

Ordinance No. 1818

(An ordinance amending Chapter 8.04, Garbage Regulations, amending solid waste storage and disposal provisions, adding mandatory recycling in multi-family housing, making dumping household waste into unauthorized containers illegal, and providing a procedure to address complaints regarding a garbage franchisee's service)

WHEREAS, Chapter 8.04 of the Hood River Municipal Code (HRMC) contains regulations governing waste collection and recycling and the franchises for providing those services;

WHEREAS, Hood River County has failed to meet the recycling level set by the Oregon Department of Environmental Quality;

WHEREAS, multi-family residential units are not required under Chapter 8.04 to participate in the recycling service provided by the waste collection and recycling service provider;

WHEREAS, if multi-family residential units were required to participate in the recycling service provided by the waste collection and recycling service provider, the level of recycling in the County would increase;

WHEREAS, recycling is an environmentally and economically sound practice regarding the collection, processing and end use of solid waste that promotes the public health, safety and welfare;

WHEREAS, a procedure for handling complaints with respect to the service provided by the waste collection and recycling service provider will enhance communication with the service provider and promote better service consistent with local, state and federal requirements;

WHEREAS, the City of Hood River provides garbage receptacles in certain areas of the City for public use to keep those public areas free of litter and in a clean and sanitary condition;

WHEREAS, the City also maintains garbage receptacles on City owned property for City use;

WHEREAS, the garbage receptacles provided on public property or maintained by the City on City owned property are not provided or maintained for the disposal of household waste and City tax payers should not be required to pay for the disposal of a person's household waste;

WHEREAS, it is therefore necessary to make the disposal of household waste in municipally owned garbage receptacles a violation of the law.

NOW, THEREFORE, the City of Hood River ordains as follows:

Chapter 8.04 is amended to read as follows:

8.04.170 Container Weight Limits Specifications.

(A) Franchisees shall not be required to pick up collectible solid waste ~~garbage~~ which, together with the container, weighs more than sixty (60) pounds. This provision does not apply to collection from dumpsters or other large containers franchisee is capable of handling with mechanized equipment.

(B) Solid waste collection containers (excluding recycling containers) shall be leak-proof, have one handle on each side of the container, and have a tight-fitting lid. The owner of the container or the premises on which the container is stored for collection shall keep the container and place where the containers are stored in a sanitary condition.

8.04.180 Solid Waste to be Hauled to Designated Sites Only Disposal and Storage.

(A) All persons in the City shall dispose of solid waste before the same shall have become offensive, and not create a nuisance by permitting any solid waste to accumulate on or about premises, and to dispose of solid waste in the manner prescribed by this ordinance by hauling or causing the same to be hauled to ~~an authorized~~ disposal site or drop station authorized by the Oregon Department of Environmental Quality.

(B) No person shall throw, scatter or dispose of solid waste, or cause solid waste to be thrown, scattered or disposed, except in accordance with this Chapter.

(C) No person shall store solid waste or cause solid waste to be stored on premises owned or controlled by that person except as specified in this Section.

(D) No person shall place solid waste or any material in a solid waste storage container unless authorized by the owner of the container to do so. For purposes of this Section, the franchisee is the owner of any containers supplied by the franchisee.

8.04.200 Violations. ~~Any person violating any of the terms of this ordinance shall, upon conviction thereof in the Municipal Court, or upon a plea of guilty before such Court, be subject to a fine not exceeding \$2,500 or to imprisonment in the County jail for a period not to exceed one (1) year, or to both such fine and imprisonment, and for the costs of prosecution.~~ Multi-Family Housing—Participation Required in Recycling Collection Service. All multi-family housing shall participate in and pay for recycling collection service. The owner, manager or person in charge of the multi-family housing shall designate a person responsible for ensuring compliance with this provision by:

(A) providing a location for the franchisee's recycling containers that (1) is accessible to both the franchisee and residents of the multi-family housing unit; (2) is safe, clean and sanitary; (3) allows recycling containers to be stored and filled without upset or spilling;

(B) providing and maintaining conspicuous signage indicating the location of the recycling container location and conspicuous signage indicating what materials are recyclable and which container they go into; and

(C) communicating with the franchisee regarding residents' concerns, complaints or comments with respect to the recycling service provided by franchisee.

8.04.210 Illegal Dumping into Municipal Containers. No person shall dispose of household solid waste into any municipally owned container unless the container is specifically designated for such use or the person is otherwise authorized to do so.

8.04.220 Complaint Procedure.


(A) Any person having a complaint with respect to a franchisee's solid waste collection service may submit the complaint in writing to the City Manager. The City Manager shall immediately forward a copy of the complaint to the franchisee. Within 10 days after the franchisee receives the complaint, the franchisee shall respond to the City Manager in writing responding to the complaint and, if applicable, setting forth how the franchisee intends to resolve the complaint. The franchisee shall have 30 days from the date of its response to the City Manager to resolve the complaint, or a longer period of time if the complaint cannot be reasonable resolved within the 30 days period.

(B) If the City Manager receives the same or similar complaint more than once during any six (6) month period, the franchisee shall meet with the City Manager to discuss the complaint and its resolution. The City Manager shall set a reasonable period for franchisee to resolve the complaint. If the franchisee does not thereafter resolve the complaint to the satisfaction of the City Manager, the franchisee shall be considered in noncompliance with the provisions of this Chapter, and the franchise may be modified, suspended, or revoked, or other action taken, in accordance with Section 8.04.130.

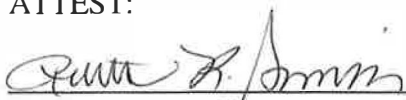
8.04.2230 Violations. Any person violating any of the terms of this ordinance shall, upon conviction thereof in the Municipal Court, or upon a plea of guilty before such Court, be subject to a fine not exceeding \$2,500 or to imprisonment in the County jail for a period not to exceed one (1) year, or to both such fine and imprisonment, and for the costs of prosecution.

Read for the first time: September 24, 2001.

Read for the second time and passed: October 9, 2001, to become effective thirty (30) days hence.


Paul G. Cummings, Mayor

ATTEST:


Anita R. Smith, City Recorder