

## **SOLID WASTE CODE ENFORCEMENT PROCEDURE**

### **COMPLAINT RECEIVED**

(Online complaint form, email, telephone call)

### **CASE FILE OPENED**

(Assigned to Code  
Enforcement Officer)

### **INITIAL PROPERTY INSPECTION**

#### **CONFIRMED VIOLATION**

Notice of  
Non-Compliance issued  
To the property owner or  
public agency notified of  
Offensive Littering.

#### **NO VIOLATIONS OBSERVED**

Case File Closed  
No further action

### **15 day compliance period**

#### **Follow-up inspection**

Property cleared of violation  
Case closed

**No or partial compliance**  
Compliance date extension or  
second Notice of Non-Compliance  
Issued to the property owner

**Second Follow-up inspection**  
**Partial compliance > 60%**  
Compliance Date extension of 7 days

**No compliance** – Citation and  
Complaint filed with Justice Court.

**Final inspection** – Case file closed

## Duties of DHHS Code Enforcement

8.20 Nuisance Code – Includes the unlawful accumulation, collection, storage and disposal of waste and solid waste on private property.

### 8.20.030 Designated.

- A. It shall be unlawful for any owner or person in charge of property to maintain or allow to exist, the following things, practice, or conditions on his property, which are declared to be nuisances:
1. All diseased animals running at large;
  2. All ponds or pools of stagnant water within three hundred feet of two or more separate residential units;
  3. Any animal carcass not buried or destroyed within twenty-four hours after death;
  4. Accumulation, collection, storage or disposal of solid waste, waste, garbage, liquid waste, refuse, rubbish, sewage sludge, demolition materials or fill dirt, if any of the aforementioned materials are offensive or hazardous to the public health and safety. This section will not pertain to the accumulation, collection, storage or disposal of those materials authorized by county ordinance or state statute;
  5. Abandoned wells, septic systems or cesspools which have not been securely sealed or otherwise made safe against causing accident or contamination;
  6. Abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snap-lock or other locking device which may not be opened from the inside, without first removing said door or lid, snap-lock or other locking devices therefrom;
  7. Any property, whether vacant or improved, building or structure that is infested by flies, fleas, rodents, lice, ticks, rats, mice, fly maggots, mosquito larvae, or other vector and their hosts;
  8. Accumulation of any materials capable of providing vector harborage or which may create a fire hazard;
  9. Uncontrolled or uncultivated growth of weeds, brush or grass, including but not limited to Jimson, Burdock, Ragweed, Thistle, White Top, Russian Knapweed, Canadian Thistle, Tansy Ragwort or Gorse (also known as Irish Broom or Furze), or any plant which provides vector harborage or is obnoxious to agriculture or contributes noxious pollens into the atmosphere or creates a fire hazard.
- B. The declaration of the above nuisances shall not be construed to limit the power of the health officer or his 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 thing, practice or condition a nuisance when the facts appear that a thing, practice or condition exists which is the cause of a threat to public health and safety. Such nuisance shall become subject to the provisions of this chapter upon the said declaration of the health officer.

**164.785 Placing offensive substances in waters, on highways or other property**

- (1) Omitted for brevity
- (2) It is unlawful for any person to place or cause to be placed any polluting substance listed in subsection (1) of this section into any road, street, alley, lane, railroad right of way, lot, field, meadow or common. It is unlawful for an owner thereof to knowingly permit any polluting substances to remain in any of the places described in this subsection to the injury of the health or to the annoyance of any citizen of this state. Every 24 hours after conviction for violation of this subsection during which the violator permits the polluting substances to remain is an additional offense against this subsection.
- (3) Omitted for brevity
- (4) Violation of this section is a Class A misdemeanor.

**164.805 Offensive littering.**

(1) A person commits the crime of offensive littering if the person creates an objectionable stench or degrades the beauty or appearance of property or detracts from the natural cleanliness or safety of property by intentionally:

(a) Discarding or depositing any rubbish, trash, garbage, debris or other refuse upon the land of another without permission of the owner, or upon any public way or in or upon any public transportation facility;

(b) Draining, or causing or permitting to be drained, sewage or the drainage from a cesspool, septic tank, recreational or camping vehicle waste holding tank or other contaminated source, upon the land of another without permission of the owner, or upon any public way; or

(c) Permitting any rubbish, trash, garbage, debris or other refuse to be thrown from a vehicle that the person is operating. 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 Department of Transportation or a person operating a school bus described under ORS 801.460.

(2) As used in this section:

(a) "Public transportation facility" has the meaning given that term in ORS 164.365.

(b) "Public way" includes, but is not limited to, roads, streets, alleys, lanes, trails, beaches, parks and all recreational facilities operated by the state, a county or a local municipality for use by the general public.

(3) Offensive littering is a Class C misdemeanor.