

ORDINANCE NUMBER 395

AN ORDINANCE REGULATING THE STORAGE AND DISPOSAL OF SOLID WASTES, PROVIDING STANDARDS FOR THE COLLECTION THEREOF, AND GRANTING A FRANCHISE

THE CITY OF STAYTON ORDAINS AS FOLLOWS:

SECTION 1. POLICY

It is the declared policy of the City of Stayton to promote the safety and welfare of the people of the City by providing herein for the safe and sanitary storage, collection, transportation and disposal of solid wastes, and this Ordinance shall be interpreted so as to carry out this policy.

SECTION 2. DEFINITIONS

As used in this Ordinance:

a. Solid Waste: All putrescible and nonputrescible wastes, whether in solid or liquid form, except liquid-carried industrial wastes or sewage, or sewage hauled as an incidental part of a septic tank or cesspool cleaning service, but including all garbage, rubbish, ashes, sewage sludge, street refuse, industrial wastes, demolition and construction wastes, abandoned machinery or vehicles, or parts thereof, discarded home or industrial appliances, manure, vegetable or animal solid and semi-solid waste, dead animals and other useless, unwanted, or discarded solid materials.

b. Dispose or Disposal: Includes accumulation, storage, collection, transportation and disposal of solid wastes.

c. Person: Includes all individuals, corporations, associations, firms, partnerships and joint stock companies.

d. City: Includes the City of Stayton, Oregon, as the boundaries now are or may hereafter be enlarged or altered by annexation or otherwise.

SECTION 3. SOLID WASTE ACCUMULATION PROHIBITED

a. No person shall store, collect, maintain or display on private or public property, waste or solid waste that is offensive or hazardous to the health and safety of the public or which creates offensive odors or a condition of unsightliness. Storage, collection, maintenance or display of solid wastes in violation of this subsection shall be subject to the penalties as provided herein or, in addition thereto, may be considered to be a public nuisance which may be abated or penalized as provided in other Ordinances of the City of Stayton.

b. Every person shall dispose of his putrescible solid waste at least once a week or more often as may be necessary to comply with regulations adopted pursuant to state law.

SECTION 4. UNAUTHORIZED DUMPING PROHIBITED

a. Except as otherwise provided by the Council, it shall be unlawful to dispose of any solid waste at any place within the City of Stayton.

b. It shall be unlawful for any person to use or permit to be used any land within the City for the disposal of solid waste except at a public or private disposal or transfer site. This subsection shall not apply to persons desiring to bury or dispose in any other manner of his own solid waste on his own property if such disposal is in accordance with the rules promulgated pursuant to state law.

c. It shall be unlawful for any person, including the franchise holder, to scatter, distribute, abandon or leave any solid wastes on any premises of any other person or on public property except in containers placed on one's own property or public property for the purpose of collecting and removal of solid wastes.

SECTION 5. TRANSPORTATION OF SOLID WASTES

a. It shall be unlawful to transport or convey solid wastes over or upon a street within the City unless conveyed or transported in a covered, water-tight metal or metal lined container, provided however, that nonputrescible solid waste may be conveyed in open vehicles or containers if suitable provision is made to prevent littering or loss of such materials.

SECTION 6. CONTAINERS

a. Every person maintaining a garbage can or other container for solid waste shall keep the same in a sanitary condition. Such container shall remain covered except for the purpose of placing or removing solid waste therein.

SECTION 7. FRANCHISE REQUIRED

a. It shall be unlawful for any person to collect, transport or dispose of any solid waste for compensation unless such person is franchised in accordance with this Ordinance.

SECTION 8. FRANCHISE

a. It is hereby granted by the City to Utah C. Crowson and Frances M. Crowson the exclusive right, privilege and franchise to collect, convey and transport solid wastes upon the streets of said City subject to the restrictions and terms of this Ordinance. This franchise shall continue in effect for a period of ten years from the date of passage of this Ordinance.

SECTION 9. FRANCHISE CONDITION

The franchise granted herein shall be subject to the following terms and conditions:

a. The franchisee shall pay to the City on a monthly basis a sum equal to two percent (2%) of the monthly gross from the operation of such business.

Amended
by Ord.
423

f

b. Collection service shall be furnished at such intervals so as to prevent any hazardous or unsightly storage or accumulation of solid wastes, and shall be furnished at least once a week to residential properties within the City.

c. The franchisee shall respond to and furnish service for any requested special hauling within three days of the date of receiving a call, provided that if franchisee does not have suitable equipment or facilities necessary to haul unusual solid wastes, he shall not be required to furnish the same but shall make a bonifide attempt to obtain the services of a qualified person to collect, transport or dispose of such unusual solid wastes.

d. Franchisee shall not discontinue service or reduce the same below the requirements of this Ordinance without giving ninety (90) days written notice to the City and to the customer involved of his intention to discontinue such service, unless such discontinuance is for nonpayment of prior services.

e. Except as provided herein for unusual solid wastes, franchisee shall not subcontract or assign any rights under this franchise without approval of the City Council. This subsection shall not apply to a temporary emergency condition.

f. Franchisee shall charge such rates as are fair and reasonable, not to exceed limitations imposed by City Ordinance.

g. Franchisee shall serve all patrons in an impartial manner and shall make such service available to all persons within the City limits except that this requirement shall not apply to persons who have made default in payment for any prior service or who refuse to supply a suitable can or container.

h. Franchisee shall file with the City a performance bond in the sum of not less than \$10,000 to cover any and all damage or obligations which may arise from operation under this franchise Ordinance and shall keep and maintain such bond for so long as he shall continue operation.

i. Failure of franchisee to perform or keep any of the terms or conditions of this Ordinance shall be grounds for immediate termination of the franchise granted hereunder.

j. Franchisee shall maintain a disposal or transfer site, available to residents of the City at least once a week, for the disposal of solid wastes. A fee may be charged for use of such disposal or transfer site in accordance with Section 9-f of this Ordinance.

SECTION 10. REGULATION OF COLLECTION TRUCKS

a. The City shall have the right to prohibit or regulate the operation or parking of any collection trucks which are operated under this franchise on any street or streets within the City whenever traffic conditions or the public welfare or public convenience shall, in the judgment of the Council, so require.

b. The franchise holder shall procure, and at all times carry, in full force and effect, liability and property damage insurance by an insurance company acceptable to the City and with a certificate thereof filed with the Recorder, which insurance shall provide that the insurer will pay property damage done by such franchisee in the minimum amount of \$10,000; that it will pay to any one person injured through operations of the franchisee a minimum of \$25,000; and a minimum of \$50,000 to all persons injured in any one accident.

SECTION 11. EMERGENCY SERVICE

a. Whenever the City Council finds that any failure of service would result in the creation of a health hazard or a public or private nuisance within the City, the City Council may after not less than twenty-four hours notice to the franchisee provide emergency service for so long as necessary, and that in the event of failure or inability of the franchisee to correct such failure of service within a reasonable time, the City Council may terminate the franchise granted hereunder.

SECTION 12. EMERGENCY CLAUSE

Inasmuch as this Ordinance is necessary for the immediate preservation of the public health and safety of the City of Stayton, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage by the Council and approval by the Mayor.

PASSED by the Council this 3rd day of August, 1970.

APPROVED by the Mayor this 3rd day of August, 1970.



Mayor

ATTEST:



City Recorder