

ORDINANCE NO. 270**AN ORDINANCE PROHIBITING THE UNLAWFUL DISPOSAL OF SOLID WASTE AND LITTERING, AND PROVIDING A PENALTY THEREFOR**

The City of Coos Bay ordains as follows:

Section 1: Definitions.

Person: Any natural person; an association, partnership or corporation; any other legal entity or entity in fact.

Right-of-way: Any highway, road, street, alley, lane, trail, sidewalk, other public way, or any beach, park, recreational facility or other similar facility owned and operated by the State of Oregon, Coos County, or the City of Coos Bay, and located within the corporate limits of the City of Coos Bay.

Solid Waste: All solid or semisolid waste material, including, but not limited to garbage; rubbish; refuse; trash; ashes or swill; newsprint or waste paper; corrugated board or cardboard; grass clippings; compost; residential, commercial, industrial, governmental or institutional wastes; discarded home or industrial appliances, equipment or furniture; vehicle parts or tires; animal parts or wastes.

Section 2: Unlawful Disposal of Solid Waste.

(a) Except as provided by subsection (b) of this section, no person shall deposit solid waste produced by the person or any business owned by the person or with which the person is associated as an employee or agent in or about any solid waste receptacle owned or rented by another person, without first obtaining the permission of that person.

(b) No person shall deposit solid waste produced by the person or any business owned by the person or with which the person is associated as an employee or agent on any publicly owned property, except in solid waste receptacles designed and designated for such purpose.

(c) No person shall use, or attempt to use, any publicly owned solid waste receptacle as a means to dispose of residential, commercial, or industrial solid waste regularly generated by the person or any business owned by the person or with which the person is associated as an employee or agent.

Section 3: Littering.

- (a) No person shall discard or deposit any solid waste on the land of another without first obtaining permission of the owner.
- (b) No person shall discard or deposit, or permit the discarding or depositing of any solid waste, on any public right-of-way, except in receptacles provided for the purpose of holding such solid waste.

Section 4: Penalty.

- (a) Upon first conviction for a violation of this ordinance, a fine not less than \$100.00 nor more than \$500.00 shall be imposed.
- (b) Any person convicted of a violation of this ordinance on successive occasions shall be subject to the following enhanced penalty: for each additional offense for which the person is convicted, a mandatory minimum fine shall be imposed equal to twice the amount of the fine imposed for the immediately prior conviction.
- (c) Each violation of this ordinance is a separate offense, and if the violation is of a continuing nature, each and every day the violation continues shall be a separate offense.

Section 5: Severability. The sections and subsections of this ordinance are severable. A determination by a court of competent jurisdiction that a particular section, subsection or provision is invalid shall in no way affect the validity of the remaining sections, subsections or provisions.

Section 6: Emergency Declared. The City Council of the City of Coos Bay finds that the health, safety and welfare of the City of Coos Bay requires this Ordinance to have immediate effect; therefore, the City Council hereby declares the existence of an emergency and this ordinance shall be in full force and effect from the time of its passage.

Passed by the City Council on January 19, 1999.