

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING)
METRO CODE CHAPTER 5.09, RELATING)
TO ILLEGAL DUMPING OF SOLID WASTE,)
TO MAKE PROCEDURAL IMPROVEMENTS)
AND CORRECTIONS, AND DECLARING)
AN EMERGENCY.)

ORDINANCE NO. 94-581

Introduced by Rena Cusma
Executive Officer

WHEREAS, Ordinance No. 94-557, the Metro Illegal dumping ordinance, took effect on November 9, 1994; and

WHEREAS, Ordinance No. 94-557 addressed illegal dumping as a matter of metropolitan concern by establishing a mechanism for civil enforcement of regional illegal dumping and uncovered loads prohibitions; and

WHEREAS, As implementation of Ordinance No. 94-557 begins, certain procedural problems have been noted, that require correction by amendment of Metro Code Chapter 5.09; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Metro Code section 5.09.050 is amended to read:

5.09.050 Penalties and Minimum Bail Security:

(a) Any person, firm, or corporation violating Section 5.09.040(a) shall be subject to a civil fine of not more than \$500 for each infraction.

(b) Any person, firm, or corporation violating Section 5.09.040(b) shall be subject to:

- (1) A civil fine of not more than \$1,000 for each infraction; and
- (2) An award of costs to reimburse Metro for the following actual expenses:
 - (A) administrative costs of investigation, adjudication, and collection; and
 - (B) cleanup and disposal costs incurred.

(c) The Metro Council may by order establish and modify schedules of minimum **bailsecurity** for violations under this chapter. Until modified, **bailminimum security** shall be as follows:

- (1) \$75.00 for a first offense of Section 5.09.040(a), and \$250.00 for a subsequent offense.
- (2) \$150.00 for a first offense of Section 5.09.040(b), and \$500.00 for a subsequent offense.
- (3) Notwithstanding subsections (1) and (2) of this section, the minimum **bailsecurity** for any corporation or other business entity violating Section 5.09.040(b) by illegally depositing solid waste estimated to be in excess of ten cubic yards, shall be \$1,000.00.
- (4) **Notwithstanding subsections (1), (2), and (3) of this section, Metro may accept less than full security, but in no case less than \$25.00, from a person who requests a hearing by appearing in person, upon a showing by such person that he or she is financially unable to post the full security required by this section.**

(d) Forfeiture of **bailsecurity** or payment of a fine on a citation issued under this chapter does not relieve a violator of responsibility to remedy the violation.

(e) Nothing in this chapter is intended to prevent other legal action against a person alleged to have violated a provision enforceable under this chapter. Metro, or any person or governmental entity whose interest is or may be affected by violation of a provision enforceable under this chapter may take whatever legal or equitable action necessary to abate a nuisance, impose criminal sanctions or collect damages, regardless of whether an action has been commenced under this chapter. **Violation of Metro Code Section 5.09.040 is hereby declared to be a nuisance and subject to abatement or injunction as any other nuisance.**

Section 2. Metro Code section 5.09.080 is amended to read:

5.09.080 Issuance of Warnings:

(a) A person authorized to issue a citation under this chapter may issue a warning of an alleged infraction under this chapter.

(b) If issued, a warning notice shall be in writing and shall be delivered to the person alleged to have committed the infraction in person or in any other manner reasonably calculated to give notice of the violation, including posting or regular mail.

- (c) A warning notice shall include:
- (1) A brief description of the nature of the infraction;
 - (2) The legal provision or provisions alleged to be violated;
 - (3) The date and time at which the infraction is alleged to have occurred, ~~or if it is a continuing offense, a statement to that effect and the date the infraction was first observed;~~
 - (4) The name of the person, department, or office to contact regarding the infraction;
 - (5) The name of the person issuing the warning;
 - (6) The date the warning was issued;
 - (7) A statement that failure to correct the alleged violation ~~or to contact the appropriate Metro office within a specified time~~ may result in issuance of a citation to appear before a Hearings Officer; ~~and~~
 - ~~(8) A statement that if a citation is issued, payment of a fine or bail does not relieve a violator of the responsibility to remedy the violation; and~~
 - ~~(9)~~ (8) The maximum penalty that may be assessed if a citation is issued for the infraction and a finding of guilty is entered.

Section 3. Metro Code section 5.09.090 is amended to read:

5.09.090 Citation Form and Content:

(a) A citation ~~substantially~~ conforming to the requirements of this section shall be used for all infractions enforceable under this chapter.

(b) The citation shall consist of the following four parts and any additional parts inserted for administrative use:

- (1) The complaint;
- (2) The abstract of record;
- (3) The department, police or sheriff's records; and

(4) The summons.

(c) Each part shall contain the following information or blanks for entry of information:

- (1) Identification of Metro, as the public body in whose name the action is brought;
- (2) Hearings Officer file number;
- (3) Name of the person cited;
- (4) The Metro ordinance or code section violated;
- (5) The date and time at which the infraction is alleged to have occurred, or if it is a continuing violation, a statement to that effect and the date the infraction was first observed by the complainant;
- (6) A brief description short and plain statement of the infraction of which the person is charged, in a manner that can be readily understood by a person making a reasonable effort to do so;
- (7) The place at which the infraction is alleged to have occurred;
- (8) The date on which the citation was issued;
- (9) The name of the complainant;
- (10) The time and place where the person cited is to appear before a Hearings Officer by which a person cited must post security, and the place where bail security must be posted;
- (11) The bail security, if any, fixed for the infraction; and
- (12) The method of service and certification that service has been made. If service is made by certified mail, return receipt requested, it shall be so stated on the complaint and the required certification of service may be made upon receipt of the "return receipt" and after the filing of the complaint. Service by certified mail shall be as specified in Section 5.09.0805.09.070(a)(4).

(d) The complaint shall contain a certification by the complainant, under penalty of ORS 153.990, that the complainant has reasonable grounds to believe, and does believe,

that the person cited committed an infraction enforceable under this chapter. A certificate conforming to this subsection shall be deemed equivalent to a sworn complaint.

- (e) The reverse side of the complaint shall contain the Hearings Officer record.
- (f) The summons shall notify the person cited that the complaint will be filed with the Hearings Officer.
- (g) The reverse side of the summons shall contain **substantially** the following information:

READ CAREFULLY

You have been cited for violating the Metro Code, as stated on the front of this summons. You must do one of the following:

- (1) **Request a hearing in person:** Appear at Metro Regional Center, Accounting Services Division, 600 NE Grand Ave, Portland, Oregon on or before the Hearings Officer at the time when this summons requires you to appear, post security in the amount indicated on the other side of this Summons and request a hearing. You will be notified by mail of your hearing date and time; OR
- (2) **Request a hearing by mail:** Mail to the Hearings Officer this summons, together with a check or money order in the amount of the bail security indicated on the other side of this Summons to the Metro Accounting Services Division in the numbered envelope provided, and tell the Hearings Officer you request a hearing. You will be notified by mail of your hearing date and time. **THIS SUMMONS AND THE bail SECURITY MUST REACH THE HEARINGS OFFICER METRO BEFORE THE TIME CLOSE OF BUSINESS ON THE DATE WHEN THIS SUMMONS REQUIRES YOU TO APPEAR.**
- (3) **Submit an explanation by mail:** If you don't want a hearing, but wish to explain your side, send your explanation with the summons and bail security. The Hearings Officer will then consider your explanation and may forfeit your bail security or part of it on the basis of your explanation and what the Metro official tells or shows the Hearings Officer. **YOUR EXPLANATION AND SECURITY MUST REACH METRO BEFORE THE CLOSE OF BUSINESS ON THE DATE**

THIS SUMMONS REQUIRES YOU TO APPEAR. Please include the summons number (upper right hand corner on the other side) on any correspondence related to this citation; -OR

- (3)(4) **Admit responsibility by mail:** Sign the statement of responsibility below and send this summons to the ~~Hearings Officer~~ **Metro Accounting Services Division**, together with check or money order in the amount of ~~bail~~ **security** indicated on the other side of this summons. **THIS SUMMONS AND THE ~~bail~~ SECURITY MUST REACH THE HEARINGS OFFICER METRO ACCOUNTING SERVICES DIVISION BEFORE THE TIME CLOSE OF BUSINESS ON THE DATE WHEN THIS SUMMONS REQUIRES YOU TO APPEAR BEFORE THE HEARINGS OFFICER.** NOTE: ~~If you have already given bail or other security for your appearance, proceed as mentioned above, but do not send in any additional sum as bail.~~

FORFEITURE OF ~~bail~~ SECURITY OR PAYMENT OF A FINE FOR THIS CITATION DOES NOT RELIEVE A VIOLATOR OF THE RESPONSIBILITY TO REMEDY THE VIOLATION. FAILURE TO REMEDY A VIOLATION PRIOR TO THE ~~HEARINGS OFFICER~~ APPEARANCE DATE STATED IN THIS CITATION MAY ~~CONSTITUTE A CONTINUING VIOLATION AND MAY~~ GIVE RISE TO ISSUANCE OF ADDITIONAL CITATIONS.

APPEARANCE, STATEMENT OF
RESPONSIBILITY, AND WAIVER

I, the undersigned, do hereby enter my appearance on the complaint of the infraction charged on the other side of this summons. I have been informed of my right to a hearing, ~~and~~ that my signature to this statement of responsibility will have the same force and effect as a ~~judgment~~ **an order** of the Hearings Officer. **I HEREBY STATE THAT I AM RESPONSIBLE FOR COMMITTING THE VIOLATION AS CHARGED, WAIVE MY RIGHT TO A HEARING BY THE HEARINGS OFFICER, AND AGREE TO PAY THE PENALTY PRESCRIBED FOR MY VIOLATION.** I understand that my agreement to pay a fine or forfeit ~~bail~~ **security** does not relieve me of my responsibility to remedy the violation charged.

(Cited Person's Name)

(Cited Person's Address)

Mail Your Remittance to: Metro
Accounting Services Division
Solid Waste Department
600 N.E. Grand Avenue
Portland, OR 97232-2736

NOTICE

IF YOU FAIL TO MAKE AN APPEARANCE THROUGH ONE OF THE ~~THREE~~ ~~FOUR~~ FOREGOING PROCEDURES, OR FAIL TO APPEAR FOR A HEARING AT THE TIME SET BY THE HEARINGS OFFICER, THE HEARINGS OFFICER IS EMPOWERED TO DECLARE YOU IN DEFAULT ON THE COMPLAINT. IN THE EVENT OF A DEFAULT, OR FAILURE TO PAY A FINE PURSUANT TO ORDER OF THE HEARINGS OFFICER UPON ENTRY OF A FINDING OF A VIOLATION, METRO MAY USE ~~THE FOLLOWING PROCEDURES TO SATISFY THE UNPAID FINE OR BAIL.~~

- ~~1. ATTACHMENT OF CHECKING OR SAVINGS ACCOUNT.~~
- ~~2. GARNISHMENT OF WAGES.~~
- ~~3. SEIZURE OF PERSONAL PROPERTY.~~
- ~~4. RECORDING OF A LIEN IN THE COUNTY COURT LIEN RECORD.~~
- ~~5. OTHER LEGAL OR EQUITABLE RELIEF AS PROVIDED BY LAW.~~

~~SEEK A JUDGMENT AGAINST YOU FOR THE UNPAID FINE OR SECURITY, RECORD A LIEN IN THE COUNTY LIEN RECORD, AND OBTAIN OTHER LEGAL OR EQUITABLE RELIEF AS PROVIDED BY LAW~~

(h) An error in transcribing information into the blanks provided in the citation form, when determined by the Hearings Officer to be non-prejudicial to the defense of the

person cited, may be corrected at the time of hearing or prior to time of hearing with notice to the person cited. Except as provided in this subsection, a complaint that does not conform to the requirements of this section shall be set aside by the Hearings Officer upon motion of the person cited before entry of a plea. ~~Minor variations in the form of citation, including but not limited to a change in the place or manner of posting security,~~ shall not be a basis for setting aside a complaint.

(i) Nothing prohibits the Hearings Officer from amending a citation in the Hearings Officer's discretion.

Section 4. Metro code section 5.09.110 is amended to read:

5.09.110 Appearance by Person Cited:

(a) The person cited shall either appear ~~as specified in the summons on or before the Hearings Officer at the time close of business on the date indicated in the summons,~~ or prior to ~~the such~~ time of hearing ~~shall deliver to the Hearings Officer address noted in the summons,~~ a check or money order in the amount of ~~bail security~~ set forth ~~on~~ in the summons; and

- (1) A request for hearing;
- (2) A statement of explanation in mitigation of the offense charged; or
- (3) The executed appearance, waiver of hearing and statement of responsibility appearing on the summons.

(b) A written statement of explanation submitted by a cited person shall constitute a waiver of hearing and consent to judgment by the Hearings Officer and forfeiture of all or any part of the ~~bail security~~ as determined by the Hearings Officer.

(c) If the person cited requests a hearing and posts appropriate ~~bail security~~, the Hearings Officer shall fix a date and time for a hearing. Unless notice is waived, the Hearings Officer shall mail to the person cited a notice of the date and time of the hearing at least five working days prior to the hearing. The notice shall:

- (1) Be in the form of a "Notice to Appear" and contain a warning that if the person cited fails to appear, a finding of responsibility will be entered against that person; and
- (2) Be sent to the person cited at the person's last known address by regular mail.

Section 5. Metro Code section 5.09.130 is amended to read:

5.09.130 Procedures Before Hearings Officer:

(a) An allegation of violation of Code Section 5.09.040 shall, if not admitted by the person cited or settled by the Department prior to hearing, be resolved by a Hearings Officer.

(b) The Hearings Officer, and any assistant Hearings Officers, shall be independent of all Metro Departments although, for administrative purposes, such officer or officers may be established as part of the Solid Waste Department, Office of General Counsel, or Metro Auditor Department Office.

(c) Metro shall have the burden of proving the alleged infraction by a preponderance of the evidence.

(d) The Hearings Officer shall ~~allow admission of evidence as specified in the Oregon Evidence Code.~~ apply the following rules of evidence:

(1) All evidence, including hearsay evidence, of a type commonly relied upon by reasonably prudent persons in conducting their serious affairs shall be admissible;

(2) Irrelevant, immaterial or unduly repetitious evidence shall be excluded at the discretion of the Hearings Officer. Erroneous rulings on evidence shall not preclude action by the Hearings Officer, unless shown on the record to have substantially prejudiced the rights of a party;

(3) The Hearings Officer shall give effect to the rules of privilege recognized by law;

(4) All evidence offered but not objected to shall be received, subject to the Hearings Officer's authority to exclude irrelevant or unduly repetitious evidence and to weigh all evidence received; and

(5) Evidence objected to may be admitted at the discretion of the Hearings Officer. Rulings on the admissibility or exclusion of evidence may be made at the hearing or at the time an order is issued.

(e) A name of a person found on solid waste, rubbish, trash, garbage, debris, or other refuse, or recyclable material, in such a way that it denotes ownership of the items, constitutes rebuttable evidence that the person has violated the refuse hauling or dumping regulations. The Hearings Officer shall determine at the hearing whether the evidence in question is sufficient to give rise to a rebuttable presumption of responsibility against the

person cited, and shall so notify the person cited following presentation of Metro's case.

(f) The Hearings Officer shall place on the record a statement of the substance of any written or oral ex parte communication made to the Hearings Officer on a fact in issue during the pendency of the proceedings. The Hearings Officer shall notify the parties of the communication and of their right to rebut such communication.

(g) The Hearings Officer shall have the authority to administer oaths and take testimony of witnesses. Upon the request of the person cited, or upon the Hearings Officer's own motion, the Hearings Officer may issue subpoenas in accordance with this section, and in accordance with the Oregon Rules of Civil Procedure to the extent that the matter is not otherwise addressed by this section:

- (1) If the person cited desires that witnesses be ordered to appear by subpoena, the person cited shall so request in writing at any time at least five days prior to the scheduled hearing. A \$15 deposit for each witness shall accompany each request. The deposit will be refunded, as appropriate, if the witness cost is less than the amount deposited.
- (2) Subject to the same five-day limitation, Metro may also request that certain witnesses be ordered to appear by subpoena.
- (3) The Hearings Officer, for good cause, may waive the five-day limitation.
- (4) Witnesses ordered to appear by subpoena shall be allowed the same fees and mileage as allowed in civil cases.
- (5) If a fine is imposed in the final order, the order shall include an order for payment of actual costs for any witness fees attributable to the hearing.

(h) The person cited shall have the right to cross-examine witnesses who testify and shall have the right to submit evidence.

(i) The person cited may not be required to be a witness in the hearing of any infraction under this chapter.

(j) Proof of a culpable mental state is not an element of an infraction under this chapter.

(k) After due consideration of the evidence and arguments, the Hearings Officer shall determine whether the infraction alleged in the complaint has been proven and enter an order as follows:

- (1) If the Hearings Officer determines that the infraction has not been proven, an order dismissing the complaint shall be entered.
- (2) If the Hearings Officer determines that the infraction has been proven, or if an answer admitting the infraction has been received, an appropriate order shall be entered, including penalty and costs.
- (3) The final order issued by the Hearings Officer shall set forth both findings of fact and conclusions of law and shall contain the amount of the fine and costs imposed and instructions regarding payment.
- (4) A copy of the order shall be delivered to the parties, or to their attorneys of record, personally or by mail.

(l) A tape recording shall be made of the hearing unless waived by both parties. The tape shall be retained for at least 90 days following the hearing or final judgment on appeal.

Section 6. Metro Code section 5.09.140 is amended to read:

5.09.140 Failure to Appear by Person Cited:

If a person cited and notified of a hearing as provided in this chapter fails to appear at either the original appearance or prior to the time specified on the summons or at a subsequent hearing scheduled by the Hearings Officer, the person cited shall forfeit any bail that has been posted on the citation, but no fine may be imposed in excess of the bail deposited to Metro the amount of security specified in the citation. In the alternative, Metro may forward the citation to the Hearings Officer for disposition. If a person notified of a hearing before the Hearings Officer fails to appear, the Hearings Officer shall review any evidence submitted, and if Metro has established the infraction by a preponderance of the evidence, shall enter an order including, if appropriate, imposition of a fine and/or award of expenses to Metro. If no bail security, or less than total bail security has been posted, the amount of bail security not posted, or the amount of the fine and expenses specified in the Hearings Officer's order minus the amount of security posted, whichever is greater, shall be entered as a judgment against the person cited a debt owing to Metro that can be collected by Metro by any means specified in the Oregon Revised Statutes for collection of a judgment in the same manner as any other debt.

Section 7. Emergency Clause. This Ordinance being necessary for the health, safety, or welfare of the Metro area, for the reason that Ordinance No. 94-557 took effect on November 9, 1994, and immediate implementation of the procedural corrections in this

ordinance will prevent unnecessary confusion and delay, an emergency is declared to exist and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this 22nd day of December, 1994.



Judy Wyers, Presiding Officer

ATTEST:



Clerk of the Council

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SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 94-581, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.09 TO MAKE PROCEDURAL IMPROVEMENTS AND CORRECTIONS AND DECLARING AN EMERGENCY

Date: December 21, 1994

Presented by: Councilor Monroe

Committee Recommendation: At the December 20 meeting, the Committee voted unanimously to recommend Council adoption of Ordinance No. 94-581. Voting in favor: Councilors Buchanan, Hansen, McFarland, McLain, Monroe and Wyers.

Committee Issues/Discussion: Sam Chandler, Solid Waste Operations Manager, presented the staff report. He noted that, in August, the Council had approved Ordinance 94-557 which established a comprehensive illegal dumping enforcement process. This process included the authority to issue citations and the creation of an administrative hearing process to adjudicate these cases. Following it's adoption, the ordinance was circulated to various law enforcement and government agencies who have similar types of citation programs. They identified several potential technical changes that could be made to strengthen and clarify the language of the ordinance. Chandler indicated that these changes are addressed in the proposed ordinance. The purpose of each of the eleven changes is outlined in the staff report and Chandler did not review them individually.

Jack Polans, testified and raised several questions about the ordinance and requested that the committee delay its adoption. His questions were answered by committee members and Todd Sadlo, Senior Assistant Counsel. The committee agreed not to delay the ordinance.

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 94-581 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.09, RELATING TO ILLEGAL DUMPING OF SOLID WASTE, TO MAKE PROCEDURAL IMPROVEMENTS AND CORRECTIONS AND DECLARING AN EMERGENCY

Date: November 22, 1994

Presented by:
Steve Kraten

Proposed Action

Adopt Ordinance No. 94-581 to make procedural and other technical changes to Ordinance No. 94-557 (Metro Code Chapter 5.09), Metro's Illegal Dumping Ordinance.

Factual Background and Analysis

Ordinance No. 94-557, the Metro Illegal Dumping Ordinance, took effect on November 9, 1994. The ordinance sets up a process for enforcing a regional prohibition on uncovered loads and illegal solid waste dumping through the use of a Hearings Officer.

In preparing for implementation of Ordinance No. 94-557, Solid Waste Enforcement Unit staff, Accounting Services staff and the Office of General Counsel performed a "dry run" of the ordinance, from issuance of a citation to collection of a fine. This exercise demonstrated several procedural and technical glitches that need to be corrected, to avoid confusion once citations are issued.

Metro staff also reviewed the ordinance with the Hearings Officer who will be conducting hearings under the ordinance. That conversation also led to several changes that improve the workability of the ordinance.

The following changes were made:

1. "Bail" was changed to "security" throughout, because "bail" is more appropriately associated with release from custody than ensuring an appearance or payment of fine.
2. "Minimum security" is referenced (top of page 2), to make clear that an official issuing a citation can impose a greater amount of security depending on the degree of violation and the cost incurred in cleaning it up.

3. An option allowing a person to post as little as \$25 when requesting a hearing was added, to ensure that an indigent person will not be denied his or her 'day in court.' (Page 2, sub (c)(4))
4. A violation of the prohibitions section of the code is declared to be a nuisance, to possibly aid in an action for an injunction against a repeat or serious violator. (Page 2, sub (e))
5. Section 5.09.090 (bottom of page 3) would be amended to only require "substantial" conformance of the citation with what is stated in the ordinance. This is to preclude nonsubstantive arguments related to minor variations in the citations used.
6. Subsection (6) of section 5.09.090 (middle of page 4) is amended to conform with the notice provisions in the Oregon Administrative Procedures Act and Metro's contested case procedures. It could be argued that the existing language affords more or different notice than generally required in administrative proceedings.
7. The language on the back of the citation/summons, (page 5-6) would be amended to make it easier to understand. Existing language provided that requests for a hearing be made to the Hearings Officer, when in fact hearings will be set up administratively and the Hearings Officer will only be present at Metro on specified days. The changes also provide that payments will be made to the Accounting Services Division. On page 7, the notice to violators deletes reference to collection activities that can only occur if Metro obtains a judgment for the amount of the fine. Because most unpaid fines are likely to be small, Metro is more likely to turn them over to a collection agency than to seek a judgment for the amount owed.
8. Changes to Section 5.09.110 (page 8) are to conform to changes in the citation regarding payment of security to the Accounting Services Division.
9. Section 5.09.130 originally stated that the Oregon Evidence Code (OEC) would apply in hearings before the Hearings Officer. Section 5 of the ordinance (page 9) deletes that requirement and inserts less stringent rules of evidence, more in line with the Oregon Administrative Procedures Act and Metro's contested case procedures. (see Metro Code section 2.05.030) Compliance with the OEC could be difficult not only for Metro in documenting violations, but for individuals defending against citations.
10. Section 6 of the ordinance (page 11) would amend section 5.09.140, to correct two problems. First, Metro staff believes that as originally configured, this section rewards the person who fails to appear at any step in the process by limiting the potential penalty to which that person might be subjected. The only person exposed to higher penalties is the person who posts security and asks for a hearing. The changes distinguish between failure to appear at an original appearance and failure to appear before the Hearings Officer after posting security. If a person fails to appear at an original appearance, a forfeiture of the amount of bail stated on the citation

would occur unless Metro instead forwards the matter to the Hearings Officer for disposition. If a matter is scheduled for a hearing and the person cited fails to appear, the official issuing the citation would be required to establish that the violation occurred and that the person cited committed it, and the Hearings Officer would enter an order, assessing fines and expenses if appropriate, based on the evidence received. The second problem corrected is the erroneous statement that the Hearings Officer's order is automatically collectible as a judgment, when it is only collectible as a debt.

11. The ordinance contains an emergency clause to prevent undue delay in the implementation of the original illegal dumping ordinance.

Budget Impacts

None noted.

Executive Officer's Recommendation

The Executive Officer Recommends adoption of Ordinance No. 94-581.

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