

D.M. FEINFOLD, Director of
General Services of Lane County
[Signature]
DEPUTY

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 8-81) IN THE MATTER OF AMENDING CHAPTERS 5 AND 6
) OF LANE CODE WITH REGARD TO LC 5.800,
) 5,990 AND 6.600 TO CLASSIFY ILLEGALLY
) DUMPED RUBBISH AS AN INFRACTION AND
) PROVIDE A PRIMA FACIE CASE AND DECLARYING
) AN EMERGENCY

The Board of County Commissioners of Lane County ordains as follows:

Chapters 5 and 6 of Lane Code are hereby amended by removing, adding and substituting the following pages:

REMOVE THESE PAGES

INSERT THESE PAGES

5.800(1) - 5.800(6)
(one new page)

5.990 - 5.990 (one page)

5.990 - 5.990 (one page)

6.600(1) - 6.600(6) to
6.600(6) - 6.600(7)
(a total of two pages)

Said pages are attached hereto and incorporated herein by reference. The purpose of these additions and substitutions is classify illegally dumped rubbish as an infraction and provide a prima facie case.

An emergency is hereby declared to exist and this ordinance, being enacted by the Board in the exercise of its police power for the purpose of meeting such emergency and for the immediate preservation of the public peace, health and safety, shall take effect immediately.

Enacted this 3 day of June, 1981.

[Signature: Scott Swallen]
Vice Chairman, Lane County Board of Commissioners

[Signature: Debbie Mohr]
Recording Secretary for this Meeting of the Board

In the Matter of Amending Chapters 5 and 6 of Lane Code With Regard to LC 5.800, 5.990 and 5.600 to Classify Illegally Dumped Rubbish as an Infraction and Provide a Prima Facie Case

APPROVED AS TO FORM
DATE 5/13/81
[Signature]
OFFICE OF LEGAL COUNSEL

5.800(1)

Lane Code

5.800(6)

Littering5.800 Littering and Penalty.

(1) Any person who throws or places or who directs or permits another person to throw or place, other than in receptacles provided therefor, upon the private land or waters of another person without the permission of the owner or upon public lands or waters or upon any public place any rubbish, trash, garbage, debris or other refuse, commits the infraction of littering.

(2) The operator of any vehicle from which any material is thrown or discarded, other than in receptacles provided therefor, upon the private land or waters of another person or upon public lands or waters, which mars the appearance, detracts from the cleanliness or reduces the safety of such lands or waters, commits the infraction of littering. This subsection does not apply to a person operating a vehicle transporting passengers for hire subject to regulation by the Interstate Commerce Commission or the Public Utility Commissioner or Oregon or a person operating a school bus subject to ORS 485.010 to 485.060.

(3) A person shall be assessed a forfeiture of not less than \$25, nor more than the maximum amount allowable under LC 5.035, upon a finding of a littering infraction.

(4) Any person found in violation of LC 5.800 may elect, subject to the approval of the Hearings Officer, to perform labors for eight hours per day on public lands or waters improving such lands or waters, including the collection and removal of litter under the supervision of the County, as directed by the Hearings Officer. Such labor shall be credited at a rate of \$25 per day against the forfeiture assessed. Any person performing such labor shall wear a safety vest provided by the County. The County shall provide for coverage under the State Worker's Compensation Law for accident and liability insurance for each person performing labor under this section.

(5) The Hearings Officer shall direct that one-half of the forfeiture imposed for littering be paid as a reward to any person, other than a peace officer, who provides information leading to an assessment of forfeiture for such infraction.

(6) Evidence of a name found on an item in a deposit of illegally dumped rubbish, which would ordinarily denote ownership of the item, such as the name of an addressee on an envelope, shall constitute prima facie evidence that the person whose name appears on the item has violated LC 5.800.

12-77; 10.14.77
17-77; 11.18.77

5.990

Lane Code

5.990

5.990 Infractions, Violation. Violation of LC 5.180, 5.185, 5.190, 5.215, 5.220, 5.230, 5.235, 5.240, 5.245, 5.248, 5.249, 5.255, 5.260, 5.400, 5.500, 5.600, 5.605, 5.610, 5.615, 5.620, 5.625, 5.630, 5.635, 5.640, 5.643, 5.645 and 5.800 constitute a County Infraction and shall be handled in accordance with LC 5.005 through 5.060. Summons and Complaint for violation of LC 5.400, 5.500, 5.600 through 5.645 and 5.800 may be signed by any officer, employee or designated agent of the County.

16-72; 9.8.72

12-75; 10.24.75

16-75; 12.26.75

11.2.76, LC 5.642 repealed by Initiative Petition

14.78; 8.9.78