

ORDINANCE NO. 3376

TITLE: An Ordinance defining refuse and regulating the collection and disposal thereof, and providing for and regulating the use of City Dump Grounds, and repealing all other ordinances in conflict, and declaring an emergency.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: REFUSE is hereby defined as all garbage, rubbish, trash or other waste materials normally accumulated in the daily operation of a household or business, but excluding sewage and unique waste materials which result from manufacturing processes.

Section 2: PERSON as used herein shall be defined as individuals, and firms, companies, corporations and other forms of businesses.

Section 3: CONTRACTOR. The City Council on behalf of the City of Albany, may enter into agreement with any person to provide a refuse collection and disposal service for other persons in the City. Such persons with whom an agreement has been made shall be referred to herein as a contractor.

Section 4: Each such contractor shall give a performance bond payable to the City of Albany in the sum of ten thousand dollars (\$10,000.00), conditioned for the faithful performance of the duties imposed by this ordinance and the terms of the agreement entered into with the City.

Section 5: An agreement entered into by the City pursuant to this ordinance may be revoked at any time by the City Council for non-compliance with the terms of this ordinance.

Section 6: It shall be unlawful for any person other than a contractor to collect refuse within the City of Albany from other persons for a fee. A contractor must provide to any person within the City who so requests, regular refuse collection and disposal service. The charge for this service shall be as stated in this ordinance or an amendment thereto. All refuse shall be collected not less frequently than once a week.

Section 7: Persons subscribing to a refuse collection and disposal service as provided by this ordinance may be required by the contractor to comply with reasonable rules established to assure safe, convenient and healthful operation of the collection service.

Section 8: A designated City representative shall periodically inspect all vehicles used by a contractor in the collection and disposal of refuse to see that they are kept clean and sanitary; these vehicles must have metal or metal-lined bin with proper covers so that the refuse shall not be offensive while the vehicle is on a public right-of-way. It shall also be his duty to inspect all places where a contractor is depositing refuse; he shall insure that the contractor is complying with all provisions of this and other health ordinances of the City and the health laws of the State.

Section 9: The residential rates to be charged by a contractor for the collection of refuse in the City shall not exceed those established by the following schedule:

- a 32 gallon (or less) can collected once weekly.....\$1.75/month
- a 33 gallon can to 45 gallon can collected once weekly..... 2.00/month
- Each additional can up to 45 gallon collected once weekly..... 1.00/month

The contractor shall charge business enterprises (excluding apartment houses), a reasonable fee, the same to be agreed upon according to a fair consideration of the amount and nature of the garbage and material to be disposed of in each individual instance. (Apartment houses shall be charged on the basis of the residential schedule).

The charge for occasional additional pickup of refuse removed from yards or buildings shall be a reasonable charge for each pickup and such additional charge as the size and nature of the particular articles to be hauled will justify.

Section 10: A contractor shall have the right to use a designated City Dump Ground. In exercising this right, the contractor will keep said City Dump Ground in good and orderly condition to comply with all City, County, State and Federal regulations at his own expense. The contractor shall provide an employee to serve as an attendant at said City Dump Ground during the hours that are designated by the City Council.

Section 11: It shall be unlawful for any person, save and excepting a contractor, to deposit refuse, sewage, or manufacturing wastes at a City Dump Ground except under the following provisions:

A. Refuse delivered by a regular customer of a contractor who is a resident of the City of Albany, who has obtained a permit of recognition from the contractor, may be deposited upon payment of the following applicable fee to the attending employee of the contractor:

Delivered in an automobile.....25¢/load
Delivered in a station wagon, pickup or trailer.....50¢ - \$1.00/load
(depending on size and nature of load)
Delivered in a truck.....\$1.00/cubic yard for first 2 1/2 cubic yards and 50¢/cubic yard over 2 1/2 cubic yards

B. Refuse delivered by a person who does not have a permit of recognition may be deposited upon payment of the following applicable fee to the attending employee of the contractor:

Delivered in an automobile.....50¢/load
Delivered in a station wagon, pickup or trailer.....\$1.50 - \$2.50/load (depending on size and nature of load)
Delivered in a truck.....\$5.00 or \$2.00/cubic yard for first 2 1/2 cubic yards and \$1.00/cubic yard for all over 2 1/2 cubic yards

The contractor is required to post the above schedule of fees on an appropriate sign which will be in plain view of all users of the City Dump Ground, said sign to be not less than three (3) feet by four (4) feet in size. Failure to enforce the above rate schedule shall be interpreted to mean a purposeful violation of the agreement.

Section 12: It shall be unlawful for a contractor to dump refuse that did not originate in the City upon a City Dump Ground unless a specific provision allowing for this action is provided in a contract with the City.

Section 13: The City shall at all times have the right to collect refuse and dump the same at a City Dump Ground free of charge.

Section 14: A contractor shall furnish and maintain in full force Workmen's Compensation Insurance satisfactory to the City Council through the terms of the agreement which will cover all workmen employed by the contractor in performance of the duties required under this ordinance and in the contract.

Section 15: A contractor shall carry public liability insurance in the minimum amount of \$300,000.00 for one or more persons and property damage insurance to the extent of \$100,000.00 upon all operations under this ordinance. Said insurance shall be written to cover both the contractor and the City. The contractor shall hold the City harmless from any and all claims against the City arising out of the contractor's operation of the dump ground property or collection of garbage within the City.

Section 16: Ordinance No. 2758 and any other ordinances in conflict with this ordinance are hereby repealed.

Section 17: Inasmuch as the passage of this ordinance is necessary for the 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 become effective January 8, 1969.

Passed by the Council: January 8, 1969

Approved by the Mayor: January 8, 1969



Mayor

Effective Date: January 8, 1969

ATTEST:



City Recorder