

Amended by
Ord 71-615

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 603

AN ORDINANCE REGULATING FRANCHISES FOR THE COLLECTION AND DISPOSAL OF GARBAGE AND REFUSE, FIXING FRANCHISE FEES, PROVIDING PENALTIES FOR VIOLATION, AND DECLARING AN EMERGENCY

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1: That from and after the effective date of this Ordinance it shall be unlawful for an person or persons to collect, haul, carry or dispose of garbage or refuse within the City of Sherwood except as by this ordinance, or amendments hereto hereinafter enacted set forth.

Section 2: Nothing in this ordinance is to be construed to prevent any resident or householder of the City from hauling his own garbage or refuse and disposing of the same in a lawful manner, provided, however, that no resident or householder will be permitted to haul garbage or refuse for another person. Any such person hauling garbage over the streets of Sherwood shall be required to convey the same in a covered or tightly closed vehicle to prevent the scattering of the same upon the streets of the City, and in the event that wet garbage or liquids are hauled they shall be hauled in such containers and in such manner as will prevent them from spilling, leaking, or dripping upon the streets of the City.

Section 3: The franchise of Herbert Frank heretofore granted by Ordinances #554 and #556 within the corporate limits and provisions thereof be, and is hereby reaffirmed.

Section 4: In the event that there shall be annexed to the City of Sherwood or otherwise included within the boundaries of the City of Sherwood, additional area for which garbage collection service was previously provided by other than existing franchise holders, the City shall issue additional franchises to such other collector, or shall otherwise arrange by negotiation or competitive bids for garbage collection service to such area.

Section 5: Every franchisee is to use proper and suitable equipment for the hauling and transportation of garbage. All equipment for handling garbage, ashes and rubbish shall be covered and all equipment for handling liquids shall be equipped with a metal body, watertight and drip-proof. All equipment shall be kept clean at all times. Sufficient equipment shall be kept on hand to promptly and adequately remove all garbage subject to the terms of this ordinance.

Section 6: Every franchisee shall furnish and maintain at his own expense a suitable dump and incinerator for disposal of garbage, and shall conform to all regulatory requirements of public authority with respect thereto at all times.

Section 7: Garbage collection franchises shall not be assigned by the franchisee to any third person without the written consent of the Council being first had and obtained and not then until the assignee has filed his acceptance and agreement to abide by the terms hereof with the City Recorder.

Section 8: The collector shall cover his operations hereunder, including all equipment utilized on any public street or way with bodily injury and property damage liability insurance, with limits not less than \$100,000 per person and \$300,000 per accident for bodily injury, and \$50,000 for property damage, and said coverage shall name the City of Sherwood as a co-insured with respect thereto and a copy of the complete policy with all endorsements shall be filed with the City Recorder.

Section 9: Any person hauling garbage in violation of the terms of this ordinance, upon conviction thereof, may be fined by a fine of not more than \$100 or by imprisonment for not more than 50 days, or by both such fine and imprisonment.

Section 10: Any person desiring to obtain a franchise for the collection of garbage within the corporate limits of the City of Sherwood shall make written application to the City Council of the City of Sherwood and deposit with said application the sum of \$200.00 which shall be held by the City Recorder to defray all expenses incurred by the City in processing the application.

The application shall contain:

(a) A description of the applicant's equipment and a statement that applicant will use and maintain proper and suitable equipment for the collection of garbage.

(b) A statement that the applicant will secure and maintain insurance coverage required by this ordinance.

(c) A description of the frequency of his proposed collections, collection hours, and a schedule of collection rates and fees.

(d) The applicant's statement describing there is a public necessity for the granting of the franchise.

After the written application and deposit have been received by the City Recorder, the Council shall set a date for hearing on the franchise application and notice of the date, hour and place thereof shall be published in a newspaper of general circulation within the City at least once, not less than five days prior to the date set for hearing.

(e) At the hearing applicant may make such presentation as may be proper concerning the matter, as may any other interested person. The hearing may be continued at the Council's discretion.

The Council shall, within sixty days after the conclusion of the hearing, notify the applicant of its denial of the application and the reasons therefor or its willingness to grant a franchise and the terms and provisions thereof.

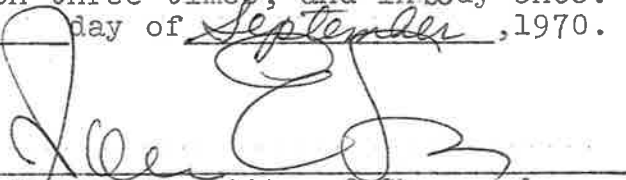
Section 11: Every franchisee whose franchise is granted or renewed after the effective date of this ordinance shall pay annually a franchise fee equivalent to 5% of the franchisee's gross receipts for each year of the franchise. The franchisee shall supply to the City Recorder for the City of Sherwood, a verified statement of his annual gross receipts from the franchisee's patrons within the City of Sherwood, including a complete list of the patrons within the City for which the franchisee provided service. This statement shall be accompanied by a certificate of a certified public

accountant that he has reviewed the franchisee's records and that the total gross receipts reflected in the statement correctly and accurately represents the total gross receipts from patrons within the City of Sherwood as reflected from the franchisee's business records and accounts for the year.

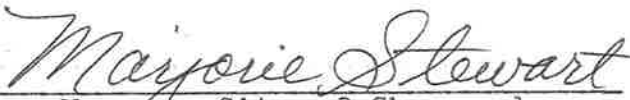
Section 12: Existing franchises or franchises granted under this ordinance, if in good standing, may at the expiration of their term be renewed by the Council without following the procedures provided in Section 10 of this ordinance provided, if the franchise holder gives the Council notice of his intention to apply for a renewal of the franchise prior to its expiration date.

Section 13: Inasmuch as it is necessary for the health and safety of the people of Sherwood that garbage disposal service within the City be based on a financially stabilized basis with proper rates and without delay, an emergency is hereby declared to exist and this ordinance is to take effect on the first day of the calendar month next following its passage by the Council and approval by the Mayor.

PASSED: By the Council, by unanimous vote of all Council members present, after being read by caption three times, and in body once. this 9 day of September, 1970.


Recorder - City of Sherwood
Mayor

APPROVED: By the Mayor, this 9 day of September, 1970.


Mayor - City of Sherwood
Recorder