

BEFORE THE BOARD OF COMMISSIONERS
FOR LINCOLN COUNTY, OREGON
ORDINANCE NO. 318

AN ORDINANCE AMENDING ORDINANCE NO. 155 AND LINCOLN COUNTY CODE SECTION 2.1120 BY ADDING SUBSECTION (6) AND DECLARING AN EMERGENCY

WHEREAS Fred and Betty Lindsey dba Siletz Sanitary Service, Thompson Sanitary Service, Inc., and Dunn-LeBlanc, Inc. dba North Lincoln Sanitary Service (hereafter franchisees), are franchisees of Lincoln County for solid waste collection services; and

WHEREAS franchisees have, pursuant to franchise agreements with Lincoln County (hereafter County), selected Coffin Butte Landfill, operated by Valley Landfills, Inc., as the site for disposal of collected waste of their respective franchise areas beginning September 11, 1993, coinciding with the closure to acceptance of waste of the Agate Beach Landfill operated by the Lincoln County Consortium for Solid Waste Management (hereafter Consortium); and

WHEREAS County has reviewed and ratifies the selection of the Coffin Butte site for disposal of waste; and

WHEREAS contracts have been negotiated by the franchisees for disposal at Coffin Butte, and transfer/transport facilities and equipment have been constructed or obtained by the franchisees to "long haul" garbage from Lincoln County to the Benton County site; and

WHEREAS closure of the Agate Beach Landfill is regulated and governed by the Federal Environmental Protection Agency through the State Department of Environmental Quality, including substantial requirements for closing the site and post-closure monitoring for an extended period of time; and

WHEREAS the current rate schedule reflects the costs of disposal at the Agate Beach Landfill, including a tipping fee imposed by the Consortium to fund operational, closure and post-closure costs at the landfill; and

WHEREAS County and the other members of the Consortium have agreed to fund proportional shares of the closure and post-closure cost of the Agate Beach site through establishment of a closure and post-closure fee (hereafter Agate Beach closure fee); and

WHEREAS commencing September 11, 1993 the tipping fee at Agate Beach will no longer be paid, but funding will need to be provided for transfer/transport costs to and disposal costs at the Coffin Butte Landfill and the ongoing closure and post-closure costs at Agate Beach Landfill; and

Lincoln County Legal Counsel
Lincoln County Courthouse
225 W. Olive Street
Newport, Oregon 97365
Phone: 265-6611, Ext. 2308

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1 WHEREAS the customer rates approved for franchisees are set on a volume,
2 rather than weight basis; and

3 WHEREAS County recognizes that the Agate Beach closure fee to be
4 remitted by franchisees will be based on franchisees' estimates of the tonnage of waste
5 generated by franchisees' County customers and that it is not currently practical to
6 weigh each customer's garbage on an individual basis; and

7 WHEREAS the franchisees and County recognized that franchise
8 amendments are necessary to refine and incorporate these changes into franchise
9 ordinances;

10 THE BOARD ORDAINS AS FOLLOWS:

11 SECTION 1:

12 Lincoln County Code Chapter 2 is amended by adding Section 2.1120(6) as
13 follows:

14 6.(A) Notwithstanding any other provision of Lincoln County Code 2.1000
15 through 2.1180, the Board may establish a fee on waste generated within
16 those franchises which have utilized the Agate Beach Landfill/Balefill.
17 The fee shall be set from time to time by resolution of the Board at a level
18 which will cover all expected costs including but not limited to financing
19 closure and post-closure debt instruments. The fee shall be collected by
20 the respective franchisees based on waste generated within the franchise
21 area and remitted by franchisees monthly to Lincoln County. Lincoln
22 County shall receive all fee proceeds to be held in trust exclusively for
23 Lincoln County's proportional share of on-going closure and post-closure
24 costs of the Agate Beach Landfill. Upon full funding of the costs of such
25 closure and post-closure activities, Lincoln County shall end the Agate
26 Beach closure fee.

27 (B) The institution of this fee is accepted by franchisees as an amendment to
28 the provisions of Lincoln County Code 2.1000 through 2.1180 and shall
29 be binding upon them, their successors, heirs, or assigns. A separate
30 executed instrument signifying the franchisees acceptance shall be placed
31 in the records of the County. This ordinance constitutes an amendment of
32 the original franchise agreement.

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SECTION 2

This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this Ordinance shall take effect upon its passage.

DATED this 6th day of October, 1993.

LINCOLN COUNTY BOARD OF COMMISSIONERS


NANCY E. LEONARD, Chair

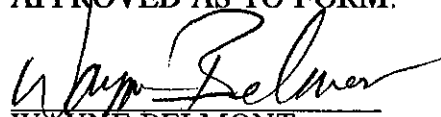

JEAN COWAN, Commissioner


DON LINDLY, Commissioner

ATTESTED TO:


SUSAN KAYS
Recording Secretary

APPROVED AS TO FORM:


WAYNE BELMONT
County Counsel

SOLIDWASTE/ordinance

Lincoln County Legal Counsel
Lincoln County Courthouse
225 W. Olive Street
Newport, Oregon 97365
Phone: 235-6611, Ext. 2308

