

vehicle.

NUISANCES DEFINED

43.040 NUISANCES DEFINED.

For purposes of this Chapter, a public nuisance consists of unlawfully doing an act, or omitting to perform a duty, which act or omission annoys, injures, or endangers the safety, health, comfort, or repose of others.

SOLID WASTE

43.050 CREATION OF NUISANCE BY ACCUMULATION OF SOLID WASTE PROHIBITED.

Except as provided in the Solid Waste Collection and Disposal Code, no person shall store, collect, maintain, or display on private property, waste or solid waste that is offensive or hazardous to the health and safety of the public or which creates offensive odors or a condition of unsightliness. Storage, collection, maintenance, or display of wastes or solid wastes in violation of this section shall be considered to be a public nuisance.

43.055 UNAUTHORIZED DUMPING PROHIBITED.

Except at landfills, transfer sites, and recycling depots approved by the Board; no person shall allow the accumulation or temporary storage of the following materials on any property:

(1) Bulky, unsightly materials including, but not limited to; appliances, inoperable or abandoned vehicles or parts, building demolition wastes, industrial wood wastes, land clearing debris, discarded furniture and bedding, or scrap metals shall not be accumulated or stored for more than thirty (30) days.

(2) Household type rubbish, debris, or garbage shall not be accumulated or stored for more than fourteen (14) days.

43.056 UNAUTHORIZED DUMPING IN WATERS OF STATE.

(1) As used in this section, "waters of the State" has the meaning defined by ORS 468.700.

(2) As provided in ORS 164.775, it is unlawful for any person to discard any glass, cans, or other similar refuse in any waters of the State; and it is unlawful for any person to discard any glass, cans or other trash, rubbish, debris, litter or solid waste on land within 100 yards of any of the waters of the State other than in receptacles provided for the purpose of holding such trash, rubbish, debris, or litter. [Ord. 91-35, Sec. 2]

✱ 43.057 UNAUTHORIZED DISCHARGES INTO THE STORM SEWER SYSTEM

(1) As used in this section:

(a) "Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and

solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that some may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

- (b) "Stormwater" means any surface flow, runoff, and drainage consisting of water from any form of natural precipitation, and resulting from such precipitation.
- (c) "Storm sewer system" means publicly owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, ditches, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(2) No person shall throw, drain, or otherwise discharge into the storm sewer system any pollutants or waters containing any pollutants, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm sewer system is prohibited except as described as follows:

- (a) The following discharges are exempt from discharge prohibitions established by this section: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, roadway wash water, road maintenance and safety activity discharges, and similar discharges as subsequently authorized.
- (b) Discharges or flow from firefighting, and other discharges specified in writing by Polk County as being necessary to protect public health and safety.
- (c) Discharges associated with dye testing.
- (d) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.