

ORDINANCE No. 779-A

Introduced by Commissioner George W. Cooper

AN ORDINANCE PROVIDING FOR UNIVERSAL AND MANDATORY REFUSE AND GARBAGE COLLECTION; GRANTING TO THE CITY OF WARRENTON THE EXCLUSIVE RIGHT AND PRIVILEGE TO COLLECT AND TRANSPORT GARBAGE AND REFUSE AND PROVIDING RATES AND METHODS OF BILLING, TYPES OF CONTAINERS AND LOCATION OF THE SAME; AND DISCONTINUANCE OF SERVICE AND CERTAIN DISPOSAL PRACTICES; AND DECLARING AN EMERGENCY.

The City of Warrenton ordains as follows:

Section 1: Purpose: The Warrenton City Commission finds that the maintenance of health and sanitation requires compulsory and universal collection, removal and disposal of refuse. The city commission further finds the public interest is best served by city-operated collection services.

Section 2: Definitions: In this ordinance, the following words mean:

(1) Ashes. The solid waste products of coal, wood and other fuels used for heating and cooking, from all public and private establishments and residences.

(2) Collector. An agent, officer or employee of the city, or any person, or the agents or employees thereof, to whom authority is given for the collection and disposal of refuse.

(3) Commercial Refuse. Solid waste materials from stores, shops, or other similiar enterprises. The words include building rubbish, cardboard, papers, bottles, cans, furniture and bedding.

(4) Disposal Area. Any area designated or provided by the City Commission for the purpose of disposal of refuse.

(5) Food processing waste. All accumulated refuse from animal, fruit and vegetable matter, liquid or otherwise, that attends the preparation and/or use of meat, fish, vegetable and fruit, which are subject to decay and attraction for flies and rodents.

(6) Garbage. All putrescible wastes, except sewerage and body wastes, including vegetable wastes, animal offal and carcasses of dead animals, and including all substances from all public and private establishments and residences, but not including recognized industrial by-products.

(7) Industrial Refuse. Solid waste materials from factories, processing plants or other manufacturing enterprises. The words include putrescible garbage from food processing plants and slaughterhouses, condemned foods, and miscellaneous manufacturing refuse.

(8) Refuse. Ashes, garbage, rubbish, swill and all other putrescible and nonputrescible wastes, except sewage, from all public and private establishments and residences.

(9) Rubbish. All nonputrescible waste materials, except ashes, which are rejected, abandoned or discarded by the owners or producers thereof as offensive, useless or no longer desired by producers thereof, and which, by their presence of accumulation may affect injuriously the health, comfort or safety of the community by increasing disease or hazard by fire. The term includes paper, cartons, boxes, bottles, cans, wood, tree branches, yard trimmings, furniture, bedding, metals, dirt, glass, crockery and similar substances or materials of the nature described from all public and private establishments and residences.

(10) Swill. Every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit and vegetables, that is subject to decay and/or the attraction of flies or rodents.

Section 3. Enforcement Officers: Police officers and all employees of the public works department shall enforce this ordinance, and are authorized

Section 4. Rules and Regulations: The city manager shall adopt, modify and enforce rules and regulations for collecting and disposing of refuse and other waste material, for regulating the use of the disposal area, and for all other purposes deemed necessary for the proper conduct of collecting and disposing of refuse and other waste material. All rules and regulations shall first be approved by the City Commission.

Section 5: Filing Rules and Regulations: The rules and regulations shall be plainly printed or typewritten and maintained subject to inspection in the city hall. The city manager may prescribe rules or regulations which may be enforced by the city in a civil action. All rules and regulations promulgated under the authority of this section, and all amendments thereto, shall be filed with the city commission for approval at its next meeting following such promulgation.

Section 6: Segregation of Refuse: The city shall require the segregation of refuse:

(1) Ashes and soot shall be securely wrapped or bagged before disposal.

(2) Refuse of a liquid nature shall not be deposited with rubbish or garbage. Kitchen refuse to be collected by the collector shall be drained of all moisture and completely wrapped in paper before being placed in a container.

Section 7: Refuse Container: All refuse shall be placed by the person upon whose premises the same is produced 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 director of public works. The container, when empty shall not weigh more than 15 pounds. The container, when loaded, shall not weigh more than 75 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. The contents of such container shall be collected, by the city's collector, not less than once every four (4) weeks, and more often if deemed necessary by the director of public works, by the collector or otherwise disposed of as provided in this Ordinance. The container shall be placed at such a point as to be free from all obstructions and easily accessible to the collector at all times.

Section 8: Refuse Container Locations: 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, and every other person having refuse, shall provide and properly maintain a container as specified in Section 7 of this ordinance. Except on the day of pickup, no person may place a container for receiving refuse in or on any public street, alley, sidewalk, footpath or any public place.

Residential garbage containers, on the scheduled day of pick-up service, shall be placed at any of the following locations:

(1) At the edge of the roadway, curb or sidewalk, as is available, adjacent to the residence.

(2) At the front of the residence, between the building and the roadway, in clear view of the collector.

(3) Residences grouped into a multi-family arrangement will have the garbage containers in a central and convenient location.

The container location shall be free from surrounding obstructions and easily accessible to the collector. Containers shall not be placed in muddy areas or in a location requiring the collector to cross through a muddy area in order to reach the container.

In no instance shall the garbage container for pick-up service be located within an enclosed building, carport, raised porch or within a fenced area.

A tenant, occupant or owner of a building requiring the use of a commercial container shall provide and maintain a hard and durable resting surface for the container, which is easily accessible for pickup and dumping into the garbage truck.

Section 9: Disposal Area:

(1) The disposal area may be used for the disposal of refuse by all persons authorized by the City on the following terms:

(a) No refuse produced outside the city limits may be deposited at the disposal area, except as provided in this ordinance or in the rules and regulations governing the disposal area.

(b) Refuse deposited at the disposal area shall be deposited in a manner as directed by the person in charge of the disposal area.

(2) The disposal of refuse shall be by methods specifically approved by all applicable governmental agencies including the Department of Environmental Quality and/or the Oregon State Board of Health. The methods shall include the maximum practicable controls against rodents, insects and nuisances at the disposal area.

Section 10: Restricted Collection and Disposal:

(1) No person may collect garbage, or transport the same upon or through any street or public place, unless such person is an employee, a contractor or agent of the city, or is the employee of a contractor or agent engaged in transporting the garbage from the premises where produced to any area where disposal of garbage is permitted, or unless such person has received written permission from the collector and the city manager.

(2) No person may collect rubbish, or transport the same upon or through any street or public place, unless such person is an employee, or agent of the City, or contractor or is the employee of such contractor or agent engaged in transporting the rubbish from the premises where produced to any area where disposal of rubbish is permitted.

(3) A person who produces rubbish consisting of paper, cartons, boxes, bottles, cans, wood, tree branches, yard trimmings, dirt, glass, and similar substances or materials may transport the rubbish directly from his residence or business premises to the disposal area and may deposit it at any disposal area after payment of the necessary fees. All transportation shall be in an enclosed vehicle or truck with sufficient capacity and size to support the load.

Section 11: Non-profit Organization - Special Drives: Paper drives, bottle drives, or other approved drives may be carried on from time to time by non-profit institutions or organizations under permit from and in accordance with rules and regulations prescribed by the city manager. No charge may be made against refuse customers for the removal of such items and no claim may be made by the collector because of loss of business.

Section 12: Billing Method:

(1) For premises served with city water, the charge for refuse collection and disposal service and payment of the total amount must be made in accordance with the rules and regulations of the water operation and Chapter 3, Section 2, Compilation of Ordinances of the City of Warrenton.

(2) The garbage payment is due and payable in full on the first day of each month in advance. If payments in full are not made at the office of the Warrenton Water Department on the day due, water may be shut off to the premises. Water service must be shut off if garbage payments are not paid in full within 90 days from the due date. After the 15th of each month, a collection charge, as specified with the rate schedule, for each delinquent month shall be collected. All payments shall be credited to the oldest amount due, including collection charge on the balance. Once an account becomes delinquent, it must be paid in full, including all service and collection charges, or shut off. An applicant for service who has an unpaid balance due on any prior account shall not receive service until all such past-due balances are paid in full.

(3) For premises not served with city water, the charge for refuse collection and disposal service shall be billed monthly and payment of the total amount must be made by the 15th day of the month in which billing is made by the City.

Section 13: Service Discontinuance:

(1) Premises occupied during any part of a month shall be charged for refuse service, whether or not any collections were actually made, unless the occupant proves that there was no refuse of any kind created or accumulated which the collector should have collected.

(2) Refuse service to any place for which the charge for such service is delinquent for a period of 15 days may be discontinued by the City within 5 days after giving written notice to the occupant of the premises. Service shall be discontinued for reason of nonpayment of charges following the expiration of 5 days from the giving of such notice. If the service is discontinued for failure to pay charges, the service shall not be resumed until the delinquent charges are paid.

(3) Providing a method for universal refuse collection and disposal as well as for furnishing water to the inhabitants of the City are public services which in many respects supplement each other, and it is necessary that payment for the services be prompt. In addition to the other provisions set forth in this Section, the city may turn off the water supply of any person whose charge for the refuse disposal service is delinquent, or who fails to comply with this ordinance and the rules and regulations adopted thereunder. When the payment is made or the violation corrected, the water may be turned on upon payment of the required charges and in accordance with the rules and regulations governing the water system.

Section 14: Multiple-Dwelling Garbage Collection Payment: Owners of multiple dwellings or apartments (two or more families) shall be responsible for the payment of refuse collection services rendered to premises owned by them. Payments may be accepted from tenants in the event that service to such tenants is discontinued pursuant to the provisions of Section 13 of this Ordinance. A copy of the written notice referred to therein shall also be given to the owner of the premises.

Section 15: 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 direct to the disposal area, if possible, on the day of collection. The collector shall not pick or retain any such described rubbish or carry any such rubbish to any barn, garage or premises for storage, segregation or use.

Section 16: Prohibited Disposal Practices:

(1) No person may deposit or bury rubbish or garbage except at the disposal area. Upon the written permission of the City Manager, nonputrefactive and waste material may be used for filling in holes, depressions and lots if the material is leveled and properly covered.

(2) No person may burn rubbish or garbage except at the disposal area. Except for paper, cardboard and wood containers in commercial quantities, any waste paper, boxes, rubbish debris, brush, leaves, grass, wood and cuttings from trees, lawns and gardens may be burned on private property in furnaces, or, upon special permit from the fire department, in outside fireplaces, private incinerators or in open fires.

Section 17: Private Property Disposal: No person may dump, place or deposit upon any lot or property owned by any other person any garbage, swill, dirt, rubbish, refuse or other waste material, except that dirt and clean fill material may be dumped or deposited upon any lot or property owned by any other person within the City after first obtaining the written consent of the owner or legal occupant of such property.

Section 18: Public Property Disposal: No person may dump, place or deposit upon any of the public streets, alleys, ways, parks or lots of the city any garbage, rubbish, refuse or other waste material without first obtaining the consent in writing from the Public Works Director.

Section 19: Industrial Refuse: No person may transport industrial refuse produced by such person upon or through any street or public place of the City unless such person obtains a permit to do so from the City Manager.

Section 20: Rates: See attached rate sheet.

Section 21: Exemption from Mandatory Service: Upon proof of indigency, extreme financial hardship or lack of need for mandatory service, a party may be excused and exempted from the requirement of mandatory service. Evidence of lack of need for the service may include a showing that recycling or other environmentally accepted methods are authorized to prevent a health hazard. The public works director shall prescribe forms, rules and regulations for exemption and shall decide on the applications for exemption. His decision shall be final unless appealed to the city manager and city commission.

Section 22: Rates - Effective Date: The rates set forth herein shall insure that the costs of providing garbage and landfill service to those desiring its use will be on a cost-effective basis, and to continue the existing rates would result in an unfair subsidy of those using these services and an inequitable allocation of the City's resources. Therefore, the City finds that a need exists and the rates as set forth herein shall go into full force and effect on \_\_\_\_\_.

Section 23: If any article, section, subsection, subdivision, phrase, clause, sentence, or word in this ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of the Ordinance, but shall be confined to the articles, section, subsection, subdivision, clause, sentence or word so held invalid or unconstitutional.

Section 24: Emergency clause: An emergency is hereby declared to exist; therefor, this ordinance shall go into full force and effect immediately upon its final passage, for the reason said ordinance is vital to the health, welfare best interests and economy of the City of Warrenton and its citizens.

First reading: 4 March 1985

Second reading: 12 March 1985

PASSED by the City Commission of the City of Warrenton this 12th day of March 1985.

APPROVED by the Mayor of the City of Warrenton this 12th day of March 1985.

  
Mayor

ATTEST:

  
Auditor & Police Judge

Section 20: Rates:

A. Residential collection, including multiple dwellings and mobile home parks: each dwelling unit is charged the minimum for scheduled service.

<u>Scheduled Collections</u>	<u>Number of 32-gallon containers</u>			
	-1-	-2-	-3-	-4-
1 per month	\$ 2.70	\$ 4.50	\$ 6.30	\$ 8.10
1 every 2 weeks	4.00	6.75	9.00	11.25
1 per week	6.30	12.15	16.90	20.70

B. Collection in excess of regular containers:

<u>Quantity</u>	<u>Price per Collection</u>
container of 32 gallons or less	\$ 1.75
extra boxes or bulk not in container	3.50 per cu. yard

C. Landfill rates:

Minimum dump fee	2.00
each additional container or 32-gallon bag	1.25
commercial slash - industrial refuse	
bulk rate: per cubic yard	3.00
food process waste: per cubic yard	5.00

D. Collection from containers - rates per month:

<u>container size</u>	<u>collections per week</u>						<u>daily</u>
	-1-	-2-	-3-	-4-	-5-	-6-	
1¼ cu. yd.	\$37.00	51.00	66.00	80.00	95.00	109.00	\$123.00
2 cu. yd.	50.00	69.00	88.00	107.00	126.00	145.00	164.00
1 pick-up every 2 weeks:							
1¼ cu. yd.							\$ 23.00
2 cu. yds.							32.00
occasional container charge: (maximum use - 2 weeks)							
1¼ cu. yd.							18.00
2 cu. yds.							23.00
special pick-up charge:							
1¼ cu. yd.							12.00
2 cu. yds.							16.00
food processing waste collection:							1½ times above container rates