

Amended by
98-1049

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 89-899

AN ORDINANCE RELATING TO THE ENVIRONMENTAL, HEALTH AND SANITATION ASPECTS OF SOLID WASTE MANAGEMENT IN THE CITY OF SHERWOOD, OREGON, GRANTING A FRANCHISE TO PRIDE DISPOSAL, INC. TO PROVIDE SOLID WASTE COLLECTION AND DISPOSAL SERVICE WITHIN THE CITY; CREATING NEW SOLID WASTE MANAGEMENT PROVISIONS; REPEALING CONFLICTING EXISTING ORDINANCES, AND DECLARING AN EMERGENCY.

THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

SECTION 1. Short Title.

This ordinance shall be known as the "City of Sherwood Solid Waste Management Ordinance" and may be so cited and shall be hereinafter referred to as the "Ordinance".

SECTION 2. Purpose, Policy and Scope.

(1) It is declared to be in the public interest for the City of Sherwood to establish a policy relative to solid waste management and to:

- (a) Provide sufficient waste volume to sustain solid waste management facilities necessary to achieve resource recovery goals established by the City, County, State Department of Environmental Quality and Metropolitan Service District;
- (b) Provide the basis for agreements with other governmental units and persons for regional flow control to such facilities;
- (c) Ensure safe accumulation, storage, collection, transportation, disposal or resource recovery of solid waste, and protect the public health, safety and welfare;
- (d) Ensure maintenance of a financially stable, reliable solid waste collection and disposal service;
- (e) Ensure rates that are just, fair, reasonable and adequate to provide necessary service to the public;

- (f) Prohibit rate preference and other discriminatory practices which benefit one user at the expense of other users of the service or the general public;
- (g) Conserve energy and material resources and meet statewide goals of recycling usable wastes;
- (h) Eliminate overlapping service to reduce truck traffic, street wear, air pollution and noise;
- (i) Provide standards for solid waste service and public responsibilities; and
- (j) Provide resource recovery by and through the franchisee.

(2) No person shall:

- (a) Provide solid waste service, offer to provide service or advertise for the performance of service without having obtained a franchise from the City of Sherwood.
- (b) Accumulate, store, collect, transport, transfer, dispose of or resource recover solid waste except as in compliance with this Ordinance, other City Ordinances, and Chapter 459 Oregon Revised Statutes dealing with solid waste management, and regulations and amendments promulgated under any of the foregoing.

(3) Nothing on this Ordinance shall:

- (a) Prohibit any person from transporting directly to an authorized disposal or recycling or resource recovery facility, or utilizing or resource recover solid waste produced by himself or herself so long as he or she complies with this Ordinance, other City Ordinances, and Chapter 459 Oregon Revised Statutes dealing with solid waste management, and regulations promulgated under any of the foregoing. Provided however, that except as provided herein, a lessor or property owner shall not provide service to a tenant, lessee or occupant except through the Franchisee.
- (b) Prohibit any person from contracting with any other governmental agency to provide solid waste service.

- (c) Prohibit any person from transporting, disposing of or resource recovering, sewage sludge, septic tank pumpings and cesspool pumpings.
- (d) Prohibit any person licensed as a motor vehicle wrecker under ORS 481.345 et seq from collecting, transporting, disposing of or utilizing motor vehicles or motor vehicle parts.
- (e) Prohibit the City Council by amendment to this Ordinance from withdrawing or modifying certain solid waste services on the basis of finding that such service is not necessary for the implementation of the purposes of this Ordinance or a City, County or Metropolitan Service District Solid Waste Management Plan.
- (f) Prohibit any person transporting solid waste through the City that is not collected within the City.
- (g) Prohibit a contractor employed to demolish, construction, or remodel a building or structure, including but not limited to land clearing operations and construction wastes, from hauling waste created in connection with such employment.
- (h) Prohibit the occasional collection, transportation and reuse of repairable or cleanable discards or source separated solid waste for recycling or resource recovery by private charitable or non-profit organizations for the purpose of raising funds for charitable, civic, or benevolent activity provided that the activity is conducted in accordance with the terms and under the conditions contained in this Ordinance.
- (i) Prohibit the operation at a fixed location of a facility where the generator, producer, source or franchised collector of solid waste brings that waste for transfer, disposal or resource recovery.
- (j) Prohibit the collection, transportation or redemption of beverage containers under ORS Chapter 459.
- (k) Prohibit a person from transporting or disposing of waste that he or she produces as an incidental part of janitorial services; gardening or

landscaping services; rendering; or other similar and related occupations.

- (1) Require the Franchisee to store, collect, transport, dispose of or resource recover any hazardous waste as defined by or pursuant to ORS Chapter 466.

SECTION 3. Definitions.

- (1) Carry-out Service - Service whereby the Franchisee will collect properly stored solid waste located on the customer's property, provided said waste is clearly visible and accessible to the Franchisee.
- (2) Charitable or Non-Profit Organization - Any person or persons organized and existing for charitable, benevolent, humane, patriotic, religious, philanthropic, recreational, social, educational, civic, fraternal, or other non-profit purpose, and who is exempt from Federal and State income taxes as a non-profit organization.
- (3) Compensation - Any type of consideration paid for service including, but not limited to, the proceeds from resource recovery or recycling, rent, lease payments, and any other direct or indirect provision for payment of money, goods, services or benefits by owners, tenants, leasees, occupants or similar persons or the exchange of services between persons.
- (4) Council - The City Council of the City of Sherwood.
- (5) Curb-side Service - Service whereby the Franchisee will collect properly stored solid waste placed by the customer alongside a public street or some other location designated by the Franchisee.
- (6) Franchise - The right to provide service granted to a person pursuant to this Ordinance.
- (7) Nonrecycling Customer - A regular customer of the Franchisee that elects not to enroll in the recycling program or fails to provide recyclable materials at least once monthly, as determined by the Franchisee's records.
- (8) Person - Any individual, partnership, association, corporation, trust, firm, estate, joint venture or other public or private legal entity.

- (9) Putrescible Material - Organic materials that can decompose and may give rise to foul-smelling, offensive odors or products.
- (10) Recycling Customer - A regular customer of the Franchisee who enrolls in the recycling program and provides recyclable materials curbside at least once monthly, as determined by the Franchisee's records.
- (11) Resource Recovery - The process of obtaining useful material or energy resources from Solid Waste and includes:
- (a) Energy Recovery, which means recovery in which all or a part of the Solid Waste materials are processed to utilize the heat content, or other forms of energy, of or from the material.
 - (b) Material Recovery, which means any process of obtaining from Solid Waste, by presegregation or otherwise, materials which still have useful physical or chemical properties after serving a specific purpose and can, therefore, be reused or recycled for the same or other purpose.
 - (c) Recycling, which means any process by which Solid Waste materials are transformed into new products in such manner that the original products may lose their identity. The process includes collection, transportation, storage and transfer of Solid Waste and placing the Solid Waste in the stream of commerce for resource recovery.
 - (d) Reuse, which means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.
- (12) Service - The collection, transportation, storage, transfer, disposal of or resource recovery of Solid Waste, using the public streets of the City of Sherwood to provide service, and including Solid Waste Management.
- (13) Solid Waste -
- (a) All putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, waste paper, cardboard, yard

debris, compost, tires, equipment and furniture; commercial, industrial, demolition and construction wastes; discarded or abandoned vehicles or parts thereof; discarded home or industrial appliances; manure, vegetable or animal solid and semi-solid wastes, dead animals, bio-medical waste and other wastes; but the term does not include:

(i) Sewer sludge and septic tank and cesspool pumping, chemical toilet waste or other sludge.

(ii) Reusable beverage containers as defined in ORS 459.810 and 459.890.

(iii) Material used for fertilizer or for other productive agricultural operations in growing or harvesting crops and the raising of fowl or animals.

(b) The fact that materials that would otherwise come within the definition of Solid Waste may from time to time have value and thus be utilized does not remove them from the definition.

(14) Solid Waste Management - The prevention or reduction of solid waste; management of the storage, transfer, collection, transportation, treatment, utilization, processing and final disposal of solid waste; or resource recovery from solid waste; and facilities used for those activities.

(15) Source Separation - The separation or setting aside of waste, by the source generator or producer of the waste, for recycling or reuse. Total source separation means the complete separation by the source generator or producer of the waste by type or kind of waste from all other types or kinds of waste. Total source separation requires each type or kind of recyclable material such as newsprint, computer paper, cardboard, glass, ferrous cans and aluminum cans to be distinctly separated into a separate package, container or stack in preparation for collection. For example, newspaper, cardboard, glass, ferrous cans and waste wood are each placed in a separate container and no two or more recyclables are mixed in the same container.

- (16) Standard Can - A thirty-two (32) gallon metal or rigid plastic garbage can.
- (17) Tote Barrel - A wheeled, sixty (60) gallon, rigid plastic garbage can provided by the Franchisee to their customers.
- (18) Twenty (20) Gallon Can - A twenty (20) gallon metal or rigid plastic garbage can.
- (19) Waste - Material that is no longer wanted or usable by the source, the source generator or producer of the material, and the material is to be disposed of or resource recovered by another person, and includes both source separated material and non-source separated materials.

SECTION 4. Franchises.

- (1) Subject to the provisions of this Ordinance, other City Ordinances the City Charter and any amendments to these documents, there is hereby granted to the following persons a franchise to provide service over and upon the streets and area of the City of Sherwood within the corporate City limits.
- (2) The Franchisee is:
 - (a) Pride Disposal, Inc., Michael L. Leichner, President, Sherwood, Oregon.
- (3) Where any area is annexed to the City of Sherwood and the area had been franchised by Washington County for solid waste collection service prior to annexation, the County Franchise and franchise holder shall be recognized for that particular area subject to the provisions of ORS 459.085(3), otherwise, if the area was franchised by Washington County to the City of Sherwood Franchisee, as specified on Section 4, paragraph (2) of this Ordinance, that area shall be added by the City Council to the City franchise area by amendment to this Ordinance.

SECTION 5. Franchise Term.

- (1) The rights, privileges and initial franchise granted herein shall continue and be in full force for a period of ten (10) years up to and including November 1, 1999, subject to terms, conditions and payment of franchise fees to the City as set forth in this Ordinance.

- (2) On November 1 of each year the franchise granted to franchisee shall be renewed for a ten (10) year period starting from that annual renewal date without any action from the Council unless the Council acts to terminate the franchise at the end of the ten (10) year period then in effect by giving written notice to franchisee prior to the annual renewal date.

SECTION 6. Franchise Fees.

- (1) As compensation for the franchise granted to the Franchisee and for the use of City streets, the Franchisee shall pay to the City a fee equal to five percent (5%) of gross cash receipts resulting from the solid waste services conducted under the franchise. Such fees shall be computed on a quarterly basis and paid within thirty (30) days following the end of each quarterly calendar year period. The Franchisee shall maintain an adequate record of gross cash receipts resulting from the solid waste services conducted under the franchise and said records shall be open at all times for audit by authorized personnel designated by the City Manager.
- (2) Willful misrepresentation of gross cash receipts by the Franchisee shall constitute cause for immediate revocation of this franchise, pursuant to Section 9 of this Ordinance.
- (3) The franchise fee provided for in paragraph (1) of this section shall not relieve the Franchisee of the financial responsibility for any current or future revenue or regulatory fee, tax or charge imposed by the City. The franchise fee, however, shall not exceed that which is provided in paragraph (1) of this section for the duration of this franchise and shall be considered in lieu of the present City business license.

SECTION 7. Franchise Responsibility.

- (1) The Franchisee shall:
 - (a) Resource recover or dispose of wastes at sites in compliance with Chapter 459 Oregon Revised Statutes and regulations promulgated thereunder. Any site for disposal or resource recovery within the City limits must be approved by the City.
 - (b) Provide and keep in force public liability insurance with a thirty (30) day cancellation

clause in the amount of not less than \$1,000,000 relating to a single occurrence, which shall be evidenced by a certificate of insurance filed with the City Recorder. This insurance shall indemnify and save the City harmless against liability or damage which may arise or occur from an injury to persons or property resulting from the Franchisee's operation under this Ordinance.

- (c) Within fifteen (15) days after the effective date of this Ordinance, file with the City Recorder a written acceptance of the franchise.
- (d) Furnish sufficient collection vehicles, containers, facilities, personnel, finances, and scheduled days for collections in each area of the City as necessary to provide all types of service required under this Ordinance or subcontract with others to provide such service pursuant to Section 12 of this Ordinance. The Franchisee shall maintain a collection system in conformance with all federal, state, regional and local solid waste management regulations and ensure that every vehicle or container used for the transportation of solid waste over City streets shall be regularly cleaned and maintained in a sanitary condition.
- (e) Provide a cash security deposit or a performance bond of \$7,500.00 to guarantee reimbursement to the City if costs incurred because of work performed by the Franchisee that does not conform with the requirements of this Ordinance or other Ordinances of the City or because of failure of the Franchisee to meet the terms and conditions of this Ordinance in a timely, regular and sanitary manner. The deposit or bond shall continue until one (1) year after expiration or termination of the franchise or until all claims or demands made against the Franchisee have been settled or secured.
- (f) Collect no single family residential solid waste before 5:00 a.m. or after 7:00 p.m. unless this condition is waived by the City Manager or his or her designee.
- (g) Provide for the regular collection and disposal of solid waste from all City facilities, City parks, City sidewalk containers, and City activity areas including the Sherwood Senior/Community Center and

at locations to be designated by the City at no cost to the City.

- (h) Make collections no less often than once each week, except for will-call collections and drop box operations, and except as provided in Section 11.
- (i) Allow inspection by the City of the Franchisee's facilities, equipment and personnel during regular business hours.
- (j) Respond to all calls for special hauling requiring equipment regularly supplied by Franchisee within ninety-six (96) hours of receiving said call unless a later pickup is agreeable to the customer, subject to availability of required containers or other equipment.
- (k) Provide telephone service so that the Franchisee may be contacted during regular business hours, Monday through Friday, excepting holidays, and in addition, upon receipt of a written communication about service under this Ordinance, the Franchisee shall, within seven (7) days, reply in writing and furnish a copy of both pieces of correspondence to the City.
- (l) Provide solid waste customer free service for the collection and disposal of yard debris four (4) times each year on dates to be mutually agreed upon by the Franchisee and the City. Notice of the dates this service will be provided and shall be publicized by the City not less than one (1) week prior to the date.
- (m) Provide the opportunity to recycle all residential, commercial and industrial sources of recyclable material in compliance with this Ordinance, other City Ordinances, applicable Metropolitan Service District and State Department of Environmental Quality rules and regulations and the Oregon recycling Opportunity Act (Chapter 729, Oregon Laws, 1983). The opportunity to recycle shall include but not be limited to, on-route or depot collection of source separated recyclable material, a public education and promotion program that encourages participation in recycling, and notification to all customers of the opportunity and terms of recycling service.

SECTION 8. Rates.

- (1) Subject to any amendments made by the City Council pursuant to this Section and this Ordinance, rates for services are as enumerated on the schedule attached hereto, marked Exhibit B, and by this reference incorporated herein.
- (2) The rates to be charged to all persons by the Franchisee shall be reasonable and uniform and shall be based upon the level of service rendered, or required by state or local laws and regulations, haul distance, concentration of dwelling units, and other factors which the City Council considers to justify variations in rates.
- (3) Nothing in this section is intended to prevent:
 - (a) The reasonable establishment of uniform classes of rates based upon length of haul; type of waste stored, collected, transported, disposed of, salvaged or utilized; or the number, type and location of customers service; the type of service; the service required by laws and regulations; or the number, type and location of customers service; or upon other factors as long as such rates are reasonable based upon cost of the particular service and are approved by the City Council in the same manner as other rates.
 - (b) The Franchisee from volunteering service at a reduced cost for civic, community, benevolent or charitable programs.
- (4) Rates to be charged by the Franchisee under this Ordinance shall be set by the City Council by ordinance at such times as deemed necessary by the Council provided, however, that rates may not be amended more than once every twelve (12) months, except for instances where landfill disposal rates have been increased by the Metropolitan Service District. The Council may consider rate amendments to account for increased operating costs directly attributable to landfill disposal costs at any time, or in any frequency. The Franchisee shall provide the City with thirty (30) days written notice of any request to amend rates. In amending the rate schedule, the Council shall give due consideration to the purposes of this Ordinance and the direct and indirect costs to the Franchisee of doing business, as may be justified and quantified by the Franchisee. The Franchisee shall be

provided thirty (30) days prior written notice with accompanying justification for a City initiated amendment to the service rate schedule.

- (5) Any request for a rate adjustment shall conform to the following process:
 - (a) Notwithstanding any request for an amendment to the rate schedule, the Franchisee shall annually supply a report of current income and expense for the current calendar year, together with the projected income and expense for the balance of the year and shall also enumerate existing and/or proposed rates and justify proposed rate adjustments, if any.
 - (b) The City Manager shall report and make recommendations to the City Council within thirty (30) days of submission of an acceptable and complete Franchisee report and rate adjustments proposal.
 - (c) The Council shall conduct a public hearing on any proposed rate adjustment.
- (6) Rates established by the Council are fixed rates and the Franchisee shall not charge more or less than the fixed rate unless pursuant to (3) (b) of this Section.
- (7) Any services not included in the rate scheduled shall be charged at the reasonable cost of providing the service taking into consideration the factors utilized in established scheduled rates pursuant to this Section.
- (8) In establishing rates, the Council may set uniform rates, uniform rates by zone and different rates for collectors where there is a service and cost justification.
- (9) Any person who receives solid waste service from the Franchisee shall be responsible for payment for such service and the Franchisee shall be solely responsible for the billing, collection and accounting of said payments. The City shall not be responsible or liable for unpaid, delinquent or non-collectible payments for services.

SECTION 9. Transfer, Suspension, Modification or Revocation of Franchise.

- (1) The Franchisee shall not transfer this franchise or any portion thereof to other persons within sixty (60) days prior written notice of the intent to transfer, and the enactment by the City Council of an ordinance authorizing the transfer. The City Council may approve the transfer if the transferee meets all applicable requirements met by the original Franchisee. The City Council may attach to the authorizing ordinance whatever conditions it deems appropriate to guarantee maintenance of service and compliance with this Ordinance.
- (2) Failure to comply with a written notice to provide the services required by this Ordinance or to otherwise comply with the provisions of this Ordinance after written notice and a reasonable opportunity to comply shall be grounds for modification, revocation or suspension of the franchise.
 - (a) After written notice from the City that such grounds exist, Franchisee shall have thirty (30) days from the date of mailing of the notice in which to comply or to request a public hearing before the City Council.
 - (b) If Franchisee fails to comply within the specified time or fails to comply with the order of the City Council entered upon the basis of written findings at the public hearing, the City Council may suspend, modify or revoke franchise or make such action contingent upon continued noncompliance.
 - (c) In the event that the City finds an immediate and serious danger to the public through creation of a health or safety hazard, as a result of the actions of the Franchisee, the City may take action to alleviate such conditions or suspend or revoke the franchise within a time specified in the notice to the Franchisee and without prior written notice or a public hearing.

SECTION 10. Preventing Interruption of Service.

The Franchisee agrees as a condition of this franchise that whenever the City Council finds that the failure of service or threatened failure of service would result in creation of an immediate and serious health hazard or serious public nuisance,

the City Council may, after a minimum of twenty-four (24) hours written or verbal notice to the Franchisee, provided for or authorize another person to temporarily provide the service or to use and operate the land, facilities and equipment of a Franchisee to provide emergency service. The City Council shall return any seized property and business upon abatement of the actual or threatened interruption of service, and after payment to the City for any net cost incurred in the operation of the solid waste service.

SECTION 11. Suspension of Service.

The Franchisee shall not suspend or terminate service to all or a portion of his or her customers unless:

- (1) Street or road access is blocked and there is no alternate route, provided that the Franchisee shall restore service not later than twenty-four (24) hours after street or road access is opened.
- (2) Excessive weather conditions render providing service unduly hazardous to persons providing service or to the public or such termination is caused by accidents or casualties resulting by an act of God or a public enemy.
- (3) A customer has not paid for provided service after a regular billing and after a written delinquency notice, which notice shall not be sent less than fifteen (15) days after the date of mailing of the regular billing.
- (4) Ninety (90) days written notice is given to the City Council and to affected customers and written approval is obtained from the City Council.
- (5) The customer does not comply with the service standards of Section 14 of this Ordinance, provided that the customer is given a thirty (30) day written notice to comply with the applicable service standards.

SECTION 12. Subcontracts.

The Franchisee may subcontract with others to provide a portion of the service where the Franchisee does not have the necessary equipment or capacity to provide said service. Such a subcontract shall not relieve the Franchisee of total responsibility for providing and maintaining service and from compliance with this Ordinance. Except where emergency or incidental service is provided by a subcontractor, such subcontract shall be in writing and shall be filed with the City

Recorder and approved by the City Manager prior to the commencement of actual service by the subcontractor.

SECTION 13. Enforcement Officers.

The City Manager shall enforce the provisions of this Ordinance, and his agents, including police officers and other employees so designated, may enter affected premises at reasonable times for the purpose of determining compliance with the provisions and terms of this Ordinance.

SECTION 14. Containers/Collections Limitations.

(1) To achieve the purposes of this ordinance, to prevent recurring injuries to collectors and other persons, to comply with safety standards of the State Accident Insurance Fund; and to comply with all reasonable safety, health and environmental safeguards:

(a) Solid waste cans provided by the customer shall:

(i) Be a Standard Can or Twenty (20) Gallon Can;

(ii) Have a round bottom, sides tapering outward to the opening at the top providing for unobstructed dumping of the contents, a bail or two handles on opposite sides, a close fitting lid with handle, watertight waterproof, rodent resistant, and easily cleanable and will not crack or break in freezing weather;

(iii) Not to exceed sixty (60) pounds gross loaded weight

(b) Putrescible material shall be placed in plastic bags or securely wrapped in paper after being drained of liquids before placing in cans, tote barrels, or containers.

(c) Sunken refuse cans, tote barrels or containers shall not be used, unless they are placed above ground by the owner for service.

(d) On the scheduled collection day, the Carry-out Service Customers shall provide safe access to a pickup point which does not jeopardize the safety of the driver of a collection vehicle or the motoring public or create a hazard or risk to the person providing the service. Cans, tote barrels

and containers must be visible from a public right of way which may be serviced and driven to by collection vehicles where practical. This form of access must not require the collector to pass behind an automobile or other vehicle or to pass under low hanging obstructions such as eaves, tree branches, clotheslines or electrical wires which obstruct safe passage to and from cans. Cans must be at ground level, outside of garages, fences and other enclosures, and within one hundred (100) feet of the straight right-of-way or curb. Where the City Manager, or his or her designee, finds that a private bridge, culvert or other private structure or road is incapable or safely carrying the weight of the collection vehicle, the collector shall not enter onto such structure or road, and customer shall provide a safe alternative access point or system.

- (e) The Curb-side Service customer shall place cans or tote barrels alongside a public street or other accessible place, at a location designated by the Franchisee.
- (f) All solid waste cans and tote barrels located at single family residences shall be placed together in one location on the regularly scheduled collection day.
- (g) All solid waste receptacles, including but not limited to cans, tote barrels, containers and drop boxes, shall be maintained in a safe and sanitary condition by the customer.
- (h) Solid waste service customers shall place items not intended for pickup at least three (3) feet from solid waste can(s), tote barrel(s) or container(s).
- (i) No person shall place any hazardous waste as defined by or pursuant to ORS Chapter 466 out for collection by the Franchisee or place it in any container supplied by the Franchisee without prior written notification and acceptance by the Franchisee and also upon compliance with any requirements of ORS Chapter 466 and any rules or regulations thereunder.
- (j) A container for hazardous or other special wastes shall be appropriately labeled and placed in a

location inaccessible to the public. If the container is reusable, it shall be suitable for cleaning and be cleaned.

- (k) No person shall use any solid waste collection container of thirty-two (32) gallons or more in capacity unless it is supplied or approved by the Franchisee, on the basis of safety, equipment compatibility, availability of equipment and the purposes of this Ordinance.
- (l) Tote barrels, containers and drop boxes supplied by the Franchisee shall be cleaned by the customer, provided, however, that the Franchisee shall be responsible for exterior painting and provide normal maintenance. The customer shall be liable for damage to containers and drop boxes beyond reasonable wear and tear.
- (2) No stationary compactor or other container for commercial or industrial use shall exceed the safe loading design limit or operation of the collection vehicle provided by the Franchisee. Upon request of a group of customers requiring special service, the City Council may require the Franchisee to provide for vehicles capable of handling specialized loads including, but not limited to, front loading collection trucks and drop-box trucks and systems.
- (3) To prevent injuries to users and collectors, stationary compacting devices for handling solid wastes shall comply with applicable Federal and State safety regulations.
- (4) Any vehicle used by any person to transport wastes shall be so loaded and operated as to prevent the wastes from dripping, dropping, sifting, blowing, or otherwise escaping from the vehicle onto any public right-of-way or lands adjacent thereto.

SECTION 15. Offensive Waste Prohibited.

No person shall have waste on his or her property that is offensive or hazardous to the health or safety of others or which creates offensive odors or a condition of unsightliness.

SECTION 16. Unauthorized Deposit Prohibited.

No person shall, without prior authorization and compliance with requirements of this Ordinance deposit waste on public

property or the private property of another person. Streets and other public places are not authorized as places to deposit waste except where specific provisions for containers have been made.

SECTION 17. Construction.

Any finding by a court of competent jurisdiction that any portion of this Ordinance is unconstitutional or invalid shall not invalidate any other provision of this Ordinance.

SECTION 18. Penalties.

Violation by any person of the provisions of this Ordinance shall be deemed to be a misdemeanor and shall be punishable upon conviction by a fine of not more than Five Hundred Dollars (\$500.00).

SECTION 19. Repeal.

City of Sherwood Ordinances Nos. 673, 793A, 816, 864 and Section 4 of 893 and any amendments to those Ordinances are hereby repealed.

SECTION 20. Emergency Clause.

To provide for safe and sanitary solid waste management in the City and thereby preserve the health, safety and welfare of the residents thereof, an emergency is declared to exist and the terms and provisions of this Ordinance shall become effective upon enactment of this Ordinance.

Duly passed by the City Council this

25th day of October, 1989.

Polly Blankenbaker
CITY RECORDER

Approved by the Mayor this 30th
day of October, 1989.

James Jean Cyfer
MAYOR OF THE CITY OF SHERWOOD