

EXHIBIT A
Ordinance No. 23-1501

CHAPTER 5.09
ILLEGAL DISPOSAL

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Repealed

5.09.020	Definitions
	[Repealed Ord. 14-1331]
5.09.170	Administrative Policies and Procedures
	[Repealed Ord. 19-1441]

5.09.005 Title

This chapter may be cited as the "Metro Illegal Disposal Ordinance." [Ord. 94-557.]

5.09.010 Purpose

The purposes of this chapter are:

- (a) To ~~carry out~~effectuate Metro's responsibility to manage the flow of solid waste in the ~~Metro Area~~ Portland metropolitan area;
- (b) To assist and coordinate with local governments in controlling illegal disposal throughout the Metro ~~region~~Area;
- (c) To ~~carry out~~effectuate the provisions related to illegal disposal in the Regional Waste Plan; and
- (d) To prevent fraudulent and unauthorized deliveries of ~~hazardous~~ waste to Metro transfer stations and Metro household hazardous waste facilities. [Ord. 94-557; Ord. 06-1107; Ord. 13-1311; Ord. 14-1331, Sec. 6; Ord. 19-1432.]

5.09.~~030~~ 020 Jurisdiction

This chapter ~~shall apply~~applies to all territory within the jurisdictional boundaries of Metro, ~~as well as any additional area as may be established through an intergovernmental agreement~~. [Ord. 94-557.]

5.09.~~040~~ 030 Prohibitions on Illegal Disposal of Solid Waste

- (a) No person ~~shall~~may transport or carry, or direct another person to transport or carry, any solid waste, ~~including rubbish, trash, garbage, debris or other refuse, or recyclable material~~, in or on a motor vehicle or trailer, upon a public road right-of-way within the Metro Area, unless ~~such the~~ solid waste ~~or recyclable material~~ is:
 - (1) Completely covered on all sides and on the top and bottom and such cover is either a part of or securely fastened to the body of the motor vehicle or trailer; and
 - (2) Contained in the body of the motor vehicle or trailer in such a way as to prevent any part of the solid waste ~~or recyclable material~~ from being deposited upon any private or public property, road, right-of-way or driveway within Metro.
- (b) No person ~~shall~~may throw or place any solid waste, or direct another person to throw or place any solid waste, upon the private land or waters of another person, into a solid waste receptacle of another person without the owner's permission ~~of the owner~~, upon public lands or waters, or upon any public place other than at a solid waste facility authorized to accept such waste by Oregon law and the Metro Code.

- (c) No person who has generated or otherwise has possession or control of solid waste ~~shall may~~ direct or permit another person to dispose of ~~such the~~ solid waste if the person who has generated or otherwise has possession or control of ~~such the~~ solid waste knows, or has reason to know, that the person directed or permitted to dispose of such solid waste will not dispose of ~~such the~~ solid waste in compliance with all applicable local, state, and federal laws and regulations. ~~No person whose solid waste was collected by a hauler that is franchised or otherwise authorized by a local government to collect waste shall be held in violation of this chapter for illegal disposal of such waste.~~

5.09.040 Prohibition on Illegal Household Hazardous Waste Disposal

- (a) ~~Other than hazardous waste delivered to a Metro household hazardous waste facility, no~~ No person ~~shall may~~ deliver to a Metro transfer station any hazardous waste, ~~other than hazardous waste delivered to a Metro household hazardous waste facility,~~ that is household hazardous waste or hazardous waste generated by a ~~very small quantity conditionally exempt~~ generator.
- (b) No person ~~shall may~~ deliver to a Metro household hazardous waste facility or collection event any hazardous waste other than household hazardous waste or hazardous waste generated by a ~~conditionally exempt~~ very small quantity generator.
- (c) No person ~~shall may~~ make a false statement to Metro certifying that hazardous waste ~~the person has they have~~ delivered to a Metro household hazardous waste facility or collection event for disposal or recovery is household hazardous waste or hazardous waste generated by a ~~conditionally exempt~~ very small quantity generator.
- ~~No person shall deliver non-putrescible solid waste generated within Metro that has not undergone material recovery, or direct another person to deliver such solid waste, to any facility other than a Metro-authorized material recovery facility.~~ [Ord. 94-557; Ord. 02-974, Sec. 1; Ord. 06-1107.]

5.09.050 Exemption from Illegal Disposal Prohibitions

~~A person does not violate the solid waste illegal disposal provisions of this chapter if a hauler that is franchised or otherwise authorized by a local government to collect solid waste collected the solid waste at issue.~~

5.09.060 Illegal Disposal Declared a Nuisance

~~A violation of Section 5.09.030 or Section 5.09.040 is a nuisance and is subject to abatement or injunction as any other nuisance, in addition to other penalties as described in this chapter.~~

5.09.050-070 Civil Fines Penalties and Costs

- (a) ~~Any A~~ person ~~violating that violates~~ any provision of this chapter ~~is shall be~~ subject to:

- (1) A civil ~~fine-penalty~~ of not more than \$500 for each violation; and
- (2) An award of costs to reimburse Metro for the following actual expenses:
 - (A) administrative costs of investigation and collection; and
 - (B) cleanup, management, and disposal costs incurred.

~~The fines and costs shall be included in the citation and a hearings officer shall not assess additional fines or costs except the hearings officer may assess an additional fee, not to exceed \$50, if a party fails to appear at a hearing that he or she requested, unless for good cause shown.~~

- (b) ~~An illegal disposal violator is not relieved of responsibility to remedy the violation by virtue of paying~~ Payment of a civil ~~fine-penalty~~ imposed by a citation issued under this chapter ~~does not relieve a violator of responsibility to remedy the violation.~~
- ~~(c) — Nothing in this chapter is intended to prevent other legal action against a person alleged to have violated a provision enforceable under this chapter. Metro, or any person or governmental entity whose interest is or may be affected by violation of a provision enforceable under this chapter, may take whatever legal or equitable action necessary to abate a nuisance, impose criminal sanctions or collect damages, regardless of whether an action has been commenced under this chapter. Violation of Metro Code 5.09.040 is hereby declared to be a nuisance and subject to abatement or injunction as any other nuisance. [Ord. 94-557; Ord. 94-581, Sec. 1; Ord. 06-1107; and Ord. 13-1311.]~~

5.09.~~060-080~~ Persons Authorized to Issue a Citations

The following persons are authorized to issue a citations under this chapter:

- (a) The Chief Operating Officer or designee; and
- (b) A police officer, deputy sheriff, or other designated enforcement agent operating under cooperative arrangement or contract with Metro. [Ord. 94-557; Ord. 06-1107; and Ord. 13-1311.]

5.09.~~070-090~~ Procedure for Service of Citation

- (a) An authorized official ~~shall~~may serve a citation on a cited person by any method or combination of methods which, under the circumstances, is reasonably likely to apprise the alleged violator of the citation. The following notice methods satisfy the notice requirements of this section in at least one of the following ways:
 - (1) Personal delivery;
 - (2) Mailing the notice by United States Postal Service mail, postage prepaid, and addressed to the residence or business address of the party or parties;
 - (3) Any method authorized by the Oregon Rules of Civil Procedure for the service of summons; or

~~(1)(4)~~ Electronic mail to the last known electronic mail address on file if Metro is giving notice to a person or entity currently regulated, licensed, franchised, or otherwise permitted by Metro.

~~(1)~~ Personally;

~~(2)~~ By delivery to a person over 14 years of age residing at the cited person's abode, if the cited person is not available at the abode for service;

~~(3)~~ If the person to be issued a citation is a firm, corporation, or other organization other than an individual, by delivery to any employee, agent or representative thereof, including such cited person's registered agent; or

~~(4)~~ By certified or registered mail, return receipt requested. If the cited person is an individual, then such service shall be addressed to the person's abode. If the cited person is a corporation, firm, or other business entity, then such service shall be addressed to the person's registered agent or to any officer, director, general partner, or managing agent of such person.

- (b) An authorized official may not arrest any person for violation of this chapter. An authorized official may detain any person reasonably believed to have committed a violation of this chapter, but only so long as is necessary to determine, for the purposes of issuing a citation, the identity of the violator and such additional information as is appropriate for law enforcement agencies in the state. [Ord. 94-557; and Ord. 06-1107.]

~~5.09.080~~ Issuance of Warnings

~~(a)~~ A person authorized to issue a citation under this chapter may issue a warning of an alleged violation under this chapter.

~~(b)~~ If issued, a warning notice shall be in writing and shall be delivered to the person alleged to have committed the violation in person or in any other manner reasonably calculated to give notice of the violation, including posting or regular mail. [Ord. 94-557; Ord. 94-581, Sec. 2; Ord. 06-1107; and Ord. 13-1311.]

~~5.09.090~~ 100 Citation Content

For all violations enforceable under this chapter, Metro will use a A-citation substantially conforming to the requirements of this section and approved by the Chief Operating Officer and the Metro Attorney shall be used for all violations enforceable under this chapter. Each A citation shall must contain the following information:

(1) Identification of Metro, as the public body in whose name the action is brought;

~~(2)~~ Hearings officer file number;

~~(3)~~(2) Name of the cited person;

~~(4)~~(3) The Metro Code section violated;

~~(5)~~(4) The date and time at which the violation is alleged to have occurred, or the date that a complainant or the authorized official issuing the citation first observed the violation ~~was first observed by the authorized official issuing the citation or a complainant;~~

~~(6)~~(5) A short and plain statement of the violation of which the person is charged;

~~(7)~~(6) The place at which the violation is alleged to have occurred;

~~(8)~~(7) The date on which the citation was issued;

~~(9)~~(8) The name of the authorized official issuing the citation;

~~(10)~~(9) _____
The ~~amount of the~~ civil finest-penalties and costs imposed for the violation;

~~(11)~~(10) _____ A
~~n explanation statement informing the cited person~~ that paying the civil fine penalty assessed in the citation does not relieve the cited person of the responsibility to remedy the violation, and that failure to remedy the violation may result in additional citations;

~~(12)~~(11) _____ T
he time by which the cited person must respond to the citation by either:
(a) requesting a hearing, (b) admitting responsibility and paying the civil fine penalty and costs, or (c) ~~paying the civil fine and costs and~~ submitting a written explanation of why Metro should not find the cited person ~~should not be found~~ in violation of the Metro Code or of any mitigating circumstances related to the violation, ~~and requesting that a hearings officer reduce and refund all or part of the civil fine and costs paid;~~

~~(13)~~(12) _____ T
he place where the cited person must direct the person'shis or her response;

~~(14)~~(13) _____ A
notice statement informing the cited person that failure to respond to the citation could result in the entry of a default order against the cited person, including the imposition of a civil fine penalty of up to \$500 per violation plus additional costs ~~(incurred to investigate costs; the violation; costs to cleanup, manage, and dispose of solid waste that is~~ at issue the subject of the violation; and ~~collection to collect all civil fines and costs).~~ The notice ~~shall~~ must further inform the cited person that the failure to pay civil finest-penalties and costs imposed by order of a hearings officer could result in (i) entry of a judgment against the cited person for the unpaid civil finest-penalties and costs, (ii) the county clerk recording the person's name and the amount of the finest-penalties and costs in the county clerk lien record, and (iii) Metro seeking other legal or equitable relief as provided by law; and

~~(15)~~(14) _____ A
certification by the authorized official issuing the citation, under penalty of perjury ~~ORS 153.990~~, that the authorized official issuing the citation has

reasonable grounds to believe, and does believe, that the cited person committed a violation enforceable under this chapter. A certificate conforming to this subsection ~~shall be~~ is deemed equivalent to a sworn citation. ~~;~~ and

~~(16) — The method of service and certification that service has been made. If service is made by certified or registered mail, return receipt requested, it shall be so stated on the citation and the required certification of service may be made upon receipt of the "return receipt." Service by certified or registered mail shall be as specified in Section 5.09.070(a)(4).~~

5.09.110 Citation Error

- (a) ~~If an~~ An error in transcribing information into a citation, ~~when determined by the hearings officer to be~~ is non-prejudicial to the defense of the cited person, Metro or the hearings officer may correct the error ~~may be corrected at the time of hearing or prior to time of~~ before the hearing with notice to the cited person, or it may be corrected at the time of the hearing if allowed by the hearings officer.
- (b) Except as provided in this subsection, the hearings officer must set aside a citation that does not conform to the requirements of ~~this S~~ section 5.09.100 shall be set aside by the hearings officer upon motion of the cited person before any other proceedings at the hearing. Minor variations in the form of citation ~~shall not be~~ are not a basis for setting aside a citation.
- (c) Nothing prohibits the hearings officer from amending a citation in the hearings officer's discretion. [Ord. 94-557; Ord. 94-581, Sec. 3; Ord. 06-1107; Ord. 13-1311.]

5.09.100 Representation at Hearing

- ~~(a) — A cited person may retain an attorney, at the person's own expense, for representation at the hearing provided that written notice of such representation is received by the Metro Attorney five working days in advance of the hearing. The hearings officer may waive this notice requirement in individual cases or reset the hearing for a later date.~~
- ~~(b) — When a cited person is not represented by legal counsel at the hearing, then Metro shall not be represented by legal counsel at the hearing. In such case, Metro legal counsel may advise Metro staff in preparation of the case, be present at the hearing for the purpose of consulting with and advising Metro staff, and answer procedural questions posed by the hearings officer. Nothing prevents the unrepresented party from consenting to legal counsel representing Metro at the hearing. [Ord. 94-557; Ord. 06-1107; and Ord. 13-1311.]~~

5.09.110-120 Appearance by Cited Person; Request for Hearing

(a) The cited person ~~shall must~~ either (i) appear as specified in the citation by admitting responsibility on or before the close of business on the date indicated in the citation, or ~~prior to (ii) before~~ such time deliver to the address noted in the citation:

- (1) A request for a hearing;
- (2) A statement of responsibility and ~~a check, cash or money order payment~~ in the amount of the civil ~~fine penalty~~ set forth in the citation; or
- (3) ~~A statement of An~~ explanation in mitigation of the ~~violation offense charged~~ with a request ~~that Metro reduce the for a reduction in fines penalties~~ and costs, ~~and a check, cash, or money order in the amount of the civil fine set forth in the citation, which~~ The explanation and payment combined ~~shall~~ constitutes a waiver of hearing and consent to judgment by the hearings officer. The hearings officer will base judgment upon the explanation provided by the cited person and the citation case information provided by Metro.

(b) If the cited person requests a hearing, the request must be in writing and contain a statement of grounds upon which the party contends that citation is invalid, unauthorized, or otherwise improper. The request must include a current address and contact information for the requesting party, including a phone number and, if applicable, an electronic email address for future correspondence.

~~(b)(c)~~ The hearings officer ~~will set shall fix~~ a date and time for a hearing ~~and. Unless notice is waived, the hearings officer shall notify mail to~~ the cited person ~~a notice~~ of the ~~date and time of the~~ hearing schedule at least 30 five working business days ~~prior to before~~ the hearing. The notice ~~shall must~~:

- (1) Be in the form of a "Notice to Appear" and contain a warning that if the cited person fails to appear, the hearings officer will enter a finding of responsibility ~~will be entered~~ against that person; and
- (2) Be sent to the cited person at the person's last known address by regular mail or such other communication means as requested by the cited person or which, under the circumstances, is reasonably likely to apprise the cited person of the hearing schedule.

~~By agreement of all parties, the hearing may be conducted using technology such as the telephone or video conferencing equipment. If setting a hearing by telephone or video conference, the hearings officer shall set the date and time by which the parties must exchange documents, exhibits, and witness lists.~~ [Ord. 94-557; Ord. 94-581, Sec. 4; Ord. 06-1107; and Ord. 13-1311.]

5.09.120-130 Prehearing Discovery

Metro must provide the following prehearing discovery to the cited person at least 30 days before the scheduled hearing:

- (a) Issued citation or enforcement action;

- (b) Solid waste enforcement incident report;
- (c) Initial complainant report to Metro of illegally disposed waste (if any);
- (d) Copies of any correspondence between Metro staff and the cited person.

~~The pretrial discovery rules in ORS 135.805 to 135.873 shall apply to violation cases under this chapter. As used in ORS 135.805 to 135.873, "district attorney" shall refer to a Metro attorney or authorized official, and "defendant" shall refer to a cited person under this chapter. [Ord. 94-557; Ord. 06-1107; and Ord. 13-1311.]~~

5.09.~~130~~ 140 Procedures Before Hearings Officer

~~Any hearing requested under this chapter will be conducted as set forth in Metro Code Section 2.05.110 (Contested Case Procedures).~~

- ~~(a) An allegation of violation of any provision of this chapter shall, if not admitted by the cited person or settled by the department prior to or during the hearing, be resolved by a hearings officer.~~
- ~~(b) The hearings officer shall be independent of all Metro departments although, for administrative purposes, such officer or officers may be established as part of the Finance and Regulatory Services Department, Office of the Metro Attorney, or Office of the Auditor.~~
- ~~(c) Metro shall have the burden of proving the alleged violation by a preponderance of the evidence.~~
- ~~(d) The hearings officer shall apply the following rules of evidence:~~
 - ~~(1) All evidence, including hearsay evidence, of a type commonly relied upon by reasonably prudent persons in conducting their serious affairs shall be admissible.~~
 - ~~(2) Evidence objected to may be admitted at the hearing officer's discretion and all evidence offered but not objected to shall be received. All evidence is subject to the hearings officer's discretion to exclude irrelevant, prejudicial, untimely or unduly repetitious evidence and to weigh all evidence received.~~
 - ~~(A) Relevant evidence. Relevant evidence means evidence having any tendency to make the existence of any material fact more or less probable than it would be without the evidence.—~~
 - ~~(B) Prejudicial evidence. Prejudicial evidence means evidence whose probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or considerations of undue delay, waste of time or needless presentation of cumulative evidence.~~

- ~~(3) — Rulings on the admissibility or exclusion of evidence may be made at the hearing or at the time an order is issued.~~
- ~~(4) — Upon reconsideration of an evidentiary ruling, a hearings officer shall preclude action only if the ruling was both erroneous and substantially prejudicial to the rights of a party.~~
- ~~(5) — The hearings officer shall give effect to the rules of privilege recognized by law.~~
- ~~(e) — A name of a person found on solid waste in such a way that it denotes ownership of the items constitutes rebuttable evidence that the person has violated Metro Code 5.09.040(b) or 5.09.040(c). The hearings officer shall determine at the hearing whether the evidence in question is sufficient to give rise to a rebuttable presumption of responsibility against the cited person, and shall so notify the cited person following presentation of Metro's case.~~
- ~~(f) — The hearings officer shall place on the record a statement of the substance of any written or oral ex parte communication made to the hearings officer on a fact in issue during the pendency of the proceedings. The hearings officer shall notify the parties of the communication and of their right to rebut such communication. The hearings officer shall have the authority to administer oaths and take testimony of witnesses. In response to a request by Metro or the cited person, or upon the hearings officer's own motion, the hearings officer may issue subpoenas in accordance with the following provisions of this section, or if not addressed herein, with the Oregon Rules of Civil Procedure:~~
 - ~~(1) — Metro or the cited person shall request that the hearings officer order witnesses to appear by subpoena in writing at any time at least five days prior to the scheduled hearing.~~
 - ~~(2) — A \$15 deposit for each witness shall accompany each request for a subpoena by a cited person. The deposit will be refunded, as appropriate, if the witness cost is less than the amount deposited.~~
 - ~~(3) — Witnesses ordered to appear by subpoena shall be allowed the same fees and mileage as allowed in civil cases.~~
 - ~~(4) — If a civil fine is imposed in the final order, the order shall include an order for payment of actual costs for any witness fees attributable to the hearing.~~
- ~~(g) — The parties shall have the right to cross-examine witnesses who testify and shall have the right to submit evidence.~~
- ~~(h) — The cited person may not be required to be a witness in the hearing of any violation under this chapter.~~

~~(i) — Proof of a culpable mental state is not an element of a violation under this chapter.~~

~~(j) — After due consideration of the evidence and arguments, the hearings officer shall determine whether the violation alleged in the citation has been proven and enter an order as follows:~~

~~(1) — (1) If the hearings officer determines that the violation has not been proven, a final order dismissing the citation shall be entered.~~

~~(2) — If the hearings officer determines that the violation has been proven, the hearings officer shall enter an appropriate final order that sets forth both findings of fact and conclusions of law, the amount of the civil fine and costs imposed, instructions regarding payment, and the appeal rights of the cited person.~~

~~(3) — A copy of the final order shall be served on the cited person, or on the cited person's attorney(s) of record, by regular mail with certificate of service from the hearings officer.~~

~~An audio recording shall be made of the hearing unless waived by both parties. The recording or a written transcript shall be retained for at least 90 days following the hearing or final judgment on appeal, whichever is later. [Ord. 94-557; Ord. 94-581, Sec. 5; Ord. 02-974, Sec. 1; Ord. 06-1107; and Ord. 13-131]~~

5.09.150 Burden of Proof

Metro has the burden of proving the alleged violation by a preponderance of the evidence.

5.09.160 Evidentiary Rules During a Hearing

(a) The evidentiary rules established in Chapter 2.05 (Contested Case Procedures) apply to any hearing conducted under this chapter.

(b) Notwithstanding subsection (a) above, proof of a culpable mental state is not an element of a violation under this chapter.

(c) A name of a person found on solid waste in such a way that it denotes ownership of the items constitutes rebuttable evidence that the person has violated Metro Code 5.09.040(b) or 5.09.040(c). The hearings officer will determine at the hearing whether the evidence in question is sufficient to give rise to a rebuttable presumption of responsibility against the cited person, and will so notify the cited person following presentation of Metro's case.

5.09.170 Representation at Hearing

A cited person may, at the person's own expense, be represented by an attorney at the hearing provided that Metro receives written notice of the representation at least 10

business days before the hearing. The hearings officer may waive this notice requirement in individual cases or reset the hearing for a later date.

5.09.140-180 Failure to Appear by Cited Person; Entry of Final Order

- (a) A cited person fails to appear if ~~that person~~he or she does not respond by the time specified on the citation or if ~~that person~~he or she requests a hearing and does not appear at the time scheduled by the hearings officer.
- (b) If the cited person fails to appear, the hearings officer ~~shall~~will review any evidence submitted to determine if Metro has established the violation by a preponderance of the evidence, ~~and The hearings officer shall~~will enter an appropriate final order that includes instructions regarding payment and the process to appeal the decision.
~~Where a cited person requests a hearing and fails to appear, the hearings officer may assess an additional fee not to exceed \$50. A copy of the hearings officer's final order shall be served on the cited person using one of the methods of service described in Metro Code 5.09.070. [Ord. 94-557; Ord. 94-581, Sec. 6; Ord. 06-1107; and Ord. 13-1~~

5.09.190 Failure to Pay Civil Penalties; Consequences

A failure to pay civil penalties imposed by order of a hearings officer may result in (i) entry of a judgment against the cited person for the unpaid civil penalties, (ii) a county clerk recording the person's name and the amount of the penalties and costs in the county clerk lien record, and (iii) Metro seeking other legal or equitable relief as provided by law.

5.09.150 Review of Hearings Officer Decisions

- ~~(a) — A motion to reconsider the final order of the hearings officer must be filed within 10 days of the original order. The hearings officer may reconsider the final order with or without further briefing or oral argument. If allowed, reconsideration shall result in reaffirmance, modification, or reversal. Filing a motion for reconsideration does not toll the period for filing an appeal in court.~~
- ~~(b) — A cited person may appeal a final order by Writ of Review as provided in ORS 34.010 through 34.100. [Ord. 94-557; Ord. 06-1107; and Ord. 13-1311.]~~

5.09.160-200 Collection of Civil ~~Fines-Penalties~~ and Costs; Other Legal Actions

- (a) ~~Fines-Civil penalties~~ and costs are payable upon receipt of citation or an invoice from Metro pursuant to a written settlement or final order imposing ~~fin~~es civil penalties and costs. ~~Fines-Civil penalties~~ and costs under this chapter are a debt owing to Metro and may be collected in the same manner as any other debt.
- (b) ~~The Chief Operating Officer or designee~~Metro may initiate appropriate legal action, in law or equity, in any court of competent jurisdiction to enforce the provisions of any written settlement or final order of the hearings officer.

- (c) ~~In addition to other remedies available in law or equity, when~~When an order assessing civil ~~fin~~es ~~penalties~~ and costs under this chapter becomes final by operation of law or on appeal and the ~~violater has not paid the penalties~~amount of the fines or costs ~~is not paid~~ within 10 days after the order becomes final, Metro may record and enforce the order ~~may be recorded and enforced~~ as provided in ORS 268.360~~(5)~~. [Ord. 94-557; Ord. 02-974, Sec. 1; Ord. 06-1107; and Ord. 13-1311.]
- (d) Nothing in this chapter prevents other legal action against a person alleged to have violated a provision enforceable under this chapter. Metro, or any person or governmental entity whose interest is or may be affected by violation of a provision enforceable under this chapter, may take whatever legal or equitable action necessary to abate a nuisance, impose criminal sanctions or collect damages, regardless of whether Metro has commenced an action under this chapter.

~~5.09.170 [Repealed Ord. 19-1441; Effective February 19, 2020]~~

5.09.~~180-210~~ Severability

If a court of competent jurisdiction finds any ~~section, subsection, paragraph, sentence, clause, phrase, or other~~ portion of this chapter ~~is found to be~~ invalid or unconstitutional ~~by a court of competent jurisdiction~~, that portion of the chapter ~~is~~shall be deemed separate and distinct, and the remainder of this chapter ~~shall~~continues in full force and effect. [Ord. 94-557.]

5.09.~~190-220~~ Authority to Settle

The Chief Operating Officer or designee may negotiate a settlement ~~is authorized to enter into negotiations with the parties or their legal representatives~~ involving any provision of this chapter for the collection of fines civil penalties and costs, ~~to negotiate a settlement, or both~~. [Ord. 13-1311.]