

## ARTICLE SIX

### DIVISION THREE      LITTERING

#### SECTION 6.03.010      AUTHORITY

This Division is adopted under the authority granted by ORS 203.035, 459.085, and 459.108.

#### SECTION 6.03.020      INCORPORATION OF STATUTES

ORS 164.775, 164.785, and 164.805 are incorporated herein as though the same were spelled out here in their entirety. Any action conducted or prohibited by those statutes are also prohibited within this county by this Division.

#### SECTION 6.03.030      CIVIL PENALTY ESTABLISHED

Section 6.03.020 above may be enforced by, and violators thereof are subject to the penalties provided in Article 10 of this Ordinance. Violation thereof is declared to be an infraction. In addition to the maximum civil penalty allowed by Article 10, the total amount of penalty may be increased to include all the costs incurred by the County in removing the refuse or offensive substance unlawfully placed on property and in eliminating the effects of such unlawful placement. The civil penalties established in the Civil Infraction Procedure Ordinance, and in this section, are an alternative to criminal enforcement proceedings. When the County maintains a civil action against any person to collect the penalties provided in Article 10 of this Ordinance and in this section, it shall not cause a criminal prosecution to be commenced or maintained against that person for the same actions.

#### SECTION 6.03.040      REBUTTABLE PRESUMPTION ESTABLISHED

A name found on various items in a deposit of rubbish or other solid waste placed on land or in water in violation of ORS 164.775, 164.785 or 164.805, incorporated herein by Section 6.03.020 above, constitutes rebuttable evidence that the person whose name appears on the items has violated this Division. However, the rebuttable presumption created by this section exists only when a name on items denotes ownership of the items, such as the name of an addressee on an envelope.

## ARTICLE SIX

### DIVISION FOUR                      TRANSPORTATION OF REFUSE IN CLOSED CONTAINERS

#### SECTION 6.04.010                      BOARD FINDINGS

(1) The Board finds that the health, safety, welfare, morals, and aesthetic sensibilities of the residents of this county are adversely affected by garbage, trash, and refuse which falls out of vehicles transporting such materials.

(2) The Board finds that garbage, trash, and refuse transported by vehicle is more likely to fall out of the vehicle if such garbage, trash, or refuse is not enclosed in a covered container.

#### SECTION 6.04.020                      PROHIBITION

It is unlawful for a person transporting garbage, trash, or refuse in a vehicle to fail to enclose all such trash, garbage, or refuse in a compartment of the vehicle or in containers, which compartment or containers are closed securely to prevent any garbage, trash, or refuse from falling out of the vehicle.

#### SECTION 6.04.030                      "TRIP" DEFINED

Each trip during which a violation of this division occurs shall be deemed a separate and distinct violation. A "trip" consists of continuous travel between two points, when some part of such travel is within this county, and the violation of this division occurs during that part of the trip which occurs within this county.

#### SECTION 6.04.040                      PENALTIES NOT EXCLUSIVE

The penalty for violation of this division is as provided for in Article Ten, which is not intended to be exclusive, and is in addition to, and not in lieu of, any other penalty provided by law for the same act.

#### SECTION 6.04.050                      LIBERAL CONSTRUCTION

This division shall be liberally construed to effect its object, the prevention of trash, garbage and other refuse from falling onto property within this county.