

ORDINANCE NO. 315

revised 04/22/94

AN ORDINANCE RELATING TO THE KEEPING, REMOVING AND HAULING OF GARBAGE AND REFUSE IN THE CITY OF CASCADE LOCKS; PROVIDING RULES AND REGULATIONS GOVERNING THE HAULING, COLLECTION AND DISPOSAL OF GARBAGE REFUSE AND OTHER SOLID WASTES; AUTHORIZING THE CITY COUNCIL TO GRANT AN EXCLUSIVE CONTRACT FOR COLLECTION OF SOLID WASTE; PROVIDING A METHOD FOR ESTABLISHMENT OF RATES THEREFOR; PROVIDING PENALTIES AND REPEALING ORDINANCE NO. 247 AND ALL AMENDMENTS THERETO.

WHEREAS, the City Council finds that a uniform and mandatory system for the collection and disposal of solid waste is necessary for the safety, health and general welfare of the citizens of Cascade Locks. Because of the small number of residents residing in the City and the fact that no qualified solid waste collection contractor resides within Cascade Locks it is necessary to attract such contractor from larger neighboring cities; and

WHEREAS, the City has had problems in the past with the improper storage and disposal of solid waste; and

WHEREAS, in order to ensure that solid waste is properly disposed of and to attract a qualified solid waste collection contractor, a solid waste disposal program is required;

NOW, THEREFORE, THE CITY OF CASCADE LOCKS, HOOD RIVER COUNTY, OREGON, ORDAINS AS FOLLOWS:

SECTION 1. Purpose. The provisions of this section are adopted for the safety, health, and general welfare of the public. There is hereby established a uniform system for the collection and disposal of solid waste, including recyclables. Such a collection shall be provided by a solid waste collection contractor under agreement with the City. All persons responsible for solid waste generation, as hereafter set forth, including commercial business, shall be entitled and required to utilize the services of the City's approved collection contractor, using such schedule and routes as shall be filed with the City Clerk by the contractor.

SECTION 2. Definitions. For the purpose of this ordinance, the following terms phrases, words and their derivation shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) **BULKY WASTE:** The term "bulky waste" means large items of waste, such as furniture and other oversized wastes which would typically not fit into garbage cans.

(b) **CITY:** The City of Cascade Locks.

(c) **COLLECTION CONTRACTOR:** That entity holding the valid current letter of approval from the City of Cascade Locks to collect solid waste.

(d) **COMMERCIAL (OR INDUSTRIAL) CUSTOMER:** A nonresidential commercial or industrial customer and those multiple-family complexes not selecting residential service for each unit.

(e) **COUNCIL:** The legislative body of the City of Cascade Locks.

(f) **DETACHABLE CONTAINER:** The term "detachable container" means a watertight, all metal container, not less than one cubic yard nor more than eight cubic yards in capacity and equipped with a tight fitting cover.

(g) **DROP BOX:** The term "drop box" means an all metal container, with lidded or non-lidded cover, of not less than ten cubic yards, or more than fifty cubic yards in capacity.

(h) **ELIGIBLE HOUSEHOLD:** A residence containing not more than one (1) dwelling unit and receiving individual unit pickup services.

(i) **GARBAGE:** The term "garbage" shall be synonymous with Solid Waste (SW) and shall mean and include all accumulations of waste matters discarded as of no further value to the owner, such as kitchen and table waste, wrappings and small discarded containers, and small dead animals weighing not over fifteen (15) pounds, but shall exclude all manure, sewage, large dead animals, petroleum products, cleanings from private and public catch basins, wash racks or stumps, White Goods, Bulky Waste, Recyclables, Yard Waste, Special or Hazardous Wastes, Automobiles and Vehicle Parts.

(j) **GARBAGE CAN:** The term "garbage can" means a Collection Contractor-approved container of material of similar size and weight to a container that is watertight galvanized, sheet metal, or plastic container not exceeding four (4) cubic feet or thirty-two (32) gallons in capacity, weighing not over fifteen (15) pounds when empty, fitted with two (2) sturdy handles, one on each side, and a tight cover equipped with a handle; such can to be rodent and insect-proof and to be kept in a sanitary condition at all times.

(k) **GARBAGE UNIT:** The term "garbage unit" means secure and tight bundles, none of which shall exceed three (3) feet in the longest dimension, and shall not exceed sixty pounds in weight, or such "garbage unit" may be packed in small discarded boxes, barrels, or bags, or in securely tight cartons or other receptacles reasonably easy to be handled and loaded by one person onto a collection vehicle.

(l) **HAZARDOUS WASTE:** Special waste which has dangerous or hazardous qualities as defined by state law.

(m) **INDUSTRIAL WASTE:** The term "industrial waste" means and includes waste generated as a byproduct of manufacturing operations, usually consisting of large quantities of paper, cardboard, metal, plastics, scrap lumber and dunnage, and other materials incidental to and connected with the manufacturing process and not otherwise included in the definitions of "Garbage", "Hazardous", or "Special Wastes" herein above.

(n) **MINI-CAN:** The term "mini-can" means a container that is a watertight galvanized sheet metal or plastic container not exceeding nineteen (19) gallons in capacity, fitted with a tight cover equipped with a handle.

(o) MIXED PAPER: Includes the following: Magazines, junk mail, phone books, bond, or ledger grade, cardboard and paper board packaging. (This does not include tissue paper, paper towels, frozen food containers, milk cartons, or paper packaging combined with plastic wax or foil.)

(p) MULTIPLE-FAMILY UNIT: A residence containing five (5) or more dwelling units. Each dwelling within a multiple-family unit will be charged as a "single-family unit" unless all of the cans are placed in one location for pickup. In such case they will be charged on the commercial can rate. Individual multiple-family units must all be on single-family rate or the commercial can rate.

(q) PERSON: The term "person" shall mean every person, firm, partnership, association, institution, or corporation in the City generating garbage refuse or recyclables (except as approved by the City Council and described herein) requiring disposal. The term shall also mean the occupant and/or the owner of the premises for which service herein mentioned is rendered.

(r) P.E.T.: Means "polyethylene terephthalate". A recyclable plastic which includes beverage bottles (like 2-liter pop and liquor bottles), frozen food boil-in-the-bag pouches and microwave food trays.

(s) RECYCLING: The process by which waste materials are transformed into new products in such a manner that the original products lose their identity. It shall also include the collection, transportation, or storage of products by others than the original user or consumer giving rise to the product being in the stream of commerce for collection, disposal, recycling, resource recovery, or utilization.

(t) RECYCLABLES: Means newspaper, uncoated mixed paper, aluminum, glass, P.E.T., metal food and beverage containers and such other materials that the City and Contractor determine to be recyclable.

(u) RECYCLING BIN: The term "recycling bin" means a contractor provided container suitable for household collection, storage and curbside set out of source separated recyclables.

(v) RECYCLING CONTAINER: The term "recycling container" means a container suitable for on-site collection, storage and set out of source separated recyclables at multifamily and commercial locations.

(w) RESIDENCE: The word "residence" means a building or portion thereof containing not more than one dwelling unit.

(x) SINGLE-FAMILY UNIT: The term "single-family unit" means a residence containing not more than one dwelling unit.

(y) SOLID WASTE OR WASTES: Means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, demolition and construction wastes.

(z) SOURCE SEPARATION: Means the separation of different kinds of solid waste at the place where the waste originates.

(aa) SPECIAL WASTE:

1. Chemical waste from a laboratory. (This is limited to discarded containers of laboratory chemicals, lab equipment, lab clothing, debris for lab spills or cleanup and floor sweepings).

2. Articles, equipment and clothing containing or contaminated with poly-chlorinated biphenyls (PCB's). Examples are: PCB capacitors or transformers, gloves, or aprons from draining operations, empty drums that formerly held PCB's, etc.)

3. "Empty" containers of waste from commercial products or chemicals. (This applies to a portable container which has been emptied, but which may hold residuals of the product or chemical. Examples of containers are: portable tanks, drums, barrels, cans, bags, liners, etc. A container shall be determined "empty" according to the criteria specified at 40 C.F.R. 261.7).

4. Asbestos containing waste from building demolition or cleaning. (This applies to asbestos-bearing waste insulation materials, such as wallboard, wall spray coverings, pipe insulation, etc.)

5. Commercial products or chemicals: Outdated, off-specification, contaminated or banned. (This includes products voluntarily removed from the marketplace by a manufacturer or distributor in response to allegations of adverse health effects associated with product use.)

6. Residue and debris from cleanup of spills or releases of a single chemical substance or commercial product, or a single waste which would otherwise qualify as a miscellaneous special waste.

7. Medical or infectious byproduct waste for a medical practitioner, hospital, nursing home, medical testing laboratory, mortuary, taxidermist, veterinarian, veterinary hospital or animal testing laboratory.

8. Animal or fish waste and parts from slaughterhouses or processing plants.

9. Pumpings from septic tanks used exclusively by dwelling units. (single-family homes, duplexes, apartment buildings, hotels or motels.)

10. Sludge from a publicly owned sewage treatment plant serving primarily domestic users. (i.e., with no substantial industrial or chemical influent.)

11. Grease trap wastes from restaurants or cafeterias not located at industrial facilities.

12. Wash water wastes from commercial laundries or laundromats.

13. Chemical-containing equipment removed from service. (Example: cathode ray tubes, batteries, fluorescent light tubes, etc.)

14. Waste produced from the demolition or dismantling of industrial process equipment or facilities contaminated with chemicals from the process.

(bb) STREET: The word "street" means a public or private way used for public travel, and includes street, alley, avenue, road, boulevard, thoroughfare, public highway within the City.

(cc) WHITE GOODS: The term "white goods" means any large household appliance including refrigerators, stoves, dishwashers, Waste heaters, washers, dryers, or other similar appliances.

(dd) YARD WASTES: Includes leaves, grass, prunings and clippings of woody as well as fleshy plants. Materials larger than two inches in diameter and three feet in length shall not be considered yard waste. Christmas trees will be considered for collection as yard waste.

SECTION 3. Mandatory Service.

(a) All persons residing or doing business within the city limits of Cascade Locks shall be a customer and user of the City approved solid waste disposal program and shall subscribe and comply with the solid waste disposal terms and conditions set forth in this ordinance and the rules and collection policies of the solid waste collection contractor designated by the City.

(b) No person may collect solid waste, transport the same upon or through any street or public place or dispose of solid waste in the City unless approved by the City Council to do so. Items of recyclable materials may be transported to the collection area and removed by persons with City authority to collect the same as an exception to the exclusive approval granted by this Ordinance. Industrial waste not collectible by the collection contractor may also be transported and disposed of by the entity that produced such waste or its designee.

(c) All special wastes shall be collected, transported and disposed of in accordance with applicable ordinances of the City and all state and federal laws.

SECTION 4. Recycling. It shall be the policy of the City to encourage personal and group recycling efforts. The City Council may allow the following group recycling efforts when a written request and recycling program description is received and approved by the City Council.

(a) Recycling Centers. Groups involved in recycling efforts may establish permanent recycling centers by complying with local land use regulations and complying with City ordinances regulating the general health, safety, welfare and well-being of the residents of Cascade Locks. Temporary recycling locations may be established by receiving permission from the City Council. Public review by the City Council will occur through the public hearing process described in the zoning ordinance.

(b) Funding for Recycling. The City may from time to time provide funding for community-wide recycling programs.

(c) Composting. A person may establish a compost pile or bin or box using yard wastes and nonputrescible solid wastes (except body wastes). Compost facilities may be permitted when maintained in such a manner to not give off offensive odors, drain into groundwater, leak onto the ground, or attract insects or rodents.

(d) Coordination with Collection Contractor. The approved collection contractor has the primary responsibility for collection and handling of recyclable materials. Group recycling efforts should be coordinated with the collection contractor.

SECTION 5. Regulations and Prohibited Acts.

(a) It shall be unlawful for any person to throw, place or scatter any refuse or garbage over or upon any premises, street (public or private) or adjacent thereto, and either with or without the intent to later remove or burn such refuse or garbage, or to suffer or permit, from accumulation of such refuse and garbage, the premises owned, occupied or controlled by such person to become or remain offensive, unsanitary, unsightly, or unsafe to public health or a fire hazard.

(b) Hazardous and Special Wastes shall not be disposed of through the City's solid waste collection system. The City's solid waste collection contractor shall report all known or suspected violations of this Section to the City Administrator or his designee.

SECTION 6. Deposit of Garbage and Recyclables. Use of garbage cans and/or collection containers. Responsibilities of persons receiving services:

(a) The owner or person in charge of or in possession of any property or premises within the City of Cascade Locks whereon garbage originates shall at all times keep or cause to be kept sufficient portable cans for the disposal therein of garbage and shall deposit or cause to be deposited therein such garbage, except as hereinafter provided.

(b) Such cans shall be watertight and of not less than ten (10) or not more than thirty (30) gallons capacity and shall have two handles at the sides thereof and tight fitting lids. Such lids shall be removed only when necessary to place domestic or industrial garbage in such cans or to take same therefrom. Such cans shall not be loaded to a weight capacity of more than sixty (60) pounds and shall be kept in a sanitary condition with the insides and outsides thereof clean and free from accumulating grease and decomposing matter.

(c) No cans shall be kept or stored on any public street in the City except that said cans may be stored and maintained in alleys adjacent to and for the use of business establishments. In blocks in which there are alleys, such cans shall be kept on private property in a convenient and accessible location to such alley. In blocks which there are no alleys, such cans shall be placed on private property in such location as is most readily accessible to the street without interfering with the convenient, sightly and sanitary enjoyment of such property.

(d) The owner or the person in charge of such property shall maintain the place where said cans are located in a clean and sanitary condition, and shall at all times prevent said cans from being upset or spilled by any means whatsoever.

(e) All domestic garbage, before deposit in the can as hereinbefore provided, shall be drained and wrapped in paper or other material in such manner as to prevent, as nearly as possible, moisture from such garbage from coming in contact with the sides or bottom of the can.

(f) It shall be unlawful for any person, other than the person in possession, charge, or control of any premises, his agents, authorized employees of the City, or the franchised collector, to remove or lift the coverings of any cans, and no other person shall tamper with or remove any particle or material whatsoever from said cans.

(g) From and after the effective date of this ordinance, it shall be unlawful for any person to haul, carry or dispose of garbage or refuse in the City except as in this ordinance provided.

(h) No hot ashes or hot clinkers shall be placed in any garbage can or container for collection or removal. All kitchen, table, cooking, animal and vegetable waste and offal, before being deposited in garbage cans or containers as hereinbefore provided, shall be drained and wrapped in paper or other material in such a manner as to prevent, as nearly as possible, moisture from such garbage from coming in contact with sides or bottoms of the cans or containers.

SECTION 7. Collection Services.

(a) Residential Recyclables Collection. Any party may collect residential recyclables. However, once recyclables are placed at the curbside or other approved point of collection, then residential recyclables may be collected only by the collection contractor.

(b) Yard Waste Collection. Any party may collect residential yard waste.

(c) Special Collection:

1. Special pickup services will be provided when authorized by the City Administrator and the collection contractor, to those residences where there are handicapped or elderly people who cannot move their garbage cans, recycling bins, or yard waste carts to the curb for collection. Residences which are geographically located so as to make moving the containers to the curb and unreasonable physical hardship must apply to the City for special collection service and submit documentation to justify their application.
2. The City Administrator may request the collection contractor to pick up illegally stored or dumped solid waste from private property. The owner shall be held responsible for paying for such pick up. The City Administrator will attempt to contact the owner prior to ordering such collection service. This contact shall be documented by the City Administrator.

(d) Discontinuing Service during Vacancy. Whenever any person leaves his/her premises vacant for a period of more than one (1) month and thus shall not need solid waste collection services during said period, he/she may request suspension of garbage collection and service fees therefore for said vacated premises by giving written notice of said vacancy to the collection contractor and in the written notice the person shall state the period of said vacancy and the street address of the premises; provided, that upon receipt of said written notice said services will be discontinued on the first calendar day of the next succeeding month for not less than thirty (30) days.

(e) All solid waste as hereinbefore defined will be collected within the boundaries of the City as follows:

1. Residential Collection. Regular curbside SW, Recyclables, and Yard Waste collections from residential dwellings (single family and duplex) and mobile home parks shall be picked up once a week, with collection to begin no earlier than 6:30 AM and terminate no later than 9:00 PM, Monday through Friday.
2. Multiple Family Units and Commercial Collection. Regular SW collections from multifamily units, apartment houses, commercial and business firms are shall be picked up as required by volume, but shall not exceed one pickup per day, five (5) days per week, Monday through Friday. In areas where the above establishments are within three hundred feet (300) of a residential zone, no collection shall be made earlier than 6:30 AM and not later than 9:00 PM.
3. Saturday Collections. The regular collection period between Monday through Friday may be extended by one (1) day to include Saturday if during that particular week the official and/or authorized dump site and/or transfer station has been closed in recognition of a holiday or during that particular week a recognized holiday, as defined in the contractor's labor contract, falls on one of the regular collection days of Monday through Friday.

(f) Anti-Scavenging. Once residential recyclable materials and residential yard waste materials have been set out on the curbside, or at such other location as authorized by the City, ownership of those recyclables and yard waste materials passes to the collection contractor. It shall be unlawful for

any person other than the collection contractor to remove or collect any such recyclable materials or yard waste materials once they are set out on the curbside or other approved location. However, any person may collect recyclables delivered to such person at a location which has been approved by the City Council.

SECTION 8. Application for Approval As Collection Contractor. A contractor may apply to the City Council to become the approved collection contractor for the entire City. The written application shall contain the following information:

- a. Name and address of collection business.
- b. Type of vehicles and equipment available for use by the contractor.
- c. Type of vehicles and equipment to be used by the contractor.
- d. A history of the contractor's business, and references.
- e. A Rate Card containing the rates proposed to be charged by the contractor.

SECTION 9. Collection Contractor. The contractor approved to provide municipal solid waste collection shall have the exclusive right to collect, haul, store and transfer for compensation all refuse, residential and commercial garbage and solid wastes over the streets and highways of Cascade Locks, Oregon. An exception is granted for the collection and recycling of newspaper and cardboard collection as expressly permitted by the City Council. All garbage shall be collected by the City of Cascade Locks collection contractor. The approval of the collection contractor granted by the City Council is conditioned upon the following:

(a) The approval granted by the City Council shall be non-assignable. The City Council reserves the right to determine if any other collection contractor other than the current approved contractor should have the above described collection rights and privileges.

(b) All trucks and collection vehicles used by the collection contractor shall be so constructed, loaded, operated and maintained as to prevent wastes from dropping, sifting, leaking or otherwise escaping onto public or private property. Said vehicles shall be designed and constructed to minimize the escape of noxious odors. All of the above equipment shall be of metal construction and must be approved by the Hood River County Sanitarian. Said Sanitarian shall have the power and authority to grant exceptions for special handling.

(c) The collection contractor must leave all premises, streets, and alleys at the place of collection or loading in a neat and sanitary condition. All material collected shall be deposited at a disposal site authorized by the State of Oregon and other governmental regulation.

(d) The collection contractor shall be responsible for the collection of all service fees from users in the City and the City shall bear no responsibility for debt collection.

(e) The collection contractor shall participate each spring in an annual City clean up effort during one (1) week as designated by the City Council and shall make trucks and equipment available to accomplish clean up needs during that period.

(f) The collection contractor shall abide by all laws governing the collection, hauling and disposal of solid waste and comply with State requirements on recycling as set forth in ORS Chapter 459, Rules of the Department of Environmental Quality, and other State and County Agency rules promulgated thereunder.

(g) The collection contractor shall keep sufficient books and records of accounts and such books and accounts shall be subject to review by the City Council upon written request.

(h) The collection contractor shall bill patrons for service provided on a regular and timely basis no less often than quarterly.

SECTION 10. License for Collection. The term of such collection contractor approval shall begin on the date signed by the City Administrator and shall be a continuous five (5) year approval to operate period.

On January 1st of each calendar year, the approval shall be considered renewed for a full five year term, unless, prior to December 1st of any calendar year, the City Council notifies the collection contractor in writing of its intent to terminate further its approval. In that event, the collection contractor shall continue to operate for the balance of the current approval period (4 years). The City Council may terminate its approval with or without cause; however, the City Council may later re-instate the continuing renewal provision upon mutual agreement with the collection contractor and the City Council.

SECTION 11. Rates. The City Council of the City of Cascade Locks shall have exclusive authority to determine reasonable and proper rates to be charged for the collection of garbage, refuse, recycling, and solid waste and to fix the maximum rate which may be charged therefor. The applicant granted approval to collect or haul MSW must conform to the rate schedule as outlined in the application unless approval is received from the City Council for a rate change. Rate changes may be granted from time to time, but no more often than on an annual basis by resolution of the City Council. A portion of the approved rate will be a mandatory charge paid by all customers for recycling services provided by the approved collection contractor. No relief from this portion of the rate will be granted for personal or group recycling programs.

SECTION 12. Liability, Indemnification, Insurance. The collection contractor shall be responsible for all services required under this ordinance and the City shall not be responsible nor liable for the service provided. The collection contractor shall indemnify and hold the City harmless from all claims, demands, causes of action or suits concerning the collection service covered by the collection contractor.

SECTION 13. Complaints. All complaints made by customers of the collection contractor shall be in writing and addressed to the collection contractor. Said complaint must set forth the complaint and why the complainant feels the provisions of this ordinance are being violated. If the complainant is not satisfied by the response of the collection contractor, within fifteen (15) days of the date of the making of the complaint, the customer may refer the complaint to the City Council.

The City Council will hold a hearing on the complaint and give notice to both parties ten (10) days prior to the date set for the hearing. Upon such hearing, the City Council shall determine if the collection is being performed as this ordinance requires. If the City Council determines that such service is not being performed as required, then the Council shall have the power to require compliance with its original approval and ordinance within the shortest period possible, consistent with the nature of the complaint. Failure of the collection contractor to comply with the Council directive within the stated period of time shall be grounds for revocation of the Council's approval and the Council may exercise other remedies as well as enforcement provisions of this ordinance.

SECTION 14. Penalties. Any person who shall be found guilty of a violation of any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00).

SECTION 15. Repeal of Prior Ordinances. City of Cascade Locks Ordinance No. 247 and AMENDMENTS thereto are hereby repealed.

SECTION 16. Separability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause, or phrase; and if this ordinance, or any portion thereof, should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which said ordinance, or such portion thereof, was enacted.

ADOPTED by the City Council this ____ day of _____, 1994.

APPROVED by the Mayor this ____ day of _____, 1994.

Mayor

ATTEST:

City Recorder