

ORDINANCE NO. 1371

AN ORDINANCE RELATING TO THE KEEPING, REMOVING AND HAULING OF GARBAGE AND REFUSE IN THE CITY OF HOOD RIVER; PROVIDING RULES AND REGULATIONS GOVERNING THE HAULING, COLLECTION AND DISPOSAL OF GARBAGE AND REFUSE; GRANTING AN EXCLUSIVE FRANCHISE IN THE COLLECTION OF GARBAGE AND REFUSE TO HOOD RIVER GARBAGE SERVICE; PROVIDING A METHOD FOR ESTABLISHMENT OF RATES THEREFORE; PROVIDING PENALTIES; AND REPEALING ORDINANCE NO. 1038.

THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Section 1: 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.

1. "Can" is a container made of metal or sturdy non-moisture absorbing polyethylene that meets with National Sanitation Foundation approval.
2. "City" is the City of Hood River.
3. "Council" means the legislative body of the City of Hood River.
4. "Domestic garbage" is all animal, fruit, grain and vegetable waste and table scraps originating in private kitchens and dining rooms.
5. "Garbage" includes both domestic and industrial as defined herein, or either.
6. "Industrial garbage" is all animal, fruit, grain and vegetable matter originating in public dining rooms, kitchens and restaurants, grocery stores, butcher shops, bakeries, schools, service stations, and other business establishments.
7. "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
8. "Refuse" is all putrescible and nonputrescible solid

wastes (except body waste) including garbage, rubbish, ashes, street cleaning, dead animals, abandoned automobiles or parts thereof and solid market and industrial waste.

9. "Street" includes street, alley, avenue, road, boulevard, thoroughfare, public highway within the city.

10. "Rubbish" is nonputrescible solid waste (excluding ashes) consisting of both combustible and noncombustible waste, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar material.

Section 2: Regulations and Prohibited Acts. It shall be unlawful for any person to:

a. 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. It shall be unlawful for any person to store or permit the storage of garbage on or about the premises or the premises occupied by him unless such refuse is kept in proper containers as in this ordinance set forth.

c. The owner or person in charge of, or in possession of any property or premises within the city wherein refuse or garbage originates shall at all times keep or cause to be kept sufficient portable cans for the disposal therein of refuse or garbage and shall deposit or cause to be deposited therein such refuse or garbage, except as hereinafter provided.

d. Such cans shall be watertight, and of not less than 10 or not more than 32 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 refuse, domestic or industrial garbage in such cans or to take same therefrom. Such cans shall be kept in a sanitary condition with the insides and outsides thereof clean and free from accumulating grease and decomposing matter.

e. 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 in 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.

f. 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.

g. 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.

h. It shall be unlawful for any person other than the person in possession, charge or control of any premises, his agents, authorized employes 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.

i. There is hereby excepted from the operation of this ordinance all fruit refuse from any fruit processing plant or warehouse in the city, except as herein stated. Such fruit refuse may be disposed of as will or for commercial purposes by such fruit processing plants and warehouses, provided the disposal, handling and feeding of above mentioned refuse complies with city, county and state regulations. None of the fruit refuse from any fruit processing plant or warehouse in the city shall be deposited within the corporate limits of the city.

j. 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.

Section 3: Franchise Granted. Subject to the conditions, reservations contained in this ordinance, City hereby grants to John Rath and Don Durr, doing business under the firm name and style of Hood River Garbage Service, herein termed the franchise holder, the exclusive right, privilege and franchise to collect and haul for others over the streets of the city, garbage and refuse for a term expiring June 30, 1980. Any assignment or attempted assignment of any franchise granted by City without the consent of Council shall render such franchise null and void. Such franchise holder may, subject to approval of the Council, sublet not in excess of 20% of the accounts within the city, in such areas; to such person and at such time as may be approved by the council. The fee for such franchise to be paid by the franchise holder and collected by the City is the sum of \$200.00 annually to be paid on or before the 1st day of August of each year while such franchise is in effect or prorated part thereof.

Section 4: Rates: That the council shall have the power to determine reasonable and proper charges to be charged for the collection of garbage and refuse and fix the maximum rates which may be charged therefor. Such rates shall be established or changed only after a public hearing, notice of which has been given not less than two consecutive publications in a weekly newspaper published in the city, and the adoption of a resolution after the hearing setting forth the rates by not less than a majority of the Council.

Section 5: Frequency of Collection. The franchise holder shall make collection of and haul away not less often than weekly the garbage and refuse from all premises served by it and placed for collection; all refuse and garbage from all cafes, restaurants, markets and similar business establishments shall be collected and hauled away not less often than five days a week. The

collector shall respond to all calls for special hauling and collection not later than 48 hours from time of receiving said call. All garbage and refuse collection shall comply with all sanitary regulations of the city, the County of Hood River and the State of Oregon.

Section 6: Records. The franchise holder shall keep sufficient books and records of account, and such books and accounts shall be open to inspection and subject to review by the council upon request.

Section 7: Equipment. All trucks and vehicles hauling garbage or refuse in the city shall be equipped with beds thereon which are leakproof and drip-proof for the type of refuse or garbage being hauled, and such trucks and vehicles must be equipped with suitable, complete metal covers and with proper beds sufficient to keep the contents of said truck or vehicle from blowing off or falling from said vehicles while in transit. No person shall permit any materials or liquids to be dropped, blown or spilled from said trucks or vehicles in or on any street of the city or highways of the county or state. All garbage and refuse shall be deposited at the authorized dump or dumps in such manner that it can be properly cared for. The franchise holder, after loading trucks or other vehicles, shall leave all premises and streets adjacent to the place of loading in a neat and sanitary condition.

Section 8: Rules and Regulations. The council is hereby authorized and directed to make and adopt by resolution such rules and regulations as it deems necessary in addition to those provided in this ordinance for the collection, hauling and disposal of refuse and garbage originating in the city.

Section 9: Exception for Actual Producer. Notwithstanding the provisions of this ordinance, any person of the city may haul his own garbage or refuse and dispose of the same in lawful manner; provided, however, that no resident or householder shall

haul garbage or refuse for another resident or householder. Any such resident or householder, hauling garbage or refuse over the streets of the city, shall convey the same in a covered or tightly closed vehicle or container to prevent any leakage or scattering of such garbage or refuse.

Section 10: Complaints. In the event that complaint is made by any customer of the franchise holder that such collection service is not being performed as in this ordinance required, then upon written complaint being filed with the council, a hearing shall be held by the council upon such complaint. The council shall give written notice of such complaint, specifying the nature and type of violation of this ordinance, to the franchise holder not less than 10 days prior to the date of hearing. Upon such hearing, the council shall determine if the collection service is being performed as in this ordinance required; and if, in the opinion of the council such service is not being performed as required by this ordinance, then the council shall have power to require compliance with this ordinance within a 30-day period; and if the said service does not comply with this ordinance within said period of time, then the council shall have the power and authority to revoke the franchise held by the franchise holder in addition to any other penalties to which a person may be subject to under the terms of this ordinance.

Section 11: Penalties. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding \$500.00 or by imprisonment in the city jail not exceeding 60 days or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such hereunder.

Section 12: Separability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court

of competent jurisdiction, such portion shall be deemed separate, distinct and independent provision and such holding shall not effect the validity of the remaining portion.

Section 13: Ordinance Repealed. Ordinance No. 1038, all amendments thereto, and all other parts of ordinance in conflict with this ordinance are hereby repealed.

Section 14: Effective Date. This ordinance shall take effect July 1, 1975.

Read for the first time: ~~April~~ May 12, 1975.

Read for the second time: May 27, 1975.

PASSED by the Council of the City of Hood River
this 27th day of May, 1975.

Bartholomew M. Suijers
City Recorder

APPROVED by the Mayor of the City of Hood River
this 27th day of May, 1975.

Jay B. Coffey
Mayor