

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

ORDINANCE 14-O-735

IN THE MATTER OF ORDINANCE 14-O-735 AN ORDINANCE ADDING CHAPTER 8.20, UNLAWFUL DISPOSAL OF SOLID WASTE AND LITTERING TO TITLE 8, HEALTH AND SAFETY, AND DELETING SECTION 8.15.060 SCATTERING RUBBISH, FROM CHAPTER 8.15, NUISANCES IN THE BROOKINGS MUNICIPAL CODE.

Sections:

- Section 1. Ordinance identified.
- Section 2. Adds Chapter 8.20
- Section 3. Deletes Section 8.15.060

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance adds Chapter 8.20, Unlawful Disposal Of Solid Waste and Littering to Title 8, Health and Safety, and deletes Section 8.15.060 Scattering rubbish, from Chapter 8.15, Nuisances in the Brookings Municipal Code.

Section 2. Adds Chapter 8.20 : Chapter 8.20 is added to read as follows:

**Chapter 8.20
UNLAWFUL DISPOSAL OF SOLID WASTE AND LITTERING**

Sections:

- 8.20.010 Definitions.
- 8.20.020 Unlawful disposal of solid waste.
- 8.20.030 Scattering rubbish.
- 8.20.040 Penalty.

8.20.010 Definitions.

- A. "Person" means any natural person, association, partnership or corporation or any other legal entity or entity in fact.
- B. "Right-of-way" as used in this chapter, means any highway, road, street, alley, lane, trail, sidewalk, access, other public way, or any beach, park, recreational facility or other similar facility owned and operated by the state of Oregon, Curry County, or the City of Brookings, and located within the corporate limits of the City of Brookings.
- C. "Solid waste" means all solid or semisolid waste material, including, but not limited to: garbage; rubbish; refuse; trash; ashes or swill; newsprint or waste paper; corrugated board or cardboard; grass clippings; compost; residential, commercial, industrial, governmental or institutional wastes; discarded home or industrial appliances, equipment or furniture; vehicle parts or tires; animal parts or wastes.

8.20.020 Unlawful disposal of solid waste.

- A. Except as provided by subsection (B) of this section, no person shall deposit solid waste produced by the person or any business owned by the person or with which the person is associated as an employee or agent in or about any solid waste receptacle owned or rented by another person, without first obtaining the permission of that person.
- B. No person shall deposit solid waste produced by the person or any business owned by the person or with which the person is associated as an employee or agent on any publicly owned property.
- C. No person shall use, or attempt to use, any publicly owned solid waste receptacle as a means to dispose of residential, commercial, or industrial solid waste regularly generated by the person or any business owned by the person or with which the person is associated as an employee or agent.

8.20.030 Scattering rubbish.

No person shall deposit upon public or private property any kind of rubbish, trash, debris, refuse or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property, or would be likely to injure a person, animal or vehicle upon a public right-of-way. [Ord. 11-O-686 § 2; Ord. 11-O-686 § 2; Ord. 07-O-591 § 2; Ord. 86-O-406 § 6.]

8.20.040 Penalty.

Any violation of the provisions of this chapter shall, upon conviction thereof, be punished pursuant to Chapter 1.05, General Penalty, BMC, except that the fine shall not be less than \$100.00 for the first offense.

Section 3. Deletes Section 8.15.060. Section 8.15.060, Scattering rubbish, is hereby deleted.

First Reading: July 28, 2014 Passage: July 28, 2014
 Second Reading: July 28, 2014 Effective Date: August 27, 2014

Signed by me in authentication of its passage this 30th, day of July, 2014
 ATTEST:

Ron Hedenskog
 Mayor Ron Hedenskog

Joyce Hoffington
 City Recorder Joyce Hoffington