

ORDINANCE No. 892-A

Introduced by Commissioner Michael MURPHY

PROVIDING FOR UNIVERSAL REFUSE AND GARBAGE COLLECTION; GRANTING TO THE CITY OF WARRENTON THE EXCLUSIVE RIGHT AND PRIVILEGE TO COLLECT AND TRANSPORT GARBAGE AND REFUSE; PROVIDING RATES AND METHODS OF BILLING, TYPES OF CONTAINERS AND LOCATION OF SAME; RESTRICTED AND PROHIBITED DISPOSAL PRACTICES; PENALTIES AND REPEALING ORDINANCE Nos. 828-A & 874-A

The City of Warrenton ordains as follows:

Section 1. **Purpose:** The Warrenton City Commission finds that the maintenance of health and sanitation along with an attempt to fairly equalize the cost of providing a necessary service 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) Collector. Any person, agent, officer or employee of the city to whom authority is given for the collection and disposal of refuse.
- (2) Commercial refuse. Solid waste material from stores, shops or similar enterprises. These include building rubbish, cardboard, papers, bottles, cans, furniture and bedding.
- (3) Disposal area. Any area designated or provided by the city commission for the purpose of disposal of refuse.
- (4) Transfer station. 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 is subject to decay and attraction for flies and rodents.
- (6) Garbage. All putrescible wastes, except sewage and body wastes, including vegetable waste, animal offal, 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 non-putrescible wastes, except sewage, from all public and private establishments and residences.
- (9) Rubbish. All non-putrescible 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, may injuriously affect 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, glass, crockery and similar substances or materials of the nature described from all public and private establishments or 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.
- (11) Construction materials. These shall include cement, plaster, lumber, bricks, stone, wire, nails, metal and other building materials commonly used in construction and repair work.
- (12) Hazardous materials. Materials such as, but not limited to, motor oil, gasoline, diesel fuel or other flammable liquids, paints, pesticides and herbicides, toxic chemicals, asbestos and also including infectious waste from medical, dental, veterinary clinics or other similar facilities.
- (13) User. Any tenant, occupant or owner of a building or site on the city's collection route, that is assigned an account and/or tap number for the purpose of using a collector of refuse.

Section 3. Enforcement Officers: Police officers and all employees of the public works department shall enforce this ordinance and are authorized to enter for the limited purpose of fulfilling its purposes.

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 and for all other purposes deemed necessary for the proper conduct of collecting and disposing of refuse or 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 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. Refuse Containers:

- (1) Refuse containers will be provided to all users by the city.
- (2) All containers will be the property of the city, whether they are the original containers issued by the city or containers purchased by the user in accordance with Section 6 (7).
- (3) Each residential container will be assigned to an account/tap number. The serial-numbered container shall remain with the assigned account/tap number and shall not transfer with the user.
- (4) In order to maximize health and sanitation conditions, along with keeping excess water out of the container, all users' containers or dumpsters shall have a closed lid at all times.
- (5) Residential refuse containers will be 68 gallons. The maximum weight for each residential container shall be 150 pounds. Commercial containers will be either 1.25, 1.50, 2.00 or 3.00 cubic yards. The maximum weight per yard of refuse in a commercial container shall be 800 pounds.
- (6) Stolen or damaged refuse containers shall be reported to the public works superintendent. The city will replace or repair damaged containers free of charge, except those determined by the public works superintendent to be damaged through customer negligence or abuse.
- (7) If a container is determined to be damaged by negligence, the assigned user shall be responsible for purchasing a replacement container from the city. The cost of the container shall be determined by resolution.

Section 7. **Refuse Container Locations:**

- (1) The city will determine container locations for residential and commercial users.
- (2) Residential owners shall have their containers at the designated site by 7:00 A.M. on the day of scheduled pick-up and will remove the container by 7:00 P.M. of the same day.
- (3) Commercial users shall leave their containers/dumpsters in the designated location at all times unless otherwise authorized by the public works superintendent.
- (4) On the day scheduled for pick-up service, residential garbage containers shall be placed at the following locations:
 - (a) within 2 feet of curb or roadway on either side of the residence driveway, if the residence is a single-family dwelling; or
 - (b) if it is a multi-family dwelling which has individual account/tap numbers that have each been assigned a residential container, the container shall be placed at the location designated by the city;
 - (c) if proof of physical incapacitation is documented by the user to the public works superintendent, certain considerations may be waived as to placing the user's container at the designated site.
- (5) The user shall insure that:
 - (a) the container location is free from surrounding obstructions, such as trees, lamp posts, fences, debris, etc. in a 3-foot radius; and
 - (b) a 15-foot space on each side of the container shall be free of all street-parked vehicles. This will allow the collector vehicle to manoeuvre into the necessary pick-up space.
- (6) A user requiring the use of a commercial container or dumpster shall provide and maintain a level, hard and durable resting surface for the container.

Section 8. **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 hazardous materials shall be collected or disposed of by the city.
- (3) A user who produces rubbish and/or construction material may transport like material from his residence or business premises to the approved transfer station or disposal area. All transportation shall be in a vehicle or truck with sufficient capacity and size to support the load. All fees for disposing of this material will be borne by the delivering person.
- (4) All refuse consisting of rages, used clothing, bedding, mattresses, shoes or other rubbish which may carry germs or communicable diseases shall, if possible, be taken by the collector direct to the approved disposal area or transfer station 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.
- (5) Construction material, hot ashes, sod, dirt or rocks shall be deposited within a residential container.

Section 9. **Non-profit Organization - Special Drives:** Paper, bottle 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 fore the removal of such items and no claim may be made by the collector because of loss of business.

Section 10. **Rates and Billing Methods:** All rates and methods of billing will be designated resolution and approved by the city commission.

Section 11. **Penalties.**

- (1) 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 refuse disposal service is delinquent or who fails to comply with this ordinance and the rules and regulations adopted therein. 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. All penalties for non-payment of refuse charges shall be imposed in accordance with, and added to, the current Warrenton ordinance establishing rules and regulations for the Warrenton water department.
- (2) If water is not provided direct to the refuse user, all charges for the service shall become a lien on the property, building or business served. Ledger and other records will be accessible for inspection by anyone interested in ascertaining the amount of such charges against the property., The lien will remain in existence until payment in full is received.

Section 12. **Multiple-dwelling Garbage Collection Payments:** Owners of multiple dwellings or apartments (two or more families) shall ultimately be responsible for payment of refuse collection services rendered to premises owned by them, even though the individual apartments or dwellings are serviced by separate water taps or meters.

Section 13. **Special Collection:**

- (1) Since no garbage, refuse or rubbish shall be allowed to be stores outside containers or dumpsters, the city will provide special collection service when requested.
- (2) The city may, at the request of a user, pick up refuse requiring special handling.
- (3) Special handling consists of picking up any refuse too large to be placed in a residential container. It also includes garbage, refuse or rubbish that will not fit in the assigned container or dumpster.
- (4) All special handling requests must be able to fit into a 2-yard dumpster

Section 14. **Prohibited Practices:**

- (1) No person may deposit or bury rubbish or garbage except at an approved disposal site. Upon written permission of the city manager, non-putrefactive and waste material may be used for filling in holes, depressions and lots if the material is levelled and properly covered.
- (2) 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 city hall, in outside fireplaces, private incinerators or in open fires.
- (3) It shall be unlawful for any person to dig into, scatter, displace or disturb any garbage or rubbish which has been put out for collection.

Section 15. **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 16. **Public Property Disposal:** No person may dump, place or deposit upon any of the public streets, alleys, parks or lots of the city any garbage, rubbish refuse or other waste materials.

Section 17. **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 permission to do so from the city manager or his designate.

Section 18. **Classification of Charges:** Any fees, charges, taxes or other penalties that are assessed, requested or required by this ordinance or any resolution relating to this ordinance are classified as not subject to the limits of Section 11b, Article XI of the Oregon Constitution.

Section 19. 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 20. **Repealing of Ordinances:** With the passage of this ordinance, Ordinances Nos. 828-A and 874-A are hereby repealed.

First reading: 3/4/92

Second reading: 3/18/92

PASSED by the City Commission of the City of Warrenton, Oregon, this 8th day of April 192.

APPROVED by the Mayor of the City of Warrenton, this 8th day of April 1992.



Mayor

ATTEST:



City Manager/Auditor