

ORDINANCE NO. 685

AN ORDINANCE GRANTING AN EXCLUSIVE FRANCHISE FOR SOLID WASTE COLLECTION TO UNITED DISPOSAL SERVICES, INC.; ESTABLISHING THE RATES FOR COLLECTION OF GARBAGE IN THE CITY OF STAYTON, OREGON; AMENDING ORDINANCE NO. 578, SECTION 13; REPEALING ORDINANCE NO. 669; AND DECLARING AN EMERGENCY.

THE CITY OF STAYTON ORDAINS AS FOLLOWS:

SECTION 1

Section 3A., Ordinance No. 578, is hereby amended to read:

1. Rates for monthly service, effective 1 November 1989, shall be:

Residential Service

One 32-gallon can	\$ 10.00
Second or additional can	\$ 7.50
One 90 gallon rollcart--limit 150 lbs for single-family residence	\$ 17.50

Multi-Family Apartments & Mobile Home Parks

This rate applies to multi-family apartments and mobile home parks when there are 5 or more adjoining units and a single billing is used.

1st can per residence/unit	\$ 9.00
Each additional can per residence/unit	\$ 7.50

Commercial Service

One 90 gallon rollcart--limit 150 lbs per approved business (rollcart must be placed next to roadway)	\$ 25.00
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<u>Container Service</u>	<u>Once Weekly</u>	<u>Twice Weekly</u>
1 yd	\$ 60.00	\$120.00
1-1/2 yds	\$ 75.00	\$139.00
2 yds	\$ 96.00	\$176.00
3 yds	\$136.00	\$245.00
4 yds	\$169.00	\$296.00
5 yds	\$196.20	\$363.60
6 yds	n/a	\$417.00
1-1/2 yds every other week		\$ 50.00

Drop Box Service:

\$ 99.00 per load plus disposal fee
 \$3.00 per day rental charge up to a maximum \$60.00/month.

Will Call Service: Senior Citizens and disabled customers may request will-call pickups.

Per can \$ 6.00

2. In determining rates, the Council shall give due consideration to current and projected revenues and expenses, actual and overhead expense, the cost of acquiring and replacing equipment, the services of owner, family and management, the cost of providing for future, added or different service, recycling, reuse, or other resource recovery services, a reasonable return to the franchisee for doing business based on a percentage of the gross receipts, research and development, systems to avoid or recover the cost of bad debts, interest on late payments, costs of landfill or other disposal sites on their charges, and such other factors as the Council deems relevant.

The Council may consider rates charged by other persons performing the same or similar services in the same or similar service areas under the same or similar service conditions.

3. On all but emergency or interim rates, the franchisee shall provide thirty (30) days' written notice of the proposed rate change together with accompanying justification. An emergency or interim rate for a new or altered service may be adopted by written order of the City Administrator and is valid for a stated period not to extend in excess of six months.
4. Rates charged shall be those provided in Section 1.1 of this ordinance. Non-scheduled service may be provided at the reasonable cost of providing the service, giving due consideration to Subsection 1.2 of this ordinance.
5. Franchisee may require payment for residential service and multi-family residential service up to two (2) months in advance. Franchisee may bill up to two (2) months in advance, arrears, or any combination thereof. Where billed in advance, the franchisee will refund a pro rata portion of the payment of any complete month in which service is not to be provided.
6. The following system may be used by the franchisee to reduce bad debts which would otherwise become a charge against legitimate paying customers:
 - a. The franchisee may require payment at the time service is provided to drop box or roll-off box customers or any other customer who has not previously established credit with the franchisee. In determining credit, the franchisee may take into consideration non-payment for service to other service providers in other areas and any other relevant information;
 - b. Subject to the amount or rate being approved in the rate schedule, the franchisee may charge:
 - i. A starting charge for a new service;
 - ii. A restart charge or advance deposit or both for any customer who has previously been terminated for failure to pay for service;

- iii. Interest on past due accounts, not to exceed legal maximums.
- c. In addition to the other provisions of this section and not in lieu thereof, the franchisee may collect the entire cost of billing and collecting bad debts including, without limitation, the cost of professional debt collection.
- 7. The rates to be charged to all persons, firms, or corporations shall be reasonable and uniform, taking into consideration the service rendered, and shall not be in excess of the rate schedule established in Section 3A-1 of this ordinance.
- 8. The commercial and residential rates specified in Section 3A-1 of this Ordinance are based on government regulations requiring weekly service for putricible solid wastes. The rates are based on a per unit charge for each residential unit or commercial establishment.
- 9. So long as these rates remain in effect, the franchise holder shall be permitted to adopt reasonable rules, with prior written approval of the Stayton City Council, for the pick up of solid wastes on driveways, curbs, or elsewhere, although special consideration shall be given for aged or infirm persons, and the maximum rates described herein shall not prohibit the franchise holder from billing in advance.

SECTION 2

Ordinance No. 669 is hereby repealed in its entirety.

SECTION 3

The rates established in this ordinance shall be effective beginning February 1, 1991.

SECTION 4

Section 1C., Ordinance No. 578, is hereby amended to read:

Section 1C. Definitions.

- (1) City: The City of Stayton
- (2) Council: The City Council of the City of Stayton.
- (3) Franchisee: The person granted a franchise by Section 2C of this ordinance or a subcontractor to such person.
- (4) Hazardous Waste: Any waste defined as hazardous waste by or pursuant to ORS Chapter 459; or defined as hazardous waste by another governmental unit having jurisdiction; or found to be hazardous to service workers, to service equipment, or to the public by the franchisee.
- (5) Person: Any individual, partnership, association, corporation, trust, firms, estate, joint venture or other private legal entity or any public agency.
- (6) Resource Recovery: The process of obtaining useful material or energy resources from solid waste, including reuse, recycling and other materials recovery or energy recovery of or from solid waste.
- (7) Service: The collection, transportation or disposal of or resource recovery from solid waste.
- (8) Solid Waste: All solid waste or semi-solid waste including, without limitation, garbage, rubbish, refuse, trash, ashes or swill, newsprint or waste paper, corrugated paper or cardboard, grass clippings, compost, residential, commercial, industrial, governmental, or institutional wastes, discarded home or industrial appliances, equipment or furniture, vehicle parts or tires, vegetable or animal wastes and other wastes.
- (9) Solid Waste Management: The prevention of or reduction of solid waste; management of service; and, facilities and equipment necessary or convenient to such activities.

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Establishing Rates for the Collection of Garbage

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SECTION 5

Section 2C., Ordinance No. 578, is hereby amended to read:

Section 2C. Grant of Exclusive Franchise.

The franchise granted by this section is based upon the qualifications of the applicant on the basis of demonstrated knowledge of the service business, the ability of applicant to continue to furnish all required and necessary equipment and personnel; the financial responsibility of the applicant; the capacity of the applicant to indemnify the city and its inhabitants against the failure on its part to fulfill the terms of the franchise or against injuries occurring to the city or any of its inhabitants in the performance of such franchise; and, the prior experience of the applicant in maintaining adequate public service in the city and the surrounding area with virtually no public complaint.

There is hereby granted to United Disposal Services, Inc., an Oregon corporation, the exclusive right, privilege and franchise to provide service within the city limits as of the date of this ordinance and any area that may hereafter be annexed to the city, subject to the provisions of ORS 459.085 and, for that purpose, to utilize the streets and facilities of the city.

SECTION 6

This Ordinance being necessary for the immediate preservation of the public health and safety, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its date of passage.


PASSED BY THE COMMON COUNCIL this 7TH day of JANUARY, 1991.

SIGNED BY THIS MAYOR this 8th day of January, 1991.



WAYNE L. LIERMAN, MAYOR Date

ATTEST



DAVID W. KINNEY, CITY ADMINISTRATOR Date 1-8-91

APPROVED AS TO FORM



DAVID A. RHOTEN, CITY ATTORNEY Date 1/10/91

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