

ORDINANCE NO. 401

AN ORDINANCE PROVIDING FOR THE COLLECTION AND DISPOSAL OF GARBAGE; AUTHORIZING A CONTRACT THEREFOR; AND RELATING GENERALLY TO THE HEALTH AND SANITATION OF THE CITY OF CANBY AND THE INHABITANTS THEREOF.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section One: Definitions. For the purpose of this ordinance, the following words and phrases shall have the meanings ascribed to them in this section:

- (a) Person - shall mean any institution, public or private corporation, individual, partnership or other entity.
- (b) Premises - shall mean land, buildings or other structures, vehicles, water craft or parts thereof upon or in which garbage is stored.
- (c) Garbage - shall mean all refuse and solid wastes, including ashes, rubbish, tin cans, debris generally, dead animals, street cleanings and industrial wastes, and things ordinarily and customarily discarded and dumped for the purpose of promoting the cleanliness and health of the city and its residents, but not including sewage and body waste.
- (d) Contractor - shall mean person or persons, corporation, partnership or other entity who is a party to a Garbage Collection Contract with the City of Canby.

Section Two: The regulation of the disposal and hauling of garbage in the City of Canby under the provisions of this ordinance shall be under the supervision of the City Council or an agent or employee of the city, duly designated by the City Council and the powers and duties of said Council or as delegated shall include, though not exclusively, authority to conduct periodic inspections to insure full compliance with the terms and provisions of this ordinance and to arbitrate or provide for arbitration of any and all disputes arising between the Contractor and the citizens of the City of Canby.

Section Three: It shall be unlawful for any person in possession, charge or in control of any dwelling, apartment house, trailer camp, restaurant, place of business or manufacturing establishment where garbage is created or accumulated, to fail at all times to keep portable cans or containers of standard type and construction and to deposit said garbage therein, provided however that stiff paper products and wooden or metal waste matter may remain outside of cans or containers, if neatly and orderly stored. Said cans or containers shall be strong, water tight, rodent proof, insect proof and of not more than 35 gallons capacity in residential districts and of not more than 50 gallons capacity in business districts and shall have tightly fitting lids. Said cans or containers shall be kept tightly closed at all times except when being emptied or filled and shall be kept and maintained at a place or places reasonably accessible to garbage haulers at first floor or ground level.

Section Four: It shall be unlawful for any person to burn, dump, collect, remove or in any other manner accumulate or dispose of garbage upon any street, alley, public place or private property, within the City of Canby, otherwise than as herein provided. Waste paper, rubbish and debris, brush, grass, wood and cuttings from trees, but excepting paper, cardboard or wood containers in commercial quantities, may be burned in furnaces, outside fireplaces or incinerators on private property; or upon special permit from the fire chief of the City of Canby, they may be burned in open fires. It shall always be unlawful to burn, within the city limits, any wet garbage or other substance which creates foul or obnoxious odors. Any unauthorized accumulation of garbage on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of garbage within thirty (30) days after the effective date of this ordinance shall be deemed a violation of this ordinance.

Section Five: It shall be unlawful for any person to haul garbage upon the streets and public thoroughfares of the City of Canby, except as otherwise provided herein. It shall be unlawful for any person to haul garbage to any place in the City of Canby other than that designated by the City Council.

Section Six: The City Council of said city has fixed or shall fix and designate by ordinance from time to time, a garbage dumping ground, at which designated place all garbage produced or accumulated in the city shall be dumped, except garbage to be used for agricultural and feeding purposes. All persons depositing garbage on such garbage dumping grounds shall follow rules and regulations established by the City Council and pay dumping fees as established by the City Council. Said rules, regulations and fees shall be reasonable and not discriminatory.

Section Seven: The Mayor of the City of Canby is hereby authorized and directed to enter into a contract with Robert Torgeson of Canby, Oregon, for a period of ten (10) successive years from and after the effective date of this ordinance granting to the said Robert Torgeson the exclusive right, except as otherwise provided herein, to collect, convey and dispose of all garbage as herein defined and which accumulates in the City of Canby. The terms and conditions of such contract to be first approved by the Canby City Council. Upon the expiration of said contract by the lapse of time or otherwise, the Mayor of the City of Canby is hereby authorized to enter into a renewal contract or other contracts with other persons, firms or corporations as may be required for the collection, conveyance, removal and disposal of garbage within the City of Canby.

For the right to collect and haul garbage over the streets of Canby, the Contractor shall pay to the City of Canby annually in advance, the sum of \$ 10.00 .

Section Eight: The rates and compensation for the service

rendered by the contract garbage hauler shall be reasonable and uniform and shall not be in excess of a schedule of charges and compensation to be fixed by the contract. Provided that such rates and charges may be changed from time to time after negotiations with the Contractor.

Section Nine: All persons in the City of Canby are hereby required to dispose of all perishable garbage before the same shall have become offensive and to dispose of all non-perishable garbage promptly and not permit the same to accumulate on or about the premises and to dispose of the same by burning, burying or in such manner as shall not create a nuisance and as permitted by this ordinance or by hauling or causing the same to be hauled to the garbage dump designated by the City Council.

Section Ten: Any person may transport garbage produced by himself or itself upon the streets of the City of Canby provided that such garbage must be hauled in such manner as to prevent leakage or litter upon the streets and must be deposited upon the designated dumping grounds or as permitted by this ordinance; the manner and place of dumping shall be as designated by the person in charge of the said dumping ground. Any person dumping garbage pursuant to this section shall pay a dumping fee which shall be reasonable and uniform and shall not be in excess of a schedule of charges to be adopted from time to time by resolution of the City Council of the City of Canby.

Section Eleven: Except as provided herein, it shall be unlawful for any person, firm or corporation other than a person, firm or corporation under contract with the city as provided in Section Seven of this ordinance to collect, gather and haul garbage over the streets of the City of Canby.

Section Twelve: Any person violating any of the terms of this ordinance shall upon conviction in the Municipal Court or upon a plea of guilty before such Court, be subject to a fine not

exceeding \$200.00 and to imprisonment in the County Jail for one (1) day for each \$2.00 of such fine remaining unpaid or to imprisonment in the County Jail for a period not exceeding one hundred (100) days or to both such fine and imprisonment and for costs of prosecution.

Section Thirteen: All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section Fourteen: It being deemed by the City Council for the City of Canby, Oregon, that an emergency exists this ordinance shall go into effect immediately upon its final passage by the City Council and the approval by the Mayor.

Passed on its first reading at a regular meeting of the Council for the City of Canby, Oregon, held on the 20th day of May, 1957; ordered posted in three (3) public and conspicuous places in the City of Canby, Oregon, for two (2) full calendar weeks as provided by City Charter and to come up for final reading and action at a regular meeting of said Council to be held on the 17th day of June, 1957, at 8:00 o'clock P. M., Oregon Standard Time, in the Canby City Hall.

Beulah E. Pedman
Mayor

ATTEST:

Mabel E. Decker
City Recorder, acting

Passed on final reading this 17th day of June, 1957, by the following vote:

YEAS 5

NAYS 0

Submitted to the Mayor this 17th day of June, 1957.

Approved by the Mayor this 17th day of June, 1957.

Beulah E. Pedman
Mayor

ATTEST:

Mabel E. Decker
City Recorder, acting

