

**A BILL FOR AN ORDINANCE OF THE CITY OF ) ORDINANCE BILL NO. 2015-12  
LEBANON AMENDING LMC 8.16.140 LIMITING )  
TIME THAT GARBAGE RECEPTACLES MAY BE )  
LEFT ON PUBLIC STREET OR RIGHT-OF-WAY ) ORDINANCE NO. 2868**

**WHEREAS**, LMC 8.16.140 identifies the responsibilities of Lebanon Citizens with respect to the disposal and recycling of Lebanon waste; and

**WHEREAS**, leaving waste and recycling receptacles on public streets or in public right-of-ways for extended periods of time is a public nuisance, interfering both with public services and other citizens' enjoyment and use of public streets and right-of-ways; and

**WHEREAS**, the City Council determines that a twenty-four hour window before and after scheduled waste pickup days is sufficient to allow citizens to present and remove their receptacles from the public street or right-of-way.

**NOW, THEREFORE, BASED ON THE FOREGOING, THE CITY OF LEBANON ORDAINS AS FOLLOWS:**

**Section 1.** ORS 8.16.140 is amended as follows:

**8.16.140 - Public responsibility.**

In addition to compliance with ORS Chapters 459 and 459A, regulations promulgated pursuant thereto:

- A. To prevent recurring back and other injuries to collectors and other persons and to comply with safety considerations for collectors:
  - 1. No garbage can designed for manual pick up shall exceed sixty pounds gross loaded weight nor thirty-two gallons in size. Only round garbage cans shall be used. Cans should be tapered with a smaller bottom than top opening.
  - 2. No cart designed for mechanized pick up shall exceed one hundred twenty pounds gross loaded weight. Only carts provided by the franchisee shall be used.
  - 3. Sunken refuse cans or containers shall not be used.
  - 4. To protect against injuries to users or collectors, to protect against damage and spilling during cold weather and to protect against rodent hazards, only garbage cans or cans meeting the standards set forth by the State Accident Prevention Division will be permitted.
  - 5. The user shall provide safe access to the pick-up point so as not to jeopardize the safety of the driver of a collection vehicle or the motoring public or to create a hazard or risk to the person providing service. Where the city finds that a private bridge, culvert or other structure or road is incapable of safely carrying the weight of the collection vehicle, the collector shall not enter onto such structure or road. The user shall provide a safe alternative access point or system.

- B. Every person who generates or produces solid waste or wastes shall remove or have removed all putrescible wastes at least every seven days. All wastes shall be removed at sufficient frequency as to prevent health hazards, nuisances, or pollution.
- C. **Placement of receptacles at curbside or roadside are limited to a time period of twenty-four hours prior to pick-up and twenty-four hours after pick-up.**
- D. To protect the privacy, safety, pets and security of customers and to prevent unnecessary physical and legal risk to the collectors, a residential customer shall place the container to be emptied outside of any locked or latched gate and outside of any garage or other building.
- E. No stationary compactor or other container for commercial or industrial use shall exceed the safe loading design limit or operation limit of the collection vehicles provided by the franchisee.
- F. No person shall install or operate a "train system" for the purpose of solid waste collection.
- G. To prevent injuries to users and collectors, stationary compacting devices for handling solid wastes shall comply with applicable federal and state safety regulations.
- H. Any vehicles used by any person to transport waste shall be so loaded and operated as to prevent the waste from dropping, sifting, leaking, blowing, or otherwise escaping from the vehicle onto any public right-of-way or lands adjacent thereto.
- I. Any person who receives service shall be responsible for payment of such service. When the property owner of a single or multiple dwelling unit or mobile home or trailer space has been previously notified in writing by the franchisee of its contingent liability, the property owner shall be responsible for payment for service provided to the occupant of such unit if the occupant does not pay for the service.

J. Violation of Section C of this section is a Violation punishable by not more than a fine of \$600.00.

Passed by the Lebanon City Council and executed by the Mayor on this on this 14<sup>th</sup> day of October, 2015 by a vote of 5 yeas and 0 nays.

CITY OF LEBANON, OREGON

  
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Paul R. Aziz, Mayor   
Bob Elliott, Council President

ATTESTED BY:

  
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Linda/Kaser, City Clerk