

BALLOT TITLE

City Measure #51

ORDINANCE 88

"AN ORDINANCE CREATING MULTI-LICENCEES
INSTEAD OF EXCLUSIVE REFUSE FRANCHISE"

"The Ordinance before the City changes the existing method of regulating refuse and garbage pick-up. Presently, the City is allowed to enter into an exclusive franchise with one refuse collection service. The proposed Ordinance allows multiple licensees to engage in this business. The proposed Ordinance requires the City to license, keep records and inspect refuse vehicles. Licensees must pay a yearly fee and prove insurance. Fees are set by the licensee or City Council."

Section 1. Solid Waste Business Requires a License

- 1) No person shall collect or offer to collect solid waste for compensation within the City limits without first obtaining a Solid Waste License from the City.
- 2) Compensation as used in this section includes any return from salvage such as recycling or resource recovery in addition to payment made for the removal of waste.
- 3) The provisions of this section do not apply to the following:
 - a) A person conducting an activity determined by the City Council to be a civic, community or charitable program.
 - b) A person transporting a solid waste through the City that is neither collected nor disposed of within the City.
 - c) The business of septic tank pumping.

Section 2. Types of Licenses

The following classifications of licenses may be issued:

- 1) Garbage and rubbish collection license. This license shall be issued to persons in the business of collecting garbage and rubbish from dwellings, businesses or other establishments. The primary service provided is collection according to a regular schedule at set rates for diverse customers, but may include contract waste removal and salvage collection.
- 2) Contract waste removal license. This license shall be issued to persons in the business of hauling waste for selected customers, including but not limited to demolition, industrial and agricultural waste, under arrangements where issuance of a garbage and rubbish collection license is not warranted because of the specialized nature of the service.

Section 3. License Requirements

An applicant for a license by a person wishing to perform a solid waste collection service within the City shall:

- 1) Describe the service for which he is seeking a license;
- 2) Demonstrate that he has or can obtain the equipment and personnel required to provide the service;
- 3) Demonstrate through evidence of prior experience and knowledge that he has the ability to provide service of the quality and quantity required by this ordinance;
- 4) Have no record of violations of law or ordinance that indicate an inability to satisfactorily perform the service being licensed.

Section 4. Insurance and Bond

Each applicant for a license shall:

- 1) Submit a certificate of public liability insurance with a 30 day notice of cancellation clause acceptable to the City Attorney which will cover his business operation including each vehicle operated by him. The insurance coverage shall include not less than \$50,000 for one person, nor less than \$250,000 for bodily injury due to each occurrence, and not less than \$50,000 for damage to property due to each occurrence. The insurance shall indemnify and save the City harmless against liability or damage which may arise or occur from an injury to persons or property as a result of the license holder's operation of the solid waste business.
- 2) Provide a cash security deposit or a performance bond in the amount of \$1,000 to guarantee payment to the City or another affected person of a judgment secured against the license holder because of work performed that does not conform with the requirements of the license of this and other ordinances of the City. The deposit or bond shall continue until one year after expiration of the license and after all claims or demands made against it have been settled or secured.

Section 5. License Duration and Fees

A license shall be valid from the date of issuance to the end of the next following June. An initial application fee for a license and an application for a renewal of a license

shall be accompanied by an application fee of \$250.00. Application for a license renewal shall be made prior to the license expiration date and if submitted late shall be accompanied by a late acceptance fee of \$20.00. A renewal application that is submitted after the end of July shall be accompanied also by another initial application fee. A license is issued to the application and is not transferable. If the ownership of a business is transferred, the new owners must obtain a new license.

Section 6. Issuance or Denial of License

1) Upon receipt of the information required with submission of an application for a license by a person seeking to provide solid waste collection service and after conducting such investigation as is considered appropriate, the City Council shall determine whether the applicant is qualified and whether there is a need that warrants issuance of a license, and if so, shall issue the license.

2) If, on the basis of the application review, the City Council determines the applicant does not qualify for issuance of a license to provide a service, the application shall be denied and the reasons for denial shall be provided to the applicant.

Section 7. Revocation

Upon determination that a licensed solid waste service is being conducted in violation of this or another City Ordinance or a State or Federal Law, the City Council shall notify the license holder of revocation of his license. Notice shall be by personal service or by registered mail deposited at a post office not less than 30 days prior to the date of revocation. The notice shall state the reason for revocation and inform the license holder of a right to appeal.

Section 8. Appeal

An applicant whose application has been denied or a license holder who has received notice that his license is revoked shall have 20 days from the date he is either provided with or mailed notice to appeal to the City Council. An appeal shall be made by delivery of a notice of appeal to the City Recorder who shall notify the appellant of the time and place at which the City Council will hear the appeal and make its final determination. The decision on a revocation that has been appealed shall not become effective until immediately after the City Council has made its final determination.

Section 9. License Tag

A licensed solid waste service shall display license tags issued by the City in a prominent location on the front and rear of each vehicle used to transport solid waste.

Section 10. Inspection for Compliance

The vehicles and other equipment and property used to conduct a solid waste service shall be available for inspection at reasonable times to determine compliance with provisions of this ordinance. Consent to such inspection is a condition to granting of a solid waste service license.

Section 11. Vehicle Records

A licensed solid waste service shall provide the City with a description of its motor vehicle equipment and the state license number of each licensed vehicle. The license holder shall notify the City of a change in the state license number and of the addition of a different vehicle used in providing the service.

Section 12. Service and Charge Shall Be Uniform

A person licensed to provide a solid waste service within the City shall respond to a request for service within a reasonable time and shall charge uniformly according to the rate placed on file with the City Recorder. A person requesting regularly scheduled service shall receive the service beginning not later than the first regularly scheduled trip after 36 hours from receipt of the request, unless a later beginning is requested. A person requesting special refuse hauling service shall receive the service within 48 hours of receipt of the request or at such later time as is requested.

Section 13. Provisions for Payment

A person licensed to provide solid waste service within the City may establish reasonable procedures to assure payment of charges due from customers. The license holder may require payment monthly in advance for regularly scheduled service. Collection service for which the charge is delinquent for a period of 30 days may be discontinued by the license holder within five days after giving appropriate written notice of the occupant of the premises.

Section 14. Requirements for a Licensed Garbage and Rubbish Collection Service

In addition to other requirements, a collector of garbage within the City shall comply with the following:

- 1) Empty residential containers and other containers with garbage at least once every seven days or less frequently if agreed upon by customers.
- 2) Collect no residential solid waste before 6:00 a.m. or after 8:00 p.m.
- 3) Use a compactor type truck with a receiving hopper and compaction device that will move all waste from the hopper to a fully enclosed chamber or use a satellite pick-up truck in conjunction with a compactor truck.

Section 15. Establishment of Charges

Charges for solid waste services shall conform to the following criterion:

- 1) Rates charged by a licensee shall be uniform for the same service or may be uniform within zones taking into account haul distance, concentration of dwelling units and other factors;
- 2) Each license holder shall file with the City Recorder a copy of his current rate schedule and shall notify the City Recorder of any changes in the rate schedule at least five days prior to the new rate taking effect.
- 3) Notwithstanding the other provisions of this Section, the City Counsel may, after public hearing, establish a uniform system of rates for the various types of service furnished by the licensees. If such a system of uniform rates is adopted by the City Counsel no license holder may charge more than the rate specified such under rate schedule. If adopted the rate schedule shall be reviewed by the Council not less than annually.

Section 16. Penalties

Any person, including a license holder, violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not to exceed \$100.00 or imprisoned in the City Jail not to exceed 50 days, or by both such fine and imprisonment. Every day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Section 17. Severability

If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 18. Repeal

Dunes City ordinance number 38 is hereby repealed.

GENERAL ELECTION - NOVEMBER 6, 1984

CITY OF DUNES CITY MEASURE NO. 51
AN ORDINANCE CREATING MULTI-LICENSEES
INSTEAD OF EXCLUSIVE REFUSE FRANCHISE.

COUNT PERCENT

C O N T E S T T O T A L

REGISTERED VOTERS	697	
YES	282	47.07
NO	261	43.57
OVERVOTES	1	.16
UNDERVOTES	55	9.18
TOTAL	599	85.93

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YES	282	47.07
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TOTAL	599	85.93

I CERTIFY THAT THE VOTES RECORDED ON THIS ABSTRACT CORRECTLY
SUMMARIZE THE VOTES CAST FOR THIS OFFICE/MEASURE

DATED THIS ___ DAY OF NOV 23 1984

ORDINANCE NO. 88 AS AMENDED BY ORDINANCE NO. 119

**"AN ORDINANCE CREATING MULTI-LICENSEES
INSTEAD OF EXCLUSIVE REFUSE FRANCHISE"**

"The Ordinance before the City changes the existing method of regulating refuse and garbage pick-up. Presently, the City is allowed to enter into an exclusive franchise with one refuse collection service. The proposed Ordinance allows multiple licensees to engage in this business. The proposed Ordinance requires the City to license, keep records and inspect refuse vehicles. Licensees must pay a yearly fee and prove insurance. Fees are set by the licensee or City Council."

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- 3) The provisions of this section do not apply to the following:
 - a) A person conducting an activity determined by the City Council to be a civic, community or charitable program.
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- 2) Contract waste removal license. This license shall be issued to persons in the business of hauling waste for selected customers, including but not limited to demolition, industrial and agricultural waste, under arrangements where issuance of a garbage and rubbish collection license is not

warranted because of the specialized nature of the service.

3) A temporary license for a day, week, or 'job only' may be issued with a time limit for completing the job. Any person other than those holding a valid Dunes City Solid Waste License, or a contractor using his own vehicles must obtain a permit for each job. The City may also be subject to the same insurance requirements as a licensed Dunes City solid waste hauler. Fee for a temporary license shall be not less than \$25.00 per job.

Section 3. License Requirements

An applicant for a license by a person wishing to perform a solid waste collection service within the City shall:

- 1) Describe the service for which he is seeking a license;
- 2) Demonstrate that he has or can obtain the equipment and personnel required to provide the service;
- 3) Demonstrate through evidence of prior experience and knowledge that he has the ability to provide service of the quality and quantity required by this ordinance;
- 4) Have no record of violations of law or ordinance that indicate an inability to satisfactorily perform the service being licensed.

Section 4. Insurance and Bond

Each applicant for a license shall:

- 1) submit a certificate of public liability insurance with a 30-day notice of cancellation clause acceptable to the City Attorney which will cover his business operation including each vehicle operated by him. The insurance coverage shall include not less than \$100,000 for one person, nor less than \$300,000 for bodily injury due to each occurrence, and not less than \$50,000 for damage to property due to each occurrence. The insurance shall indemnify and save the City harmless against liability or damage which may arise or occur from an injury to persons or property as a result of the license holder's operation of the solid waste business.

Section 5. License Duration and Fees

A license shall be valid from the date of issuance to the end of the next following August. An initial application fee for a license and an application for a renewal of a license shall be accompanied by a non-refundable application fee of \$500.00. Application for a license renewal shall be

made prior to the license expiration date and if submitted late, shall be accompanied by a late acceptance fee of \$20.00 . A renewal application that is submitted after the end of September shall be accompanied also by another initial application fee. A license is issued to the application and is not transferable. If the ownership of a business is transferred, the new owners must obtain a new license. The annual fee required for a Solid Waste Business license may be paid semi-annually, (not less than one-half the annual fee each payment) with the same late penalties applying to each portion. First payment will be due September 1 and the balance due March 1 of the following year.

Section 6. Issuance or Denial of License

1) Upon receipt of the information required with submission of an application for a license by a person seeking to provide solid waste collection service and after conducting such investigation as is considered appropriate, the City Council shall determine whether the applicant is qualified and whether there is a need that warrants issuance of a license, and if so, shall issue the license.

2) If, on the basis of the application review, the City Council determines the applicant does not qualify for issuance of a license to provide a service, the application shall be denied and the reasons for denial shall be provided to the applicant.

Section 7. Revocation

Upon determination that a licensed solid waste service is being conducted in violation of this or another City ordinance or a State or Federal law, the City Council shall notify the license holder of revocation or suspension of his license. Notice shall be by personal service or by registered mail deposited at a post office not less than thirty (30) days prior to the date of revocation or suspension. The notice shall state the reason for revocation or suspension and inform the license holder of a right to appeal. The City Council may decide to suspend a license without notice because of immediate threats to health. A hearing upon the suspension will be held at the next council meeting.

Section 8. Appeal

An applicant whose application has been denied or a license holder who has received notice that his license is revoked or suspended shall have twenty (20) days from the date he is either provided with or mailed notice to appeal to the City Council. An appeal shall be made by delivery of a notice of appeal to the City Recorder who shall notify the appellant

of the time and place at which the City Council will hear the appeal and make its final determination. The decision on a revocation or suspension that has been appealed shall not become effective until immediately after the City Council has made its final determination.

Section 9. License Tag

A licensed solid waste service shall display license tags issued by the City in a prominent location on the front and rear of each vehicle used to transport solid waste. Tags to show the wording, "Dunes City Solid Waste Permit" and the date of expiration on a four inch by four inch adhesive decal in contrasting colors. Tags to be issued annually and in different contrasting colors each year.

Section 10. Inspection for Compliance

The vehicles and other equipment and property used to conduct a solid waste service shall be available for inspection at reasonable times to determine compliance with provisions of this ordinance. Consent to such inspection is a condition to granting of a solid waste service license. The City Council may appoint a person to make inspections and report back to the City Council the results of such inspections.

Section 11. Vehicle Records

A licensed solid waste service shall provide the City with a description of its motor vehicle equipment and the state license number of each licensed vehicle. The license holder shall notify the City of a change in the state license number and of the addition of a different vehicle used in providing the service.

Section 12. Service and Charge Shall be Uniform

A person licensed to provide a solid waste service within the City shall respond to a request for service within a reasonable time and shall charge uniformly according to the rate placed on file with the City Recorder. A person requesting regularly scheduled service shall receive the service beginning not later than the first regularly scheduled trip after 36 hours from receipt of the request, unless a later beginning is requested. A person requesting special refuse hauling service shall receive the service within 48 hours of receipt of the request or at such later time as is requested.

Section 13. Provisions for Payment

A person licensed to provide solid waste service within the City may establish reasonable procedures to assure payment of charges due from customers. The license holder may require payment monthly in advance for regularly scheduled service. Collection service for which the charge is delinquent for a period of thirty (30) days may be discontinued by the license holder within five (5) days after giving appropriate written notice of the occupant of the premises.

Section 14. Requirements for a Licensed Garbage and Rubbish Collection Service

Rubbish must be picked up at the request of any citizen. In addition to other requirements, a collector of garbage within the City shall comply with the following:

- 1) Empty residential containers and other containers with garbage at least once every seven days or less frequently if agreed upon by customers.
- 2) Collect no residential solid waste before 6:00 a.m. or after 8:00 p.m.
- 3) Use a compactor-type truck with a receiving hopper and compaction device that will move all waste from the hopper to a fully enclosed chamber or use a satellite pick-up truck in conjunction with a compactor truck.
- 4) Pick-up trucks and/or satellite vehicles to be equipped with a cover to prevent load from blowing or spilling from vehicle.
- 5) If citizen is refused service by all licensees, City Council may arbitrate and assign such customers on a rotating basis between all licensees.

Section 15. Establishment of Charges

Charges for solid waste services shall conform to the following criteria:

- 1) Rates charged by a licensee shall be uniform for the same service or may be uniform within zones taking into account haul distance, concentration of dwelling units and other factors;
- 2) Each license holder shall file with the City Recorder a copy of his current rate schedule and shall notify the City Recorder of any changes in the rate schedule at least five (5) days prior to the new rate taking effect.

3) Notwithstanding the other provisions of this Section, the City Council may, after public hearing, establish a uniform system of rates for the various types of service furnished by the licensees. If such a system of uniform rates is adopted by the City Council, no license holder may charge more than the rate specified under rate schedule. The City Council does reserve the right to establish reasonable collection fee charges upon the finding of "no competition". If adopted, the rate schedule shall be reviewed by the Council not less than annually.

Section 16. Penalties

Any person, including a license holder, violating any of the provisions of this ordinance may be deemed guilty of a misdemeanor, and upon conviction, shall be fined not to exceed \$100.00 per day. Every day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. A violation of this ordinance is also a nuisance, and the City may abate violations of this ordinance pursuant to the Nuisance Abatement Ordinance.

Section 17. Severability

If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 18. Repeal

Dunes City Ordinances numbered 38 and 87 are hereby repealed.

The City notes that its "old" refuse franchise expires August 31, 1987, and that it is in the public interest to regulate the pickup of refuse to ensure public safety, therefore, the City Council does further ordain that an emergency does exist, and this Ordinance shall become effective immediately.