

*Amended by Ord. 2485
" 2518
Repealed by Ord. 2753*

ORDINANCE No. 2141

AN ORDINANCE OF THE CITY OF ALBANY DEFINING GARBAGE AND RUBBISH AND REGULATING THE COLLECTION AND DISPOSAL THEREOF; PROVIDING FOR AWARDED THE CONTRACT FOR THE COLLECTION THEREOF; PROVIDING FOR THE USE OF THE CITY DUMP AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

The City Council of the City of Albany do ordain as follows:

Section 1. Municipal refuse is hereby defined as all garbage and rubbish. Garbage is hereby defined as every accumulation of animal, vegetable and other matter that results from the preparation, consumption and waste of foods or the dealing in or storage of fruits, vegetables, meats, fowls or fish.

Rubbish is hereby defined as the term for all refuse not otherwise termed garbage under the definition thereof set forth above.

Section 2. The word "person" used herein shall include firm, company or corporation.

Section 3. It shall be the duty of every person subscribing to the garbage pickup service and owning or controlling any dwelling, flat, boarding house, lodging house, restaurant, hotel, apartment, eating house or place of business where food is sold for human consumption, either on or off the premises, to provide and maintain at all times in a place easily accessible to the garbage collector and where it will not be a public nuisance or in any degree offensive, a water-tight metallic can or metal-lined box with suitable bails or handles and tight fitting cover having a capacity of not less than ten (10) nor more than forty (40) gallons in which shall be placed all garbage accumulated on the premises, provided that persons living in the same apartment house may use a single garbage receptacle in common.

Section 4. It shall be unlawful for any contractor to move any garbage or carry it through the streets except in vehicles having metal or metal-lined bins with proper covers so that the garbage shall not be offensive. The garbage must be protected from wind and rain and be loaded in such a manner that none of it shall fall, drop or spill upon the ground. Such vehicles shall be approved by the Superintendent of Streets.

Section 5. It shall be unlawful for any person other than the contractor with the City or his employees to collect any garbage within said city.

Section 6. It shall be the duty of the Superintendent of Streets and the City Engineer of the city to inspect all wagons, carts or other vehicles used in the collection and disposal of garbage or rubbish and see that the same are kept clean and sanitary; also all places where garbage and rubbish are deposited. It shall be their duty to see that all provisions of this and all other health ordinances of the City and the health laws of the State of Oregon are faithfully complied with.

Section 7. All garbage and rubbish shall be collected from private residences subscribing to the service not less frequently than once a week.

Section 8. The residential rates to be charged by all contractors for the collection of garbage and/or rubbish shall not exceed those established by the following schedule:

Quantities of garbage or rubbish per collection (rates per month for the number of collections per week set forth below):

30 gals. or less	\$1.00 for one weekly collection
In excess of 30 gals. and not exceeding 40 gals.	1.25 for one weekly collection
Exceeding 40 gals. and including 60 gals.	1.50 for one weekly collection

The contractor will charge business enterprises such as hotels, restaurants, grocery stores, hospitals, lodges, boarding houses a reasonable fee, the same to be agreed upon according to a fair consideration of the amount and nature of garbage and material disposed in each individual instance.

The contractor will charge apartment house operators of three (3) or more units upon the number of apartments and the amount of refuse and

garbage, which said charge shall not be more than Seventy-five Cents (.75) for each unit per month on one collection weekly, and not to exceed One Dollar (\$1.00) per unit per month if collection is twice weekly.

The charge for occasional pickups of debris removed from yards or buildings other than garbage or refuse shall be a reasonable charge of not less than Twenty-five cents (\$.25) for each pickup and such additional charge as the size and nature of the particular articles to be hauled will justify.

Section 9. The City Council may let contracts or enter into agreements with any person, firm or corporation for the removal of garbage, rubbish or waste matter. Such contract or agreement so entered into may be revoked at any time by the City Council for noncompliance with the terms of this ordinance. Each such contractor shall give a bond payable to the City of Albany in the sum of Five Thousand Dollars (\$5,000.00) conditioned for the faithful performance of the duties imposed by this ordinance and the terms of the contract entered into with the City of Albany. It shall be unlawful for any person, firm or corporation to engage in the business of removing or conveying garbage or rubbish along any public street, highway or alley in the City of Albany who is not a contractor or an employee of a contractor with the City of Albany for the removal and disposal of garbage. Such contract or agreement shall also require that the said contractor procure for the period covered by the contract full compensation insurance satisfactory to the City Council of the City of Albany and shall also require that the contractor carry public liability insurance to the extent of Twenty Thousand Dollars (\$20,000.00) for bodily injury of one or more persons and property damage insurance to the extent of Five Thousand Dollars (\$5,000.00) upon each of the trucks or other vehicles used by him in carrying out the work called for under said contract; such insurance to cover both the contractor and the City of Albany.

Section 10. No garbage shall be collected in the business district between the hours of 10:00 A.M. and 10:00 P.M. of each day.

Section 11. The contractor under this ordinance shall have the right to use the city dump ground located approximately two miles south of the City of Albany, Oregon together with an access roadway leading from said ground to the Pacific Highway 99-E, which said property has been acquired as a place to dump refuse and garbage that might originate in the City of Albany, Oregon, which access roadway the City of Albany intends to maintain.

Section 12. The contractor will at his own expense conform to all rules and regulations now in effect and hereinafter promulgated by the City Council burn and bury and cover all the garbage and debris so dumped, and if such burial place shall be at such places that high water might overflow the property, the contractor will safeguard the materials that are buried so that they will not be carried over or on any portion of the property belonging to the City of Albany or on the property of any other person. The contractor further agrees that he will protect the City of Albany from any claim that might arise from the manner in which they have been operating this franchise or from any claim of any person who might be injured by the neglect of the contractor.

Section 13. It shall be unlawful for any person, firm or corporation, save and excepting the contractor as herein set forth, to deposit any garbage or rubbish at said city dump except as in this ordinance provided, provided however that the residents of the City of Albany desiring to dispose of their own garbage or rubbish, originating at their own residence, shall have the right to deposit the same at the said city dump under the direction of the contractor, his agents or employees. Commercial establishments who are residents of the City of Albany who desire to deposit rubbish at the city dump may be charged a reasonable fee by the contractor, said fee not to be in excess of fifty cents (\$.50) for a pickup or two-wheel trailer and not to exceed One (\$1.00) Dollar for a truck load. The contractor with the city shall provide an employee at the said city dump during the hours that are designated by the city council of the City of Albany, to-wit: at least from 8:00 a.m. to 6:00 p.m. each day, Tuesday through Sunday inclusive, as the hours during which said city dump shall be kept open for use by the residents of the City of Albany. In consideration of receipt of the collections for such deposits

and in consideration of the payments to be made by persons from whom garbage and rubbish are collected under the terms of such contract, the said contractor shall keep the city dump in a good and orderly condition throughout his term of his contract and comply with all State, County and Federal regulations respecting the same at his own cost and expense throughout the term of any contract entered into with the City of Albany. In making any contract under the provisions of this ordinance, the City Council of the City of Albany shall reserve the right to cancel said contract after a hearing upon the violation of any term or covenant of said contract by the contractor. Said contract shall provide that the contractor shall promptly and properly collect garbage and rubbish in the City of Albany and shall charge rates not in excess of those established by this ordinance.

Section 14. Inasmuch as the provisions of this ordinance are necessary for the immediate preservation of the peace, health and safety of the citizens of the City of Albany, Oregon, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage by the council and its approval by the mayor of the City of Albany.

Passed by the council 11/9/49

Approved by the Mayor Jessie M. Long

Attest:

E. J. Fortmiller