Section 12.16.190 MAXIMUM FEES FOR GENERAL TIRE PROCESSING CENTERS, SALVAGE CENTERS, AND TIRE TRANSFER STATIONS

(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, or tire transfer station.

(2) The maximum fee that may be charged for processing, (or) salvaging, or accepting at a transfer station motor vehicle tires with a minimum bead diameter of 20 inches and up to and

including 10 ply shall be 25 cents for each tire, which shall include the administrative fee that may be charged for processing, (or) salvaging, or accepting at a transfer station.

(3) The maximum fee that may be charged for processing, (or) salvaging, or accepting at a transfer station 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 12.18.010(1) and (3) of the Code are amended to read:

Section 12.18.010 APPLICATIONS FOR PERMITS

(1) Applications for a permit to act as a tire processing center, tire salvage center, tire transfer station or a tire carrier shall be made on forms supplied by the MSD.

Applications must be complete. Incomplete applications will be returned to the applicant.

(3) A separate application shall be filed for each processing center, (or) tire salvage center, or tire transfer station although one application may be filed where two or more processing machines for salvage operations are in the same location.

SECTION X:

Section 12.18.020 (2) and (3) of the Code are amended to read:

Section 12.18.010 NOTICE OF APPLICATION

(2) For tire carrier applications, the notice shall also contain the number of trucks applied for (and the service areas applied for).

(3) For processing or salvage center applications and for transfer station applications, the manager shall notify all other persons holding current and existing processing, (or) salvage, or transfer permits. The notice for such applications shall also contain the number of machines or salvage operations involved (and the service area applied for).

SECTION XI:

Section 12.18.050(1) of the Code is amended to read:

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

(1) The 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 rules promulgated thereunder, or his permit and any conditions attached thereto; or

(b) (Wilfully misrepresented the statement) Made a material misrepresentation or misstatement in the application for his permit or in any testimony or documentary evidence given to the Manager (or), to the Board, or to the MSD staff; or

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

SECTION XII:

Section 12.18.070 of the Code is amended to read:

Section 12.18.070 ABATEMENT

The carrying, storing, transferring, processing, disposing of or salvaging of scrap tires by any person in the district in violation of any provision of Chapters 12.16 or 20.10, is deemed a nuisance and the Board may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or other appropriate legal proceedings to temporarily or permanently enjoin or abate such disposal. The provisions of this section are in addition to and not in lieu of any criminal prosecution or penalties as provided by the Code of MSD or State Law.

SECTION XIII:

Section 12.18.100(2) of the Code is amended to read:

Section 12.18.100 BONDS

(2) Every applicant for a permit or a renewal of a permit under Chapter 12.16.110 or 12.16.165 shall deliver to MSD a permit or license bond in the sum of \$10,000 in favor of MSD and in a satisfactory form.

SECTION XIV:

Section 20.10.030 of the Code is deleted in its entirety.

Section 20.10.030 SERVICE AREAS

(The MSD has been divided into service areas according to the map set forth on page 20.10-5 of this Code. These areas will be reviewed and modified if conditions warrant. Each service area will be served by at least two scrap tire carriers. It will be the responsibility of the general scrap tire carriers to serve all scrap tire generators, tire retailers, and authorized public tire storage centers within the specific service area. In the event that a customer cannot obtain service from the general scrap tire carriers assigned to his area, MSD will designate one of the general scrap tire carriers to provide service at the minimum service charge as specified by the carrier permits.

This designation will be based on a rotating basis between all general scrap tire carriers assigned to the area.)

SECTION XV:

Section 20.10.040 of the Code is amended to read:

Section 20.10.040 (FREQUENCY OF) SERVICE

(General scrap tire carriers can make arrangements to service customers on a regular basis or provide service at the customer's request. If tires are to be collected on a request basis, the general scrap tire carrier shall make arrangements to service the customer within two weeks of the request. If, at the request of MSD, a general scrap tire carrier is designated to service a customer as outlined in Section 20.10.030, the response time for pickup shall be two weeks.)

In the event that a customer cannot obtain service from a general scrap tire carrier, MSD may designate one of the permitted tire carriers to provide service at the minimum rate charged by the carrier for that type of service. This designation will be on a rotating basis among all permitted tire carriers. If a tire carrier is designated to service a customer, the carrier shall arrange for service within two weeks of the designation.

SECTION XVI:

Section 20.10.050 of the Code is amended to read:

Section 20.10.050 RECORDS

The general scrap tire carrier will be issued a receipt book which will contain tickets bound in triplicate and sequentially numbered. When the general scrap tire carrier collects tires from a scrap tire generator, tire retailer or authorized public tire storage centers, a receipt ticket will be completed (reproduced in triplicate). One copy will be retained by the customer, one copy retained by the general scrap tire carrier for two years and one copy submitted to MSD by the tenth of the month following the collection. All receipts must be accounted for. At the processing center or transfer station, the general scrap tire carrier will be given a receipt (by the pro-

cessor) for the tires disposed. This receipt must be retained by the general scrap tire carrier for two years. All records pertaining to carrying scrap tires shall be made available for inspection by MSD at reasonable hours in accordance with Section 12.16.140, Records Required, of the Code of MSD.

SECTION XVII:

Section 20.10.120 of the Code is amended to read:

Section 20.10.120 (SERVICE AREA) ACCEPTANCE OF TIRES

Permitted individual scrap tire carriers shall not accept scrap tires from any other person for the purpose of transporting the tires (to processing centers). Only scrap tires generated as a normal part of his business can be transported by the individual scrap tire carrier.

SECTION XVIII:

Section 20.10.130 of the Code is amended to read:

Section 20.10.130 RECORDS

An accounting of all scrap tires transported to the processing center or tire transfer station shall be submitted to MSD at the end of each month. At the processing center or tire transfer station, the individual scrap tire carrier will be given a receipt for the tires disposed. All records must be retained for two years and be made available for inspection by MSD at reasonable hours in accordance with Section 12.16.140, Records Required, of the Code of MSD.

SECTION XIX:

Section 20.10.700 of the Code is added to read:

Section 20.10.700 APPLICATIONS

Persons wishing to be permitted as a tire transfer station shall complete an application furnished by MSD.

SECTION XX:

Section 20.10.710 of the Code is added to read:

Section 20.10.710 TRANSFER FEE

The transfer station may not charge or collect any fees in excess of those authorized by Section 12.16.190.

SECTION XXI:

Section 20.10.720 of the Code is added to read:

Section 20.10.720 ACCEPTANCE OF TIRES

MSD shall provide to all authorized transfer stations receipt books of tickets bound in triplicate and sequentially numbered. The transfer station 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 disposal. All receipts must be accounted for and retained by the transfer station for two years. The transfer station shall provide, on a monthly basis, an accounting of the number of tires collected and the number of tires transferred to a processing center, salvage center, or retreader.

SECTION XXII:

Section 20.10.740 of the Code is added to read:

Section 20.10.740 SITE OPERATION

All transfer stations shall be open to the public. The transfer stations' minimum hours open shall be 8:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 12:00 noon Saturday. A sign shall be posted at the entrance of the site stating operating hours, cost of disposal and site rules. The site shall be fenced by a sight-obscuring fence approved by MSD and all gates shall be locked when the transfer station is closed to the public. All off-site and on-site access roads shall have an all-weather surface so that traffic will not be interrupted during periods of bad weather.

The transfer station shall not unnecessarily stockpile

tires. Stockpiles shall not exceed 2,000 tires unless special permission is granted. The site shall also be free of all litter and debris.

An attendant shall be on duty all hours the transfer station is in operation.

SECTION XXIII:

Section 20.10.750 of the Code is added to read:

Section 20.10.750 TRANSFER OF SCRAP TIRES

The transfer station shall transfer all tires received at the transfer station directly to a general processing center, salvage center or a retreading facility.

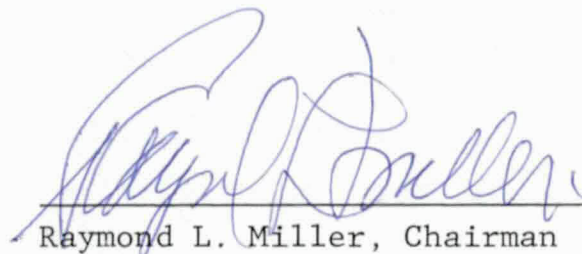
SECTION XXIV:

Section 20.10.760 of the Code is added to read:

Section 20.10.760 VARIANCES

The Metropolitan Service District may grant a variance of these administrative rules on a temporary basis if unplanned events occur and upon written request from the transfer station.

DATE: _____



Raymond L. Miller, Chairman