

Ordinance No. 2758
2911
Ord. 2596
No. 3137
Repealed by Ord. 3376

ORDINANCE NO. 2758

TITLE: An Ordinance of the City of Albany defining garbage and rubbish and regulating the collection and disposal thereof; Providing for the awarding of a Contract for the collection thereof; providing for the use of the City Dump grounds and repealing all Ordinances No. 2141 and 2518 and all other Ordinances or parts of Ordinances in conflict herewith and providing penalties for the violation thereof.

THE PEOPLE 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 balls 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 or refuse within the City. This section shall not apply to individuals hauling refuse or garbage from their own residence.

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 disposal 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.

ORDINANCE NO. 2758, cont'd.

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 good 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 99E, 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. 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 contract.

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 the City Dump, except as in this Ordinance provided. Residences and commercial establishments within the City of Albany shall have the right to deposit garbage or rubbish on the following basis:

- a) Rubbish or garbage delivered in an automobile by a resident of the City of Albany who has obtained a permit of recognition from the contractor, there shall be no charge.
- b) Pickups and trailers shall be charged at the rate of 25¢ and 50¢ according to the size of the load.
- c) All trucks shall be charged at the rate of \$1.00 per load.

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 all over size. The contractor will keep the City Dump grounds in good and orderly condition to comply with all State, County and Federal regulations in respect to the same at his own cost and expense. 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 at a hearing, upon the violation of a term or covenant of the said contract by the contractor. The 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. The contractor shall provide an employee at the City Dump ground during the hours that are designated by the City Council of the City of Albany.

Passed by the Council: November 27, 1957

Approved by the Mayor: November 27, 1957

W. L. Patrick
Mayor

Effective date: December 27, 1957

ATTENT:

Richard H. Hickey
City Recorder