

**ORDINANCE NO. 390**

**AN ORDINANCE OF THE CITY OF SISTERS AMENDING SISTERS MUNICIPAL CODE SECTION 8.04, CONCERNING SOLID WASTE, AND DECLARING AN EMERGENCY.**

The City Council of the City of Sisters, Oregon hereby ordains as follows:

**SECTION 1:** Sisters Municipal Code Section 8.04 is amended to read as follows (words **underlined and in bold** are added and words **struck through** are to be deleted):

**8.04.010.**     **Purpose:** The City of Sisters City Council finds that the maintenance of health and sanitation, along with an attempt to fairly equalize the cost of providing a necessary service, requires compulsory and universal collection, removal and disposal of solid waste by all households, businesses and other entities that generate solid waste within the city limits.

**8.04.020**     **Definitions:** In this ordinance, the following words mean:

- (1)     **Collector.** Any entity or any person, agent, officer or employee of the City to whom authority is given for the collection and disposal of solid waste .
- (2)     **Commercial solid waste.** Solid waste material from stores, shops, or similar enterprises. These include cardboard, papers, bottles, cans, furniture, and bedding. Construction material is excluded.
- (3)     **Construction materials.** These shall include cement, plaster, lumber, bricks, stone, wire, nails, metal and other building materials commonly used in construction and repair work.
- (4)     **Customer.** Any tenant, occupant or owner of a building or site on the City's collection route that is assigned an account number for the purpose of using a collector of solid waste and who is responsible for payment for the service.
- (5)     **Disposal area.** Any area designated or provided by the Deschutes County Solid Waste Department for the purpose of disposal of solid waste.
- (6)     **Food-processing waste.** All accumulated refuse from animal, fruit and vegetable matter, liquid or otherwise, that attends the preparation and/or use of meat, fish, vegetable and fruit, which is subject to decay and attraction for flies and rodents.
- (7)     **Garbage.** All putrescible wastes, including vegetable waste, grass clippings (except for recognized composting methods), and all substances from all public and private establishments and residences, but not including sewage, body waste, and recognized industrial by-products.

(8) Hazardous materials. (a) Materials such as, but not limited to, motor oil, gasoline, diesel fuel or other flammable liquids, paints, pesticides and herbicides, toxic chemicals, asbestos and also including infectious waste from medical, dental, veterinary clinics or other similar facilities. (b) Any waste as defined as hazardous waste by or pursuant to ORS Chapter 459.

(9) Industrial solid waste. Solid waste materials from factories, processing plants or other manufacturing enterprises. The words include putrescible garbage from food-processing plants, condemned foods, and miscellaneous manufacturing refuse.

(10) Refuse. Ashes, garbage, rubbish, swill and all other putrescible and non-putrescible wastes, except sewage, from all public and private establishments and residences.

(11) Rubbish. All non-putrescible waste materials, except ashes, which are rejected, abandoned or discarded by the owners or producers thereof as offensive, useless or no longer desired by producers thereof and which, by their presence, may injuriously affect the health, comfort or safety of the community by increasing disease or hazard by fire. The term includes paper, cartons, boxes, bottles, cans, wood, tree branches, yard trimming, furniture, bedding, metals, glass, crockery and similar substances or materials of the nature described from all public and private establishments or residences.

(12) Solid Waste. All putrescible and non-putrescible wastes, including but not limited to garbage; rubbish; refuse; ashes; waste paper and cardboard; commercial, industrial, demolition, and construction wastes; discarded or abandoned vehicles or parts thereof; discarded home and industrial appliances; manure, vegetable or animal solid and semisolid wastes; dead animals; infectious waste as defined in ORS 459.386; and other wastes; but the terms does not include hazardous wastes as defined in ORS 466.005 or materials used for fertilizer or for other productive purposes or which are salvageable as such materials are used on land in agricultural operation and the growing or harvesting of crops and the raising of animals.

(13) Swill Every solid waste accumulation of animal, fruit (or vegetable matter), liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit and vegetables, that is subject to decay and/or the attraction of flies or rodents.

(14) Transfer station. Any area designated provided by the Deschutes County Solid Waste Department for the purpose of disposal of solid waste.

(15) Violation. Any Class A, B or C violation and the associated fine as set by Resolution.}

(16) Yard Debris: Vegetative and woody material generated from residential property or from commercial landscaping activities. Includes grass clippings, leaves, hedge trimmings and similar vegetative waste, but does not include stumps or similar bulky wood materials.

**8.04.025 Solid Waste Accounts:**

**(1) Every resident and business shall have and maintain a solid waste collection account with the City's franchisee. If the account is not maintained, the City may establish a City Managed Account for the resident or business.**

**(2) Any application for City services shall include both City water and sewer, and satisfactory evidence that customer has signed up for garbage collection services. If the application does not include satisfactory evidence of garbage collection services for the property, the City may establish a City Managed Account.**

**(3) The rates for City Managed Accounts shall include the base collection rate and the City's administrative costs for establishing and managing such accounts. The rates will be set by Council Resolution.**

**(4) For City Managed Accounts the solid waste bill will be included with the sewer and water bills as a combined billing. Payments will be applied first to solid waste collection, then to sewer, and then to water.**

**8.04.030 Enforcement Officers:** The City Manager or designee shall enforce this ordinance and are authorized to enter private property for the limited purpose of fulfilling its purposes.

**8.04.040 Solid Waste Containers:**

(1) Solid waste containers will be provided to all customers by the City or its franchisee. Solid waste will be kept only in the designated container. City and its franchisee have the authority to limit what types of solid waste can be placed in a container provided for recycling and yard debris.

(2) All containers will remain the property of the entity that provided the container.

(3) Each residential container will be assigned an account number. The serial-numbered container shall remain with the assigned account and shall not transfer with the customer.

(4) In order to maximize health and sanitation conditions, along with keeping excess water out of the container, customers shall keep the lid on their containers or dumpsters closed at all times except during loading or emptying.

(5) The size of residential solid waste containers and the maximum weight for each container will be established by the entity providing the container.

(6) Stolen or damaged solid waste containers shall be reported to the Public Works

Director or the franchisee. The City or franchisee will replace stolen containers or repair damaged containers free of charge, except those determined by the Public Works Director or the franchisee to have been stolen or damaged through customer negligence or abuse.

(7) If a container is determined to be damaged by negligence, the customer shall be responsible for replacement cost of the container from the City or franchisee. The cost of the container shall be determined by replacement costs at time of damage.

(8) Customer application for City services shall include both City water and sewer, and satisfactory evidence that customer has signed up for garbage collection services.

(9) Reasonable care and cleaning of container(s) shall be the responsibility of the customer.

(10) Commercial customers shall be furnished an adequate number of dumpsters for their business.

(11) In the event a customer wishes to padlock a dumpster, it shall be the responsibility of the customer to unlock the dumpster before the scheduled collection time.

(12) The Public Works Director shall have the authority to determine the size of solid waste container for commercial accounts.

(13) All charges for residential and commercial solid waste collection will be approved by the City Council before they go into effect.

8.04.050 Solid Waste Container Locations

(1) The City and franchisee will determine container locations for residential and commercial customers.

(2) Residential customers shall have their containers at the designated site by 7:00 a.m. on the day of scheduled pickup and will return the container to their own property by 7:00 p.m. of the same day.

(3) Commercial customers shall leave their containers/dumpsters in the designated location at all times unless otherwise authorized by the Public Works Director.

(4) On the day scheduled for pickup service, residential garbage containers shall be placed in the following locations:

(a) Residential customers shall place their containers curbside or other suitable location for collection. The Public Works Director may designate the specific location to place the containers for collection.

(b) If it is a multi-family dwelling which has individual metered account numbers that have each been assigned a residential container, the container shall be placed at the location designated by the City Public Works Director.

(c) If proof of physical incapacitation is documented by the customer to the Public Works Director, certain considerations may be waived as to placing the customer's container at the designated site.

(5) The customer shall insure that:

(a) The container is free from surrounding obstructions, such as trees, lamp posts, fences, snow, debris, etc. within a three-foot radius.

(b) A 15-foot space on each side of the container shall be free of all parked vehicles, equipment, or delivery trucks prior to collection time.

(c) The container shall not be picked up if access to container is blocked in accordance with Section (5) (a) (b). If a customer requests a return trip, an additional fee will be charged.

(6) A customer requiring the use of a commercial container or dumpster shall provide and maintain a level, hard and durable resting surface for the container. The size and location of the pad is to be determined by the Public Works Director. Commercial containers will not be delivered until a satisfactory dumpster pad has been constructed.

**8.04.060**      **Collection and Disposal:**

(1) All residents and businesses are required to participate in the City's universal solid waste collection program, **either directly through the franchisee or through a managed account pursuant to code section 8.04.025.**

(2) No person may collect solid waste or transport the same upon or through any street or public place unless such person is an employee, a contractor or agent of the City or the City's franchisee. A violation of this provision is a Class C violation

(3) Customers shall not deposit hazardous materials in the garbage containers. All hazardous materials shall be disposed of in a manner as authorized by the City or the franchisee. A violation of this provision is a Class C violation.

(4) A customer may transport solid waste generated by the customer from the customer's residence or business premises to the approved transfer station or disposal area. All transportation shall be in a vehicle or truck with sufficient capacity and size to support the load. All fees for disposing of this material will be paid by the delivering person. **This subsection does not eliminate the universal garbage collection provisions of the code or the customer's obligation to maintain a current solid waste collection account through the City or the franchise.**

(5) Any vehicle used by a person to transport solid waste and hazardous materials shall be so loaded and operated as to prevent the wastes from dropping, sifting, leaking, blowing or otherwise escaping from the vehicle onto the public right of ways or adjacent lands. A violation of this provision is a Class B violation.

(6) All solid waste consisting of rags, used clothing, bedding, mattresses, shoes, or other rubbish which may carry germs or communicable diseases shall, if possible be taken by the customer direct to the approved disposal area or transfer station on the day of collection.

(7) Construction material, hot ashes, sod, dirt or rocks shall be deposited only in containers designated for this type of waste by the City or the franchisee. A violation of this provision is a Class C violation

(8) No appliances, automobile parts, metal, or tires shall be placed in the solid waste containers. This type of waste shall be disposed of as designated by the City or the franchisee. A violation of this provision is a Class A violation.

(9) Every person who generates or produces wastes shall have removed all putrescible wastes at least every seven days. More frequent removal may be required where a facility or service involves the public health. All wastes shall be removed at sufficient frequency as to prevent health hazards or pollution. A violation of this provision is a Class B violation.

(10) All solid waste shall be stored in containers supplied by the City or franchisee, or other means as approved by the City. A violation of this provision is a Class B violation.

(11) The producers or generator of solid waste shall clean all containers and shall keep the area around such containers free of accumulated solid wastes.. A violation of this provision is a Class B violation.

(12) Cat litter and/or cold ashes must be bagged and tied before placing in waste container. A violation of this provision is a Class A violation.

8.04.070. **Non-profit Organization - Special Drives:** Paper, bottle or other approved drives may be carried on from time to time by non-profit organizations under permit from, and in accordance with, rules and regulations prescribed by the City Manager. No charge may be made against solid waste customers for the removal of such items and no claim may be made by the

collector because of loss of business.

**8.04.080**      **Rates and Billing Methods:** All franchisee's methods of billing will be determined by the franchisee. **All City methods of billing will be determined by City.**

**8.04.100**      **Multiple-dwelling Solid Waste Collection Payments:**  
Owners of multiple dwellings or apartments (two or more families) shall ultimately be responsible for payment of solid waste collection services rendered to premises owned by them, even though the individual apartments or dwellings are serviced by separate water meters or separate solid waste collection accounts.

**8.04.110**      **Special Collection**

(1) Special collection consists of picking up any solid waste too large to be placed in a container or dumpster, or is otherwise not permitted to be placed in a residential container or dumpster, including hazardous waste and appliances.

(2) At the request of a customer, the City or franchisee may, but is not required to, pick up additional solid waste. The customer shall be responsible for any additional fee for the special collection

**8.04.120**      **Prohibited Practices:** It shall be unlawful for any person other than the customer to dig into, scatter, displace or disturb any solid waste that has been put out for collection. A violation of this provision is a Class B violation. The ~~customer~~ **violator** will also be liable for all cleanup costs.

**8.04.130**      **Refusal of Services:** The City or franchisee has the right to refuse service to any party violating any section of this ordinance until the violation is corrected. The customer will still be obligated to pay the **monthly** base service rate.

**8.04.140**      **Private Property Disposal:** No person may dump, place or deposit upon any lot or property owned by any other person any solid garbage, swill, dirt, rubbish, refuse or other waste material except that dirt and clean fill material may be dumped or deposited upon any lot or property owned by any other person within the City after first obtaining the written consent of the owner or legal occupant of such property. A violation of this provision is a Class A violation.

**8.04.150**      **Public Property Disposal:** No person may dump, place or deposit upon any of the public streets, alleys, parks or lots of the City any solid waste. A violation of this provision is a Class C violation. The ~~customer~~ **violator** will also be liable for cleanup costs.

**8.04.160**      **Industrial Solid Waste:** No person may transport industrial solid waste produced by such person upon or through any street or public place of the City unless such

person obtains permission in writing to do so from the Public Works Director or designee. A violation of this provision is a Class C violation.

**8.04.170**      **Personal Solid Waste:** No person shall dump personal solid waste in City containers **or the container of another customer**. A violation of this provision is a Class A violation.

**8.04.180**      **Classification of Charges:** Any fees, charges, taxes or other penalties that are assessed, requested or required by this ordinance or any resolution relating to this ordinance are classified as not subject to the limits of Section 11b, Article XI, of the Oregon Constitution.

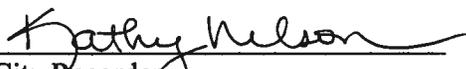
**SECTION 3: Emergency.**

The City Council finds that this ordinance is necessary for the health and safety of the residents of the City of Sisters and that it is in the best interest of the City of Sisters to have this ordinance take effect upon adoption. Therefore, the City Council hereby declares an emergency. This ordinance, therefore, shall become effective on the date of passage.

**PASSED BY THE CITY COUNCIL** of the City of Sisters, this 10<sup>th</sup> day of December, 2009.

  
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Mayor

ATTEST:

  
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City Recorder