

**ORDINANCE 116
NUISANCE CONTROL**

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116.010 Definitions

As used in this Chapter, unless the context requires otherwise, the following terms are defined as follows:

- (1) "Abandoned Vehicle" means any vehicle, as defined in this section, which reasonably appears to be in one or more of the following conditions: Inoperable, wrecked, discarded, unoccupied and unclaimed; or totally or partially dismantled upon the roads, streets, alleys, and/or unincorporated areas of Lake County, Oregon.
- (2) "Authorized Officer" means, unless the context requires otherwise, the director or supervisor of the affected department; Lake County Counsel; Code Enforcement Officer; and any duly licensed law enforcement officer.
- (3) "County Public Health Officer" means the individual responsible for the delivery of public health services in Lake County, Oregon, or other designee.
- (4) "Dangerous Building" means any building or structure, including any portion thereof of any dwelling unit, guest room or suite of rooms where conditions exist to the extent that life, limb, health, property safety or welfare of the public or the occupants shall be endangered; specifically:
 - (a) Any building or structure which has any of the conditions or defects listed in Section 302, Uniform Code for the Abatement of Dangerous Buildings, as adopted by the International Conference of Building Officials, Library of Congress Number 81-86616, copyrighted 1997 and any amendments thereto.
 - (b) Any building or structure which has any of the conditions or defects listed in Section 1001, Uniform Housing Code, as adopted by I.C.B.O., Library of Congress Number 81-86609, copyrighted 1997 and any amendments thereto.
 - (c) Any building or structure which has any of the conditions or defects listed in the Uniform Fire Code, as adopted by I.C.B.O., Library of Congress Number 81-86619, copyrighted 1997 any amendments thereto.
- (5) "Inoperable Vehicle" means a vehicle designated for use on the highway which has been left on public or private property 10 days or more and is not currently licensed or has been extensively damaged, vandalized or stripped, including, but not limited to missing tires, wheels, motor or transmission.
- (6) "Garbage" means all animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of food.
- (7) "Hazardous Waste" means the waste that may, by itself or in combination with other wastes, be infectious, explosive, poisonous, caustic, toxic or otherwise dangerous to human, animal or plant life or which are defined as hazardous under ORS 466.005.
- (8) "Intersection" means the area embraced within the prolongation or connection of the lateral right-of-way lines of two or more streets or roads which join one another at an angle, whether or not one street or road crosses the other.

- (9) "Liquid Waste" means waste oil, septic tank pumping or effluent, liquid industrial wastes or other similar material.
- (10) "Noxious Weed" means any weed designated as noxious by the State of Oregon or the Board of County Commissioners.
- (11) "Non-authorized Land Use" means any use of real property or improvements which use is expressly prohibited pursuant to the Lake County Land Use Ordinance or Zoning Ordinance then in effect, or any use of land which fails to conform to conditions established by the governing body on Conditional Use Permits, variances, temporary permits or zone changes. Non-authorized land use does not include lawfully existing non-conforming uses.
- (12) "Nuisance", where not otherwise specifically enumerated or described, means anything that works or causes injury, damage, hurt, inconvenience, or discomfort to another and the legitimate enjoyment of a person's reasonable rights of person or property, or capable of causing an unreasonable threat to the public health, safety, and welfare under the circumstances.
- (13) "Nuisance Abatement Fund" is a dedicated fund, subject to yearly budget proceedings, authorized and funded by the County for the abatement of court decreed nuisances within Lake County, or to assist in costs of voluntary abatement as authorized by the Board of Commissioners.
- (14) "Owner" means any person, as defined in this section, having a legal interest in the real or personal property.
- (15) "Parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.
- (16) "Person" means any natural person, association, trust, partnership, firm or corporation.
- (17) "Person in Charge of Property" means an agent, occupant, lessee, contract purchaser or person other than the owner, having possession or control of property or the rights thereto.
- (18) "Rodent" means mouse, rat or other animals commonly known as rodents, including, but not limited to, gophers, moles, shrews, and squirrels.
- (19) "Refuse" means all solid wastes except body wastes and shall include garbage, ashes, and rubbish.
- (20) "Rubbish" means glass, metal, paper, wood, plastics, or other non-decaying solid waste.
- (21) "Sewage Sludge" means residual waste or sewage treatment plants, consisting of digested organic waste and undigestible solids.
- (22) "Sidewalk" means that portion of a public right-of-way, other than the roadway, set apart by curbs, barriers, marking or other delineation for pedestrian travel.
- (23) "Solid waste" means all useless or discarded putrescible and non-putrescible materials, including but not limited to garbage, rubbish, refuse, ashes, paper and cardboard, sewage sludge, septic tank and cesspool pumpings or other sludge, useless or discarded

commercial, industrial, demolition and construction materials, discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid materials, dead animals and infectious waste as defined in ORS 459.386. "Solid waste" does not include:

- (a) Hazardous waste as defined in ORS 466.005.
 - (b) Materials used for fertilizer or for other productive purposes or which are salvageable as such materials are used on land in agricultural operations and the growing or harvesting of crops and the raising of animals.
 - (c) Woody biomass that is combusted as a fuel by a facility that has obtained a permit described in ORS 468A.040.
- (24) "Vector" means any insect organism, including but not limited to flies, fleas, lice, ticks, fly maggots and mosquito larvae, rodent or other animal capable of bearing or carrying disease transmittable to human beings.
- (25) "Vehicle" means any self-propelled device which is designed or used for transporting people, goods, or property upon a public street or roadway, including, but not limited to a body, engine, transmission, frame or other major parts, but does not include a device propelled by human power, such as a bicycle, or a device operated exclusively upon fixed rails or tracks. "Vehicle" shall not include devices primarily designed for use in agricultural operations.

116.020 Policy

The Lake County Board of County Commissioners has determined it necessary to establish and maintain a program for the effective control and abatement of nuisances which constitute a hazard or menace to the health, safety, and welfare of the people of Lake County, and this Chapter shall be liberally construed to effectuate this purpose.

116.030 Specific Nuisances

- (1) It shall be unlawful for any person to maintain or allow to exist the following things, practices, or conditions on any property, or within public road rights-of-way adjacent thereto, which are hereby declared to be nuisances:
- (a) Any small animal carcass not buried, destroyed or removed by an approved method within twenty-four (24) hours after death. A large animal carcass not buried, destroyed or removed by an approved method within three (3) business days after death. An approved method under this Section shall mean a method approved by the State of Oregon Health Department or Agricultural Department.
 - (b) The keeping of any dangerous animal, wild or domesticated, the permitting of such animals to run at large.
 - (c) Accumulation, collection or storage of solid waste, hazardous waste, garbage, sewage sludge, or liquid waste, without prior approval of the County Public Health Officer, or Solid Waste Department, unless the person is licensed by lawful authority to operate a business specifically for those purposes, franchised or has been issued a permit by lawful authority,

and storage or accumulation occurs on such property which allows such use as a permitted use under the Lake County Zoning and Land Use Ordinances.

- (d) A well, septic system or cesspool that has not been safely or securely sealed or properly constructed and maintained, which may cause or have caused an injury to any person or contamination of a potable water supply.
- (e) An abandoned, discarded or unattended appliance, including but not limited to an icebox or refrigerator that is being stored outside for more than a period of seven (7) days.
- (f) Any property, whether vacant or improved, building, residence, structure, or accumulation of any materials, including tires, which is infested or provides harborage for vector or rodents.
- (g) Uncontrolled or uncultivated growth of weeds, brush, vine, or grasses, over eight inches (8") high which offer vector or rodent harborage, which constitute a fire hazard, or which unreasonably interfere with the use and enjoyment of public and private property within fifty (50) feet of the external property lines on which the vegetation or growth is located, or within fifty (50) feet of a building.
- (h) An open pit, well, quarry, cistern, excavation or other hole of depth of four feet or more and a top width of twelve (12) inches or more without reasonable safeguards or barriers to prevent such places from being accessible to Persons.
- (i) Dead or decaying trees and tree limbs that present a safety hazard to the public or to abutting property owners shall be removed and/or maintained. Maintenance shall include pruning to remove dead, dangerous or hazardous branches; pruning to maintain a minimum height of sixteen (16) feet above all streets and a minimum of eight (8) feet above all sidewalks; pruning to allow line of sight for traffic signs and intersections; and pruning to avoid a nuisance or safety hazard onto abutting properties.
- (j) Any abandoned, inoperable, or unlicensed vehicle, or parts thereof, legally or physically incapable of being operated must be completely enclosed within a building and/or carport unless the owner of the property is lawfully authorized to operate a business specifically for the purpose of storage of discarded vehicles.
- (k) Signs, hedges, shrubbery, fences, walls, natural growth or other obstructions at or near intersections which hinder the view necessary for the safe operation of vehicles.
- (l) Any excavation which endangers the lateral support or causes cracking, settling or other damage to streets, sidewalks, or other public property.
- (m) Obstruction to public sidewalks or roadways by trees, bushes, roots, other natural growth, soil, solid waste, or snow removed from adjoining properties.
- (n) Any accumulation of discarded tire casings which is not demonstrably a part of short-term storage for commercial tire recapping or tire retail business or authorized land fill. Short term storage shall not exceed a period of ninety (90) days.

- (o) Any dangerous building or structure as defined in LCC 116.100 (5), which from any cause endangers the life, limb, health, property, safety or welfare of the general public, their uses or occupants, which to correct said nuisance may require its repair, vacation or demolition.
- (p) The burning of refuse, liquid waste, solid waste, or waste which emits an obnoxious odor and for which a fire permit has not been issued.
- (q) Any noxious weeds or plants as determined by the Lake County Board of Commissioners which are being permitted to grow and produce bloom or seed.
- (r) The parking of trucks with 3 or more axles and a gross vehicle weight rating of 40,000 pounds or more on any County or public road right-of-way.
- (s) The parking of trailers with 2 or more axles and a gross vehicle weight rating of 40,000 pounds or more on any County or public road right-of-way.
- (t) The obstruction of public ways, i.e., streets, sidewalks, alleys, etc. with vehicles, personal property, snow, blockades, or any other material creating a public nuisance.
- (u) Except as authorized by the appropriate governing body, the overflow, seepage or discharge of water from adjacent land onto a public road outside of an incorporated city, including but not limited to water that is passing over the land, diverted from the land by an obstruction on the land or discharged from an irrigation sprinkler or other device.
- (v) Storage of non-trash items shall be removed except as authorized by the appropriate governing body. Non-trash items shall include accumulations of wood pallets; firewood that is not stacked and useable; construction materials except those that are stored in a manner to protect their utility and prevent deterioration, and is reasonably expected to be used at the site, indoor furniture which is not stored in a manner to protect its utility and prevent deterioration and is to be used at the property, all recycling materials except for reasonable accumulations (amounts consistent with a policy of regular removal) that are stored in a well maintained manner.
- (w) The keeping of any outdoor porta pot except those used in connection with construction projects approved by the County's Building Official or Land Use. All porta pots will be secured and placed in a manner not to be offensive to adjoining land owners and /or the public. Porta pots will be maintained in a sanitary fashion and pumped on a regular basis.
- (x) The making, assistance in making or the permitting of any loud, disturbing or unnecessary noise which either annoys, disturbs, injures or endangers the comfort, health, safety or peace of others. Such loud, disturbing or unnecessary noise would include, but is not necessarily limited to the following:
 - 1. The keeping of any bird or any animal which by causing frequent or long continued noise shall disturb the comfort and peace of any person in the vicinity.
 - 2. The use of any vehicle or engine either stationary or moving so operated as to create any loud or unnecessary noise.

3. The use of any other electrical, compression, battery, mechanical or amplified device so loudly as to disturb persons in the vicinity thereof.
 4. The operation of compression brakes.
- (2) Uniform civil violation citations, in accordance with LCC Uniform Civil Violation Procedure, for violations of Section 116.020, shall be issued by the Code Enforcement Officer, or Lake County Public Works employees as delegated by the Lake County Board of Commissioners Resolution or Order.
 - (3) The declaration of the above nuisances shall not be construed to limit the power of the Board of County Commissioners or their authorized representative to investigate any other thing, practice or condition appearing to be a nuisance which is a danger to public health and safety and to declare the same practice, thing or condition a nuisance when the facts appear that a thing, practice or condition exists which is the cause or a threat to public health and safety. Such nuisance shall become subject to the provisions of this Chapter upon the said declaration of the Board of County Commissioners.
 - (4) Notwithstanding section 1(j) herein, an owner of property upon which any inoperable vehicle is kept may file a written request for storage of a vehicle. Such request shall describe the vehicle, location, value, when the vehicle will be operable and any other information deemed relevant by the Board of County Commissioners. The filing of such request will be in a written letter or as prescribed by the Board of County Commissioners. Upon the filing of such request, the owner shall have six (6) months within which to cause the vehicle to be operational. If it is not made operational, it shall be removed or placed in an enclosed garage. No more than two applications may be filed for one piece of property.

116.100 Administration and Enforcement

- (1) The Board of County Commissioners or Code Enforcement officer, under this Chapter, shall be responsible for the administration and enforcement of this Chapter.
- (2) The Board of County Commissioners, Compliance Hearings Officer, or any authorized officer shall have the authority to administer oaths; certify to all official acts; subpoena; require the attendance of witnesses at public hearings before the Compliance Hearings Officer or Board of County Commissioners; require production of relevant documents at public hearings; and take the testimony of any person by depositions.
- (3) The Board of County Commissioners hereby establishes two non-mutually exclusive methods for enforcement of this Chapter.
 - (a) Emergency abatement.
 - (b) Civil action to abate procedure.

The Board may direct the use of one or more of these enforcement methods or may enforce by any other remedy provided by Oregon law. No method shall be deemed exclusive. Any and all remedies may be pursued in the alternative.

116.110 Inspections

- (1) Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the Board of County Commissioners or their authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the building official or their authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this code, provided that if such building or premises be occupied, they shall first present proper credentials and request entry; and if such building or premises be unoccupied, they shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the building official or their authorized representative shall have recourse to every remedy provided by law to secure entry.
- (2) Where an emergency exists, the Lake County Board of County Commissioners may authorize entry to any property or building at any reasonable time where he/she has reasonable cause to believe that a nuisance constitutes an immediate and active danger to the public health, safety, and welfare.
- (3) An investigation shall be conducted by Code Enforcement Officer or designees as appointed by the Board of County Commissioners:
 - (a) Upon receiving a written nuisance complaint specifying the name of the owner or name of the person in charge of property, location of the property and the nature of the nuisance involved.
 - (b) Whenever it appears there is reasonable cause to believe that a nuisance exists.
- (4) The Board of County Commissioners may order immediate abatement if they find that the existence of the nuisance poses an extreme hazard to the public health, safety and welfare.

116.130 Emergency Abatement

- (1) The Board of County Commissioners may declare that an emergency exists where the County Public Health Officer has reasonable cause to believe that a nuisance constitutes an immediate and active danger to public health, safety and welfare.
- (2) In an emergency, the County Public Health Officer or the Board of County Commissioners may proceed with an immediate abatement of the nuisance if the owner or person in charge of the property is unwilling or unable to carry out the necessary action in a reasonable period of time under the circumstances, or cannot be located after diligent inquiry. The Board of County Commissioners or the County Public Health Officer shall forthwith thereunder send or serve written notice of abatement to the owner of the property. This notice shall be served upon the person and shall advise them that they may within fifteen (15) days from the date of service upon him request a hearing before the Board of County Commissioners. The request for hearing shall include the mailing address of the owner.
- (3) Upon the receipt of the request for hearing, the Board of County Commissioners shall set a time and place for hearing at the earliest possible time and shall promptly notify the person requesting the hearing as to the time and place of the hearing, by certified mail, return receipt

requested, to the last known mailing address. Notice may also be given to such persons as the Board may believe to be interested persons.

- (4) The person or persons requesting the hearing and the Board of County Commissioners may subpoena witnesses, submit testimony, give argument, cross-examine witnesses, and submit rebuttal evidence on any pertinent issue. Any party may be represented by counsel.
- (5) Failure of the person requesting the hearing to appear at the hearing shall constitute a waiver of the right to hearing.
- (6) The Board of County Commissioners shall cause all hearings to be recorded in a manner which will allow for the written transcription thereof and all material submitted at the hearing shall be retained by the Board for a period of two (2) years from the date of Order.
- (7) Within fifteen (15) days following the hearing, the Board shall prepare an Order specifying the facts found to exist.
- (8) If the Board determines that a nuisance no longer exists, it can order the return of any property removed by the abatement upon such condition as the Board may prescribe which will eliminate the nuisance. The person requesting the hearing may claim it upon paying the expense incurred in its removal or storage. The Board may also direct the filing of a civil abatement action or specify steps the owner can take to prevent such action. No other issues shall be determined at said hearing.
- (9) Review of any action of the Board taken pursuant to this Ordinance, and the rules and regulations adopted pursuant hereto, shall be taken solely and exclusively by writ of review.

116.150 Notice of Future Abatement Action

The Code Enforcement Officer or other authorized officer shall issue and serve written notice upon the owner, or the person in charge of the property prior to the filing of a civil abatement action.

The notice provided herein shall describe with reasonable certainty the property, nature of the nuisance and require the person in charge of the property, or owner thereof, to abate the nuisance within the time specified in the notice.

The first notice shall be mailed to the property owner's last known address. A mailed notice shall be presumed to have been received on the fifth mail delivery day after mailing.

Citations will be sent not less than fifteen (15) days after receipt. The citation provided for herein shall be mailed by prepaid, certified mail, return receipt requested, to the addressee's last known address. In the event the mail is returned or the owners address is unknown, written notice shall be served personally upon the owner, or person in charge of the property.

116.200 Civil Action to Abate Nuisance

- (1) If an owner fails to abate a nuisance within fifteen (15) days after the expiration of the time period set out in the Notice of Violation, the Code Enforcement Officer may cause abatement of the nuisance by civil action.

This action will be filed to seek judgment in favor of the County and a Decree to Abate. After the Judgment and Decree of Abatement is issued by the court providing for abatement by the County, the Code Enforcement Officer is authorized to abate the decreed nuisance by soliciting three (3) bids from licensed contractors and awarding the abatement project to the low bidder. If, in the opinion of the Code Enforcement Officer, abatement cost will not exceed \$500.00, the bid process is not required. A 25% surcharge will be added to the actual cost of abatement for administrative costs and an invoice mailed via certified mail to the person responsible. Should payment not be received for abatement cost within thirty (30) days, the Board of County Commissioners shall order the filing of a lien against the real or personal property.

- (2) After the Decree of Abatement is issued by the court providing for abatement by the County, should it reasonably appear to the Code Enforcement Officer that the property removed by Lake County is of a value to be determined periodically by the Lake County Board of Commissioners or more, the Code Enforcement Officer shall cause an appraisal to be made of the property.
 - (a) In the event that the property is valued at an amount to be determined periodically by the Lake County Board of Commissioners or less, the Code Enforcement Officer may order the disposition of the property without notice or public auction. In the event that the personal property is a vehicle, the Code Enforcement Officer shall file with the Department of Motor Vehicles an Affidavit describing the vehicle, including license plate, if any, stating the location and appraised value of the vehicle and stating it will be junked or dismantled.
 - (b) In the event that the property is appraised at a value to be determined periodically by the Lake County Board of Commissioners or more, the Code Enforcement Officer shall cause notice of sale to be published in a newspaper of general circulation within Lake County. The notice shall state:
 - (i) The sale is of discarded property under this Chapter.
 - (ii) A description of the property (and if a vehicle, the type, make, model, year, license number and I.D. number, if available) and any other information which will aid in identification;
 - (iii) The terms of the sale;
 - (iv) The date, time and place of the sale, and that Lake County will bid in the amount claimed against the property for abatement costs;
 - (v) The location of the property and where it can be inspected;
 - (vi) Notice shall be published two times, once not less than fifteen (15) days prior to the sale, and the second not less than five (5) days prior to the sale.

- (3) Any property abated under provisions of this Ordinance may be redeemed five (5) days prior to the sale by its owner, or by the person in charge of the property by applying to the Board of County Commissioners with:
 - (a) Evidence of ownership or interest therein;
 - (b) Payments of the costs due and owing up to the time of application for redemption for abatement;
 - (c) Provide sufficient evidence that the nuisance will not be allowed to be resumed.
- (4) The lien as provided for in Section 116.200 (1) above shall be given priority over all liens except those for taxes and assessments and shall include interest at the legal rate.
- (5) The lien provided for shall be foreclosed in the manner prescribed by state law for the enforcement of liens and collection of assessments for municipal corporations.

116.210 Civil Enforcement Procedures; Injunction; Voluntary Compliance

- (1) In addition to the abatement proceedings under LCC 116.200, the enforcement officer or their designee, if he or she has probable cause to believe that a person is maintaining or allowing a nuisance to exist within an unincorporated area of Lake County, may bring suit in the name of Lake County in the Circuit Court to restrain such person from allowing the alleged nuisance to continue.
- (2) Before filing a suit under this section, the enforcement officer shall, in writing, notify the person charged with maintaining the alleged nuisance of its existence and the relief to be sought. Such notice shall be served in the manner set forth in LCC 116.150. The person charged thereupon shall have fifteen (15) days within which to execute and deliver to the enforcement officer or their designee an assurance of voluntary compliance. Such assurance shall set forth what actions, if any, the person charged intends to take with respect to the abatement of the alleged nuisance. If the enforcement officer or their designee is satisfied with the assurance of voluntary compliance, it may be submitted to an appropriate court for approval and, if approved, shall thereafter be filed with the clerk of the court. The enforcement officer may reject as unsatisfactory any assurance which in their opinion will not abate the nuisance within a reasonable time.
- (3) Violation of any of the terms of an assurance of voluntary compliance which has been approved by and filed with the Court may constitute a contempt of court upon cause being shown therefor.
- (4) If the enforcement officer or their designee alleges that he or she has reason to believe that the delay caused by complying with the provisions of this Ordinance would cause immediate harm to the public health, safety or welfare, enforcement officer or their designee may immediately institute a suit under this section.
- (5) A temporary restraining order may be granted without prior notice (under the provisions of Oregon Rules of Civil Procedure (ORCP) to the person if the court finds there is a threat of immediate harm to the public health, safety or welfare. Such a temporary restraining order shall expire by its terms within such time after entry, not to exceed ten (10) days, as the court fixes,

unless, within the time so fixed, the order for good cause shown is extended for a like period or unless the person restrained consents that it may be extended for a longer period.

- (6) Any person who willfully violates the terms of an injunction issued under this section shall be punished pursuant to ORS. 33.015, et seq. For purposes of this section, the court issuing the injunction shall retain jurisdiction and the cause shall be continued and in such cases the enforcement officer acting in the name of the County may petition for enforcement of the decree.
- (7) Any person who willfully violates any provision of an assurance of voluntary compliance approved and filed with an appropriate court under this section shall forfeit and pay to the County a civil penalty to be set by the court of not more than \$750 per violation, in addition to being subject to the provisions of ORS 33.015, et seq. The enforcement officer may apply to the appropriate court for recovery of such civil penalty and other enforcement.
- (8) The court may continue a hearing on contempt for a fixed or indefinite basis should it appear to the satisfaction of the court that the party is making reasonable progress in abating the nuisance per the court's original decree.
- (9) The remedies provided in this section are in addition to all other remedies provided by this Chapter.

116.300 Receiver

In any proceeding commenced under this Chapter the County shall, upon application to the court and notice to all parties, be entitled to the appointment of a receiver, either before or after judgment, if it is established that the appointment is necessary to fulfill the purpose and intent of this Chapter. Such appointment shall be in addition to all other remedies available to the County.

116.310 Penalties

Any person, firm, corporation or other entity who has been found to have violated any of the provisions of this Chapter shall be subject to a fine not exceeding \$750; however, each and every day any violation is committed, continued or permitted by any such person, is a separate violation subject to a separate fine of \$750. County Counsel shall not appear unless Defendant is represented by an attorney. Defense counsel shall not be provided at public expense. Circuit Court shall have jurisdiction over violations of this Code. Imposition and collection of the money penalty shall be a civil judgment enforceable in any manner permitted by law including assignment to a private collections company.

116.400 Tire Definitions.

- (1) "New Tire" means any tire that has never been used.
- (2) "Used Tire" means any tire with a greater tread life than 4/32 of an inch as measured where the greatest amount of tread remains.
- (3) "Waste Tire" means any tire with less than 4/32 of an inch as measured where the greatest amount of tread remains.

116.410 New Tire Storage

Any business may store any amount of new tires inside buildings. Exterior storage is allowed if:

- (1) The tires are stored in a fenced area with fences being 6 feet or higher and which are secured from access by the public.
- (2) All tires stored in exterior areas shall be either vertically stacked, not to exceed six (6) feet in height, or placed in racks not more than six (6) feet high designed for the storage of such tires. Rows shall not exceed fifty (50) feet in length and ten (10) feet in depth. There shall be fifteen (15) feet of clear space between rows for fire protection.
- (3) No exterior storage shall be closer than twenty-five (25) feet from any building and no closer than ten (10) feet to any property line.
- (4) For purposes of this section, any container which is sealed shall be considered a building.

116.420 Used Tire Storage

- (1) The requirements for used tire storage shall be the same as for new tire storage as set out in LCC 116.410 for any business which sells or distributes new or used tires, including wrecking yards.
- (2) Used tire storage at places other than those provided for in paragraph (1) of this section shall be limited to 100 square feet and any tires shall be stacked in the manner provided in LCC 116.410.

116.430 Waste Tire Storage

- (1) A business which sells new or used tires may store up to 3200 square feet of waste tires in interior storage. Interior storage shall include any vehicle which will be used to transport waste tires, including trailers, dumpsters or semi-truck trailers.
- (2) A business which sells new or used tires may store up to 800 square feet of waste tires in exterior storage. Such storage shall be done in the same manner as that provided for new tires in LCC 116.410.
- (3) All other storage of waste tires shall be limited to 350 square feet of interior or exterior storage. Such storage shall be done in the same manner as that provided for new tires in LCC 116.410 except that no stack may exceed 4 feet in height.
- (4) No person shall store more than 100 waste tires without a DEQ permit unless exempt from the permit requirement established by ORS Chapter 459.

116.440 Schedule of Compliance

These provisions shall be effective and shall be complied with upon passage of this Chapter for any tire not stored at the time of passage of this Chapter. For tires that were stored on the date of passage of this Chapter the following schedule of compliance shall govern the removal of such tires:

- (1) Any individual or business not in compliance with the terms of this Chapter shall notify the Fire District responsible for fire protection for that individual or business, or if the property is

unprotected, then notification shall be given to the Lake County Code Enforcement Officer, that such individual or business is not in compliance with the provisions of this Chapter.

- (2) Within ninety (90) days of the date of passage of this Chapter, any individual or business not in compliance with this Chapter shall reduce the number of tires not in compliance by 50% of that amount present upon passage of this Chapter.
- (3) Within 150 days of the date of passage of this Chapter, such individuals or business shall reduce the number of tires not in compliance to 25% of that amount present upon passage of this Chapter.
- (4) Within 210 days of the passage of this Chapter, all individuals or business shall be in compliance with the provisions of this Chapter.

116.450 Enforcement

The provisions of LCC 116.400, 116.410, 116.420, and 116.430 shall be enforced by any police officer, any enforcement officer appointed by the Board of County Commissioners, and any fire official authorized by the governing body of that official's fire district to enforce these provisions.

116.470 Exemptions

Any Fire District, for property within its boundaries, or the Lake County Building Official, may grant a permit to any business involved in the disposal of waste or used tires to exceed the limits provided by this Chapter. Nothing in this Chapter shall be deemed to limit or constrain the storage or disposal of used or waste tires by Lake County in any facility operated or permitted by Lake County for the disposal of such tires.

116.560 Severability

The provisions of this Ordinance are severable, and any invalid section, subsection, sentence, clause, phrase or portion of this Ordinance if for any reason is held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions of the Ordinance.