

CITY OF SHERWOOD

ORDINANCE NO. 90-918

AN ORDINANCE PROVIDING FOR A CITY ELECTION TO BE HELD IN THE CITY OF SHERWOOD, OREGON, NOVEMBER 6, 1990, IN CONJUNCTION WITH THE STATE GENERAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF SHERWOOD, OREGON THE QUESTION OF ADOPTION OF A NEW CHARTER SECTION, PROHIBITING OPERATION OF SOLID WASTE INCINERATORS IN THE CITY OF SHERWOOD

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WHEREAS, the Sherwood City Council has found and determined that it is in the public interest that the question of prohibition of operation of solid waste incinerators should be submitted to the electors of the City of Sherwood as an amendment to the City Charter;

NOW, THEREFORE, THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1. It is necessary and in the best interest of the people of the City of Sherwood that there be submitted to the legal voters of the city at the regular statewide general election to be held throughout the state, including all voting precincts within the city, on November 6, 1990, the proposition hereinafter stated with respect to adoption of an amendment to the City Charter.

Section 2. The proposed amendment to the City Charter, a copy of which is attached hereto as Exhibit A and by this reference incorporated herein, is hereby adopted, approved, and authorized for submission to the legal voters of the City.

Section 3. The question of approving or rejecting the proposed Charter amendment set forth in Exhibit A shall be submitted to the legal voters of the City of Sherwood at the general election of November 6, 1990, in accordance with the applicable election laws of the State of Oregon, for which purpose the following ballot title and form in which the question shall be printed upon the official ballot is prescribed:

Submitted to the qualified voters by Sherwood City Council

Caption

AMENDS CHARTER; PROHIBITS CERTAIN SOLID WASTE  
INCINERATOR OPERATIONS IN SHERWOOD

Question

"SHALL THE CITY CHARTER BE AMENDED TO PROHIBIT OPERATION  
OF INFECTIOUS AND CERTAIN SOLID WASTE INCINERATORS WITHIN THE CITY"?

### Summary

Amends Sherwood's Charter to protect the public health and safety by prohibiting the operation of solid waste incinerators within City limits. Defines solid waste as provided by state law. Exempts the burning of certain fuels and yard debris, and allows the use of certain small scale specialized incinerators for energy recovery. Provides effective date, if enacted by the voters, of September 5, 1990. Copies of the proposed Charter amendment as referred by Ordinance No. 90-918 are available upon request at the Sherwood City Hall.

Section 4. The foregoing proposition shall be submitted to the legal voters of the City of Sherwood by ballot at each precinct or part thereof within the City of Sherwood at the general election of November 6, 1990.

Section 5. Notice of the city charter election shall be given in the form substantially as hereinafter set forth, by posting notices substantially in the following form at each of the herein designated places, such posting to be accomplished not later than October 26, 1990, pursuant to Chapter VIII of the City Charter.

Places of posting conspicuously exposed to public view in the City of Sherwood:

1. At the front door of the City Hall
2. At the front door of the United States Post Office
3. At the front door of the Tualatin Rural Fire Protection District Station
4. In at least one other public place to be selected by the City Recorder

The form of notice shall be substantially as follows:

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#### NOTICE OF CHARTER AMENDMENT:

Notice is hereby given that pursuant to Ordinance No. 90-918 enacted by the City Council of Sherwood, Oregon, on September 5, 1990, there will be submitted to the qualified voters of the City of Sherwood for their approval or rejection, at the general election to be held on November 6, 1990, between the hours of 7:00 o'clock A.M. and 8:00 o'clock P.M., the following proposition:

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Submitted to the qualified voters by Sherwood City Council

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The polling places in the City of Sherwood for purposes of this election will be those designated by the County Clerk or election officer.

WITNESS my hand and the seal of the City of Sherwood this  
\_\_\_\_\_ day of \_\_\_\_\_, 1990.

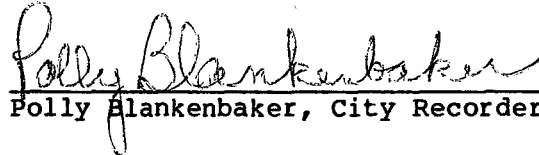
\_\_\_\_\_  
City Recorder

Section 6. The City Recorder be and she is hereby authorized and directed to cause the county elections officer to have prepared ballots in due and legal form as herein prescribed and to take any and all other and further actions necessary to conduct the election in accordance with the laws regulating and governing elections.

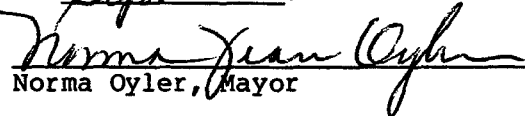
Section 7. For the orderly conduct of the election and to comply with the statutory time requirements for submitting election information to the county elections officer prior to the sixty-first day previous to the

election date, and also to protect the health and safety of the community, an emergency is hereby declared to exist. This ordinance shall therefore be effective upon its passage by the Council and approval by the Mayor.

Duly passed by the City Council  
this 5th day of September, 1990.

  
Polly Blankenbaker, City Recorder

Approved by the Mayor this 5<sup>th</sup> day  
of Sept, 1990.

  
Norma Oyler, Mayor

	<u>Aye</u>	<u>Nay</u>
Birchill	<u>X</u>	___
Boyle	<u>X</u>	___
Chavez	<u>X</u>	___
Hitchcock	<u>X</u>	___
Oyler	<u>X</u>	___

EXHIBIT A

ORDINANCE NO. 90-918

Proposed City Charter Amendment Adding Section  
Re: Solid Waste Incinerators

Section 11.8. Solid Waste Incinerators.

The operation of solid waste incinerators for any commercial, industrial, or institutional purpose is prohibited in the City. For the purposes of this Section, solid waste is defined as per ORS 459.005(24), and includes infectious wastes as per ORS 459.386(2). Provided said incineration or burning is otherwise properly permitted, this prohibition shall not apply to furnaces, incinerators, or stoves burning wood or wood-based products, petroleum products, natural gas, or to other fuels or materials not defined as solid waste, to yard debris burning, or to small-scale specialized incinerators utilizing solid waste produced as a byproduct on-site and used for energy recovery purposes only. Said small-scale specialized incinerators must be integral to and part of, but clearly ancillary, secondary, and incidental to, a permitted or conditionally permitted use in the City, and cannot utilize infectious wastes or any fuels derived from infectious wastes. This prohibition shall also not apply to solid waste incinerators lawfully permitted to operate prior to September 5, 1990, but shall apply to any expansion, alteration, or modification of such a use or any applicable permits.