

CHAPTER 50: SOLID WASTE

Section

- 50.01 Purpose
- 50.02 Definitions
- 50.03 Segregation and containment of solid waste
- 50.04 Solid waste container locations
- 50.05 Nonprofit organization special fund-raising drives
- 50.06 Solid waste collection contract
- 50.07 Service provisions
- 50.08 Used bedding and clothing
- 50.09 Prohibited disposal practice
- 50.10 Responsibility of customers
- 50.11 Ownership of solid waste
- 50.12 Recycling
- 50.13 Rates; exemption
- 50.14 Compliance with regulations required
- 50.15 Complaint resolution
- 50.16 Enforcement officers
- 50.17 Remedies

- 50.99 Penalty

§ 50.01 PURPOSE.

The City Council finds that maintenance of health, sanitation, and energy conservation requires compulsory and universal collection, removal, disposal and recycling of solid waste and such other requirements as detailed herein. In priority order the desire of the city is to:

- (A) Reduce the amount of solid waste generated;
- (B) Reuse as many items of solid waste as possible;
- (C) Recycle as much of the remaining products as is economically feasible;

(D) Compost yard waste when and where practicable; and

(E) Dispose of the remaining waste in a manner which is both economically and environmentally sound.
(Ord. 91-19, passed 12-9-91)

§ 50.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NON-PUTRESCIBLE SOLID WASTE. For purposes of this chapter, non-putrescible material includes, but is not limited to, inoperable vehicles, vehicle parts and tires; residential, commercial and industrial appliances, equipment and furniture; scrap metal; residential, commercial and industrial building demolition or construction waste; plastic, glass, cardboard, and wastepaper.

PUTRESCIBLE SOLID WASTE. Solid waste or waste material, including bones, meat and meat scraps, fat, grease; fish and fish scraps; food containers contaminated with food wastes, particles or residues; bio-medical waste; vegetable and fruit food wastes; manure, small dead animals or similar organic wastes which cause offensive odors or create a health hazard or which are capable of attracting or providing food for potential disease carriers such as birds, rodents, flies and other vectors.

RECYCLABLE MATERIAL.

(1) Those materials designated as such by the Department of Environmental Quality and by the city.

(2) Inoperable vehicles are recycled in accordance with city ordinances and state laws, and are excluded from this chapter.

RESOURCE RECOVERY. The process of obtaining useful material or energy resources from solid waste which includes:

(1) **ENERGY RECOVERY.** Any process in which all or a part of solid waste materials are utilized to extract heat content or other forms of energy of or from the material.

(2) **MATERIAL RECOVERY.** Any process of obtaining from solid waste, by pre-segregation or otherwise, materials which still have useful physical or chemical properties after serving a specific purpose and can, therefore, be reused or recycled for the same or other purpose.

(3) **MINIMUM SERVICE FEE.** The charge made to each residence based on the basic minimum collection of one can per month.

(4) **RECYCLING.** Any process by which solid waste materials are transformed into new products in such manner that the original products may lose their identity, and includes collection, transportation, storage and transfer of solid waste and placing the solid waste in the stream of commerce for resource recovery.

(5) **REUSE.** Return of a commodity to the economic stream for use in the same or a similar application as before without change in its identity.

SERVICE. Collection, transportation, storage, transfer, disposal of or resource recovery of solid waste, including solid waste management.

SOLID WASTE.

(1) All putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, waste paper, cardboard, yard waste, grass clippings, compost, tires, equipment and furniture; commercial, industrial, demolition and construction wastes; discarded home or industrial appliances; manure, vegetable or animal solid and

semi-solid wastes, dead animals. The term specifically excludes:

(a) Hazardous wastes as defined in O.R.S. 466.005. These materials are the responsibility of the owner and must be disposed of in accordance with state law.

(b) Sewer sludge and septic tank and cesspool pumping, chemical toilet waste or other sludge.

(c) Reusable beverage containers as defined in O.R.S. 459A.700 through 459A.740.

(d) Material used for fertilizer or for other productive agricultural operations in growing or harvesting crops and raising animals.

(2) The fact that materials which would otherwise come within the definition of solid waste may from time to time have value and thus be utilized does not remove them from this definition.

SOLID WASTE MANAGEMENT. Prevention or reduction of solid waste; management of storage, transfer, collection, transportation, treatment, utilization, processing and final disposal of solid waste; or resource recovery from solid waste; and facilities used for those activities.

SOURCE SEPARATION. Separation or setting aside of waste, by the source generator or producer of the waste, for recycling or reuse. Total source separation means complete separation by the source generator or producer of waste by type or kind of waste from all other types or kinds of waste. Total source separation requires each type or kind of recyclable material such as newsprint, computer paper, cardboard, glass, ferrous cans and aluminum cans to be distinctly segregated in a separate package, container or stack in preparation for collection.

UNCONTAMINATED COMBUSTIBLE. Paper, lumber and wood or paper products which are free from plastic, petroleum products, preservative or other substances which, when burned, emit toxic gases or other pollutants regulated by state or federal environmental agencies.

WASTE. Material that is no longer wanted or usable by the source, source generator or producer of the material, and which is to be disposed of or recovered by another person, and includes both source-separated material and non-separated materials.

(Ord. 91-19, passed 12-9-91)

§ 50.03 SEGREGATION AND CONTAINMENT OF SOLID WASTE.

All solid waste intended for disposal shall be segregated and contained as described below:

(A) *Commercial.* A commercial waste container shall be of such size, volume and construction as will require a mechanical device to empty it into the collection vehicles.

(B) *Residential.* All waste shall be placed in a watertight, galvanized metal container or approved plastic container of not more than 32 gallons net capacity and of a design satisfactory to the City Manager and franchisee. The container when loaded shall not weight more than 60 pounds. The container shall be strong, capable of enclosing all contents, have handles at the sides, have a tight-fitting lid, and shall be kept clean and continuously closed except when refuse is being dumped into or removed therefrom.

(C) Ashes, soot, cat litter, dog droppings and styrofoam plastic packing material shall be securely wrapped and bagged before placement in container for disposal.

(D) Bio-medical waste is to be kept separate from the refuse container. The franchisee is to be contacted and arrangements made for disposal of this material.

(E) Liquid waste, chemicals, paint, insecticides and hazardous waste shall not be combined with rubbish or garbage in a container and are to be disposed of in accordance with current state regulations.

(F) Yard waste may be composted at its source or at a site designated by City Council, may be

segregated and placed out for collection or may be hauled to the transfer station.

(G) Construction and demolition waste shall be separated into uncontaminated combustible materials and other waste for collection or hauling to the transfer station or an approved disposal site. Uncontaminated combustibles may be burned in compliance with § 50.09(B) of this chapter.

(H) Recyclable and reusable waste may be segregated and put out for collection, donated to an approved fund-raising drive, placed in a designated drop facility or hauled to the transfer station.

(Ord. 91-19, passed 12-9-91) Penalty, see § 50.99

§ 50.04 SOLID WASTE CONTAINER LOCATIONS.

(A) (1) A tenant, occupant or owner of a dwelling, or the keeper of a hotel, restaurant or boarding house or a building where meals are furnished shall provide and properly maintain a container as specified in § 50.03(A) or (B) of this chapter.

(2) Except on the day before or day of pick-up, no person may place a container for receiving refuse in or on any public street, alley, sidewalk, footpath or other public place. Municipal containers for public use are exempt.

(B) Residential solid waste containers, on the scheduled day of pick-up service or the day immediately prior to pick-up service, shall be placed at any of the following locations:

(1) At the edge of the roadway or curb or sidewalk, or within an unobstructed five feet from the curb and without obstructing vehicular or pedestrian traffic.

(2) For any location on the property not described in division (1) above, a "sideyard" surcharge will be added to the collection fee.

(3) Customers with special physical needs may have refuse picked up in a convenient and accessible area at no additional charge. Customers

needing this service must obtain a no-cost permit from the franchisee in order to avoid a surcharge.

(4) Residences grouped into a multi-family arrangement shall have garbage containers in a central and convenient location.

(C) The container location shall be free from surrounding obstructions and easily accessible to the collector.

(D) A tenant, occupant or owner of a building requiring a commercial container shall provide and maintain a hard and durable, rigid, level surface for the container which is easily accessible to the collector.

(E) Dogs shall be restrained or segregated from the refuse container pick-up area on collection day. (Ord. 91-19, passed 12-9-91) Penalty, see § 50.99

§ 50.05 NONPROFIT ORGANIZATION SPECIAL FUND-RAISING DRIVES.

(A) Paper drives, recycling or other approved fund-raising drives may be conducted from time to time by non-profit institutions or organizations under permit from and in accordance with any rules and regulations prescribed by the City Manager. Such drives require advance permission from the City Manager. No charge may be made against solid waste customers for the removal of such items and no claim may be made by the franchisee because of loss of business.

(B) It is recognized that some people remove recyclables from public containers. This practice shall be allowed upon obtaining a no-cost permit from the City Manager or his designee.

(C) Permits in this section may contain regulations to protect the health, safety, and welfare of the public, and will include provisions for accounting for amounts and disposition of such recyclables when disposed of outside of the city. Such permits are renewable monthly. (Ord. 91-19, passed 12-9-91)

§ 50.06 SOLID WASTE COLLECTION CONTRACT.

(A) The city may contract for a franchise for the collection and disposal of solid waste and recyclable material. The franchise contract shall cover the right to collect, remove and dispose of all solid waste for a period not to exceed 20 years. The franchise contract may be awarded with or without public bids.

(B) No franchise contract for the collection and disposal of solid waste, or any interest therein, granted by the City Council pursuant to the provisions of this chapter, may be sold, assigned, mortgaged or otherwise transferred without prior consent of the City Council by ordinance. The City Council may grant or deny consent, or may impose such conditions with respect to transfer of the franchise contract or any interest therein as are in the interest of the public health and general welfare. The city shall not arbitrarily withhold consent and a City Council decision must be made within 90 days of the request for the transfer or the transfer is granted.

(C) Contract to franchise shall be granted by the City Council on the basis of:

- (1) Service record;
 - (2) Financial status;
 - (3) Equipment and personnel capabilities to meet current and future needs; and
 - (4) Moral character and reputation related to business.
- (Ord. 91-19, passed 12-9-91)

§ 50.07 SERVICE PROVISIONS.

(A) The owner and/or occupant of any dwelling or business shall subscribe to and pay for service rendered to the dwelling or business. The contractor and owner may agree that occupant will initially be responsible for payment for service, but such agreement shall not relieve the owner in the event of non-payment by an occupant.

(B) Minimum service to any dwelling unit is pick-up of one solid waste container per month, except as provided in divisions (D) and (E) below. In the case of multi-family dwellings, minimum service is the equivalent of one solid waste container per dwelling unit per month, but service may be containerized. Minimum service for other developed property is that which is necessary to prevent accumulation or storage of solid wastes which create a fire, safety or health hazard or public nuisance, and to comply with § 50.03.

(C) The owner or occupant of any dwelling shall subscribe for service within seven days of occupancy. For purposes of universal garbage service, property shall be considered to be occupied if connected to city water and sewer service.

(D) Temporary exemption from universal service or minimum service fees may be granted by the City Manager upon presentation of evidence of financial hardship. Denial by the City Manager in such cases may be appealed to City Council.

(E) Unoccupied property not receiving water and sewer service may, by choice of the owner, be exempt from universal collection service by submitting written notification to the franchisee. Such exemption terminates upon initiation of water and sewer service.

(F) Franchisee shall bill the owner/occupant for all service provided to the residence/business. Owner and franchisee may agree to have the occupant billed on property occupied by a non-owner.

(G) Franchisee shall take all reasonable steps to collect the minimum service fee. Ninety days after a billing becomes delinquent franchisee may discontinue service. Such a discontinuation of service does not relieve the property owner from future minimum service fees.

(H) In the event of a dispute between franchisee and the owner or occupant of the property regarding the amount owed, franchisee shall resolve the dispute in any manner prescribed by law prior to terminating service and giving the city notice.

(I) Delinquent minimum service fees which are uncollected after one year may be submitted to the city for payment. Franchisee shall submit a statement indicating the service provided, address where provided, the time period and minimum service charges, and an affirmation that the amount owed is not in dispute.

(J) The city shall be authorized to take the following steps, to collect the delinquent fees:

(1) Charge a delinquent fee of \$25;

(2) Use of collection agency. The property owner will pay all costs of collection;

(3) Take appropriate legal action, including filing a claim for payment;

(4) Place a lien against the property and charge interest at 10% per annum;

(5) Use any other method of collection allowed by law;

(6) Any combination of the above.

(Ord. 91-19, passed 12-9-91) Penalty, see § 50.99

§ 50.08 USED BEDDING AND CLOTHING.

All refuse consisting of rags, used clothing, bedding, mattresses, shoes or other rubbish which may carry germs or communicable diseases shall be taken by the collector directly to the disposal area on the day of collection. The collector shall not pick up or retain any such described rubbish or carry any such rubbish to any barn, garage or premises for storage, segregation or use.

(Ord. 91-19, passed 12-9-91) Penalty, see § 50.99

§ 50.09 PROHIBITED DISPOSAL PRACTICE.

No person may:

(A) Deposit or dispose of solid waste anywhere except at the transfer station. The composting of vegetable matter may occur at a central site or on the owner's property. Upon written permission of the

City Manager or his designee, soil and clean fill material may be used for filling in holes, depressions and lots if the material is leveled and properly covered.

(B) Burn solid waste materials other than uncontaminated combustibles in fireplaces, stoves, incinerators, barrels or burn piles. However, yard waste and uncontaminated combustibles, demolition and construction waste may be burned by special permit from the Fire Department only.

(C) Dump, place or deposit upon any lot, property or in any solid waste container owned by any other person any waste material.

(D) Dump, place or deposit upon any of the public streets, alleys, parks, or lots of the city any waste material without prior written consent from the City Manager or his designee.

(E) Use a municipal solid waste container for residential or business disposal.

(F) Without permission of the owner or generator of recyclable material, take recyclable materials set out to be collected by a person authorized by the city to provide collection service for that recyclable material, except in accordance with this chapter.

(G) Remove any recyclable material from a container, box, collection vehicle, depot or other receptacle for the accumulation or storage of recyclable materials without permission of the owner of the receptacle.

(Ord. 91-19, passed 12-9-91; Am. Ord. 2004-05, passed 6-28-04) Penalty, see § 50.99

§ 50.10 RESPONSIBILITY OF CUSTOMERS.

(A) All solid waste disposal shall be performed by the franchisee, except for recyclable material which may be disposed of by the source generator or producer by delivery to the city's recycling center in a manner which promotes its recovery, or for waste

which, by authority of this chapter, may be taken by the source generator or producer to the transfer station or other authorized disposal site.

(B) The person in control of any residential property occupied within the city shall provide for collection and disposal of solid waste from any such structure.

(Ord. 91-19, passed 12-9-91) Penalty, see § 50.99

§ 50.11 OWNERSHIP OF SOLID WASTE.

All solid waste located, placed or deposited in a can, container, drop box or receptacle placed out by the customer for collection becomes property of the franchisee, subject to conditions stipulated by the city in Ordinance 91-20 (the current collection franchise ordinance). It shall be unlawful for any person other than the franchisee to remove any solid waste from such receptacles. Any person removing such materials in violation of this section, except as provided for in § 50.06(B), shall be subject to penalties defined in § 50.99 of this chapter.

(Ord. 91-19, passed 12-9-91)

§ 50.12 RECYCLING.

In the interest of promoting waste reduction and reuse, the city shall cooperate with franchisee in promoting effective recycling programs. The city shall provide information and, where possible, incentives that encourage the maximum community participation in recycling. Recycling is mandated by state law.

(A) *Residential recycling.* Franchisee shall provide the following services to all residences in the city:

(1) Establish a pick-up schedule for curbside and drop facility collection and provide

residential customers with suitable containers for recyclables. The schedule shall be reviewed for practicality by the City Manager prior to implementation, and for effectiveness, including overall rate of recycling, by the City Council annually.

(2) City Council shall designate by resolution the kinds of recyclable materials to be collected. This list may be amended from time to time by resolution and shall include minimum requirements of state and federal law.

(3) Franchisee shall not charge a customer separately or by surcharge for collection of recyclable materials.

(4) Provide "on call pick-up" for yard debris, appliances or bulk quantities of other recyclable materials. An additional charge may be made for pick-up and delivery of such items according to a fee schedule approved by City Council.

(5) Citizens shall separate recyclable materials for collection and properly prepare the materials in accordance with instructions provided by the franchisee to all residences.

(6) All multi-dwelling residences with three or more units shall provide a designated recycling collection area.

(B) *Commercial recycling.*

(1) All businesses operating within the city limits may separate recyclable materials from other solid waste.

(2) Franchisee may collect source-separated commercial recyclable materials on a regular basis, at least weekly, for deposit at the recycling center. Frequency of collection may be a function of quantity of material to be collected and storage space available at the source.

(C) The franchisee will prepare and present a bi-annual recycling report to the City Council. This report will contain total waste tonnage for the city, tonnage by category of recycled materials and level

of participation by residents and commercial customers.

(Ord. 91-19, passed 12-9-91)

§ 50.13 RATES; EXEMPTION.

(A) *Cost of collection.* Rates for service under this chapter shall be those rates adopted by the City Council by resolution. The Council shall establish and, as considered necessary from time to time, change rates by resolution after a public hearing. In determining the appropriate rate to be charged by the franchisee, the City Council may consider any or all of the following:

(1) Cost to the franchisee of providing the service.

(2) Anticipated increase in the cost of providing this service.

(3) Equipment replacement and the need for additional equipment to meet expanding service requirements; compliance with federal, state, local law, ordinances and regulations; or technological change.

(4) Investment of franchisee and value of the business, and the necessity that franchisee have a reasonable rate of return.

(5) Rates charged in other cities of similar size for similar service.

(6) Public interest in assuring reasonable rates which enable franchisee to provide efficient and beneficial service to residents and other users of the service.

(7) Local wage scales, cost of management facilities and disposal fee or charges.

(8) Revenues and/or expenses resulting from recycling.

(B) *Landfill fees and transfer fees.* Land fill fees, transfer fees and similar fees charged a franchisee shall be passed through to the customer on a proportional basis by resolution of the City Council.

(C) *Exemption.* Fees authorized under this chapter shall constitute a service charge, and are not considered a property tax and therefore are not subject to the property tax limitations of Section 11 (b), Article XI of the Oregon Constitution. (Ord. 91-19, passed 12-9-91)

§ 50.14 COMPLIANCE WITH REGULATIONS REQUIRED.

(A) The customer is responsible for complying with stipulations of this chapter regarding segregation and containment of solid waste (§ 50.03), solid waste container locations (§ 50.04), universal service (§ 50.07) and responsibility of customers (§ 50.10).

(B) Franchisee may refuse to pick up solid waste placed out for collection which is out of compliance with §§ 50.03, 50.04, 50.07 or 50.10 of this chapter. Franchisee shall leave written notice specifying the non-compliance and the franchisee's telephone number. (Ord. 91-19, passed 12-9-91)

§ 50.15 COMPLAINT RESOLUTION.

Franchisee shall have two working days from time of receipt to report to the city regarding resolution of any complaint referred by the city. (Ord. 91-19, passed 12-9-91)

§ 50.16 ENFORCEMENT OFFICERS.

The Code Enforcement Officer, police officers and such other employees as designated by the City Manager shall enforce this chapter. (Ord. 91-19, passed 12-9-91)

§ 50.17 REMEDIES.

(A) In addition to the penalties in § 50.99, any condition caused or permitted to exist in violation of this chapter shall be deemed a public nuisance and the City Attorney may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or other appropriate legal proceedings to

temporarily or permanently enjoin or abate such violation.

(B) Penalties and remedies provided in this chapter are not exclusive and are in addition to any other penalties and remedies available to the city under any other provisions of this code, city ordinance or law. (Ord. 91-19, passed 12-9-91)

§ 50.99 PENALTY.

Violation of this chapter constitutes a Class A Civil Infraction and shall be processed in accordance with the procedures set forth in O.R.S. Chapter 153. Each day a violation of this chapter continues shall be a separate violation. An assessment of a forfeiture for a Class A Civil Infraction shall not exceed \$500. (Ord. 91-19, passed 12-9-91)