

BEFORE THE BOARD OF COMMISSIONERS

FOR THE COUNTY OF MULTNOMAH

ORDINANCE NO. 541

An Ordinance, relating to the regulation of solid waste haulers in portions of unincorporated Multnomah County in order to provide for the opportunity to recycle, to be administered by the City of Portland, and declaring an emergency.

Multnomah County ordains as follows:

SECTION I. FINDINGS.

- A. Local jurisdictions, including the City of Portland (hereinafter "the City") and the County, must ensure the provision of an opportunity for recycling collection, as stipulated by ORS 459, for all areas inside the metropolitan urban growth boundary.
- B. The City and the County have entered into an intergovernmental agreement whereby the County has agreed to prepare a County ordinance extending the City's solid waste hauler regulations into a portion of unincorporated Multnomah County and the City has agreed to administer those regulations within the specified unincorporated area.

SECTION II. ADOPTION OF REGULATIONS.

Exhibit A, attached hereto and incorporated herein by reference, is hereby adopted as an ordinance of Multnomah County, subject to the following modifications:

- A. References to "City" or "City of Portland" shall be construed as references to Multnomah County.
- B. The regulations contained in Exhibit A shall apply only to solid waste and recycling collection in the area described in Exhibit B, an intergovernmental agreement between Multnomah County and the City of Portland.
- C. Pursuant to the terms of the intergovernmental agreement attached as Exhibit B, the City shall administer the

regulations in the specified portion of unincorporated Multnomah County.

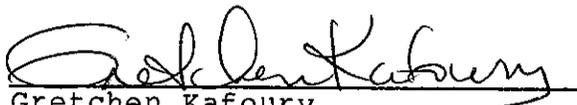
SECTION III. EMERGENCY CLAUSE.

This Ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared to exist. Therefore this Ordinance shall take effect immediately upon its adoption by the Board of County Commissioners and by the County Executive.

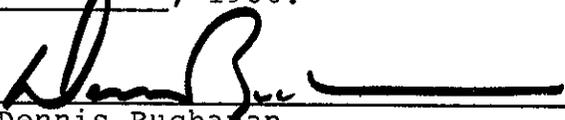
ADOPTED this 30th day of October, 1986, being the date of its first reading before the Board of County Commissioners of Multnomah County.

BOARD OF COUNTY COMMISSIONERS

(SEAL)

BY 
Gretchen Kafoury
Presiding Officer

AUTHENTICATED this 3rd day of November, 1986.

BY 
Dennis Buchanan
County Executive

APPROVED AS TO FORM:

JOHN B. LEAHY, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

BY 
Peter Kasting
Assistant County Counsel

5049C/jdm

enforcement of any provision of this Title shall be defended by legal counsel provided by this jurisdiction until final termination of such proceedings.

17.100.040 Remedies.

(1) In addition to any other remedies or penalties provided by this Title or by any other law, the City Engineer may enforce the provisions of this Title by:

A. Instituting an action before the Code Hearings Officer as set out in Title 22 of this Code, or

B. Causing appropriate action to be instituted in a court of competent jurisdiction, or

C. Taking such other actions as the City Engineer in the exercise of his discretion deems appropriate.

(2) Nothing in this Section shall be construed to afford a person the right of appeal, pursuant to Chapter 22.10, to the Code Hearings Officer from a decision or determination of the City Engineer, of the Public Works Administrator, or any bureau designated under Chapter 3.12 of this Code.

17.100.050 Penalty for Violation.

Any person violating any of the provisions of this Title shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment for a period not exceeding 6 months, or by both such fine and imprisonment. In the event that any provision of this Title is violated by a firm or corporation, the officer or officers or person or persons responsible for the violation shall be subject to the penalty herein provided.

Chapter 17.102

REFUSE COLLECTION PERMITS

(Added by Ord. No. 140919; passed Nov. 26, effective Jan. 1, 1976.)

Sections:

- 17.102.010 Permit Required.
- 17.102.020 Definitions.
- 17.102.040 Permit Application.
- 17.102.045 Limitations.

- 17.102.050 Permit Issuance and Transfer.
- 17.102.060 Due Date; Fees Credited to Refuse Disposal Fund.
- 17.102.070 Fees a Debt.
- 17.102.080 Registration of Vehicles.
- 17.102.090 Denial or Revocation of Permit.
- 17.102.100 Penalty.

17.102.010 Permit Required. No person shall do business as a refuse collector within the City of Portland as defined herein without first obtaining a permit and paying the required fee to the Bureau of Refuse Disposal of the City of Portland.

17.102.020 Definitions.

(a) "Doing business as a refuse collector" means engaging in the collection of refuse for compensation, or the depositing of refuse in a sanitary landfill for payment of a fee, within the City of Portland.

(b) "Refuse collection vehicle" means any vehicle used to collect or transport refuse except a drop box transport vehicle.

(c) "Drop box transport vehicle" means any vehicle used to collect and transport refuse in box units with a capacity of 10 cubic yards or greater.

(d) "Refuse" means all putrescible and nonputrescible waste, whether in solid or liquid form, except liquid carried industrial waste or sewage or sewerage hauled as an incidental part of a septic tank or cesspool cleaning service, but including garbage, rubbish, ashes, sewage sludge, street refuse, industrial waste, swill, demolition and construction wastes, discarded home and industrial appliances, manure, vegetable or animal solid in semi-solid waste, dead animals and other discarded solid materials.

17.102.030 Exemptions. (Repealed by Ord. No. 142825; passed Nov. 18, 1976, effective Jan. 1, 1977.)

17.102.040 Permit Application.

(Amended by Ord. No. 141245, and 142825; passed Nov. 18, 1976, effective Jan. 1, 1977.) Applications for permit shall be made to the Bureau of Refuse Disposal upon forms to be supplied by the Bureau. The application shall include the name and address of the applicant and the motor vehicle registration number and vehicle identification number of all refuse collection vehicles and drop box transport vehicles operated under the permit, a list of the customers who have agreed to give the applicant their business, as well as any other information deemed necessary by the Bureau. The application shall be accompanied by a fee of \$25 per refuse collection vehicle and \$50 per drop box transport vehicle to be operated subject to the permit. The permit shall be annual and shall expire on December 31 of each year. If additional vehicles are acquired during the year, the operator shall amend his permit application upon acquiring the vehicle by paying the appropriate fee. If vehicles are exchanged during the year, upon approval of the Bureau of Refuse Disposal, the vehicle registration numbers provided herein, may be transferred from one vehicle to another upon demonstration that an existing vehicle has been sold and a new vehicle has been acquired. If vehicles for which a permit fee has been paid are no longer in service and no replacement vehicle has been obtained therefor, no reimbursement of fees shall be made.

17.102.045 Limitations. (Added by Ord. No. 148934; passed Dec. 20, 1979, effective January 21, 1980.)

(a) No permit shall be issued for the disposal of refuse collected beyond the boundaries of the Metropolitan Service District.

(b) All refuse disposal permits which may expire prior to the effective date of this ordinance shall automatically be extended to that effective date.

(c) This limitation shall not apply to persons participating in the United States Small Business Administration Business Development Program as established by PL 95-507.

17.102.050 Permit Issuance and Transfer. (Amended by Ord. No. 142825; passed Nov. 18, 1976, effective Jan. 1, 1977.) Permits shall be issued only for the full annual rate, and shall be conditioned upon compliance with the specific regulations of the Health and Sanitation Code pertaining to such businesses, besides all other ordinances and regulations of the City of Portland. Provided further, any issued permit may be transferred by the Bureau from the holder upon the sale of the business of the holder to a purchaser upon application being made by the purchaser for a transfer of the permit, such application to be accompanied by satisfactory evidence of such sale and purchase.

17.102.060 Due Date; Fees Credited to Refuse Disposal Fund. (Amended by Ord. No. 142825; passed Nov. 18, 1976, effective Jan. 1, 1977.) Permit applications and fee payments shall be made by January 15 of each year, and shall become delinquent if not made by January 31 of each year. Delinquent permits shall be subject to a penalty of 5 percent for each full month of delinquency up to a maximum of 30 percent. Delinquent payment of fees shall be subject to simple interest at the rate of 6 percent per annum. All fees, penalties and interest received by the Bureau of Refuse Disposal shall be deposited with the City Treasurer and credited to the Refuse Disposal Fund.

17.102.070 Fees a Debt. All fees, penalties and interest imposed by this Chapter shall be a debt due and owing to the City of Portland and may be collected by civil action in the name of the City of Portland.

17.102.080 Registration of Vehicles. Upon issuance of a permit the Bureau of Refuse Disposal shall affix a registration number upon all vehicles listed in the permit application, in a conspicuous manner and place. It shall be unlawful to operate a refuse collection vehicle or drop box transport vehicle in the City of Portland while engaging in a refuse collection

business without such a number being affixed. It shall be unlawful for any individual to remove or alter such numbers without consent and approval of the Bureau of Refuse Disposal as provided herein.

17.102.090 Denial or Revocation of Permit. If upon application or thereafter, the Bureau of Refuse Disposal has cause to believe that the applicant or permittee or any employee thereof has committed a violation of federal or State law or City ordinance related to the operation of a refuse disposal business, it may recommend to the City Council the denial or revocation of a permit issued or to be issued pursuant to this Chapter. Such recommendation shall be submitted to the City Attorney for his review and if the City Attorney believes there is sufficient cause for denial or revocation of a permit, he shall notify the applicant or permittee at his last known place of doing business, in writing, to appear before the City Council and show cause why such permit should not be denied or revoked. Upon hearing the matter, the Council shall decide whether a permit should be denied or revoked, and the decision of the Council shall be final.

17.102.100 Penalty. Any person violating any of the provisions of this Chapter shall upon conviction thereof be punished by a fine not exceeding \$500 or by imprisonment for a period not exceeding 6 months, or by both such fine and imprisonment. In the event that a provision of this Chapter is violated by a firm or corporation, the officer or officers or person or persons responsible for the violation shall be subject to the penalty herein provided.

EXHIBIT A

 Unincorporated areas within the City of Portland
Urban Service Area (Area A).

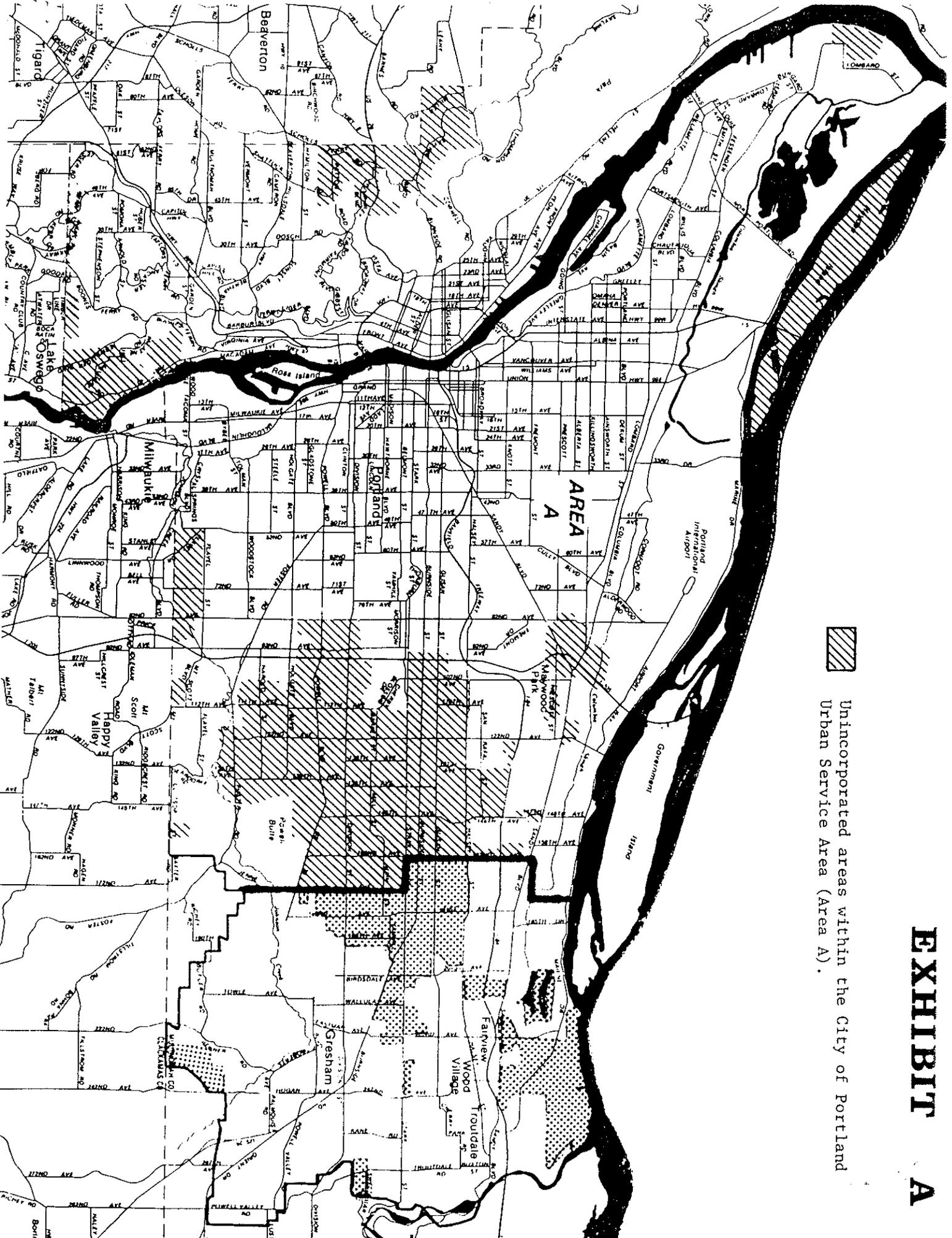


EXHIBIT B

23438

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INTERGOVERNMENTAL AGREEMENT

TRANSFER OF SOLID WASTE AND RECYCLING COLLECTION SERVICE RESPONSIBILITIES

The CITY OF PORTLAND and MULTNOMAH COUNTY enter into this Agreement pursuant to the authority granted in Chapters 190 and 459 of the Oregon Revised Statutes. The purpose of this Agreement is to provide an integrated waste management system and to ensure recycling collection service for the unincorporated areas awaiting future annexations.

PARTIES TO THE AGREEMENT

The CITY OF PORTLAND is a municipal corporation organized and existing under the laws and constitution of the State of Oregon and is herein referred to as "the City."

MULTNOMAH COUNTY is a Home Rule political subdivision of the State of Oregon organized and existing under the laws and constitution of the State of Oregon and is herein referred to as "the County."

RECITALS

WHEREAS, local jurisdictions, including the City and the County, must ensure the provision of the opportunity for recycling collection, as stipulated by ORS 459, for all areas inside the metropolitan urban growth boundary; and

WHEREAS, the County has adopted Resolution A which provides for the reduction of urban services delivered by the County; and

WHEREAS, the City has adopted an urban services policy which provides for the assumption by the City of urban service responsibilities in currently urban, unincorporated areas of the County by means of annexation or, on an interim basis, through alternative approaches (Resolution 33317); and

WHEREAS, the City and the County anticipate the City will soon annex substantially all of the urban unincorporated areas of the County within the City's Urban Services Boundary (Exhibit A); and

WHEREAS, the City and the County find that the most cost-effective and rational method for the delivery of urban services in urban, unincorporated areas is through full service City government; and

WHEREAS, the City and the County recognize that the long-term interests of each jurisdiction are best served through the full implementation of the City's urban services policy and the County's Resolution A; and

EXHIBIT B

WHEREAS, there are existing Agreements in effect between the City and the County which transfer the responsibility to the City for the provision of other urban services inside the Portland urban service boundary; and

WHEREAS, rules formulated by the State Department of Environmental Quality pursuant to ORS 459 (OAR 340-60), designate all unincorporated areas inside the City's urban services boundary to be within the Portland watershed (defined by OAR 340-60-010) as "an area of the State having a common solid waste disposal system or designated by the Commission as an appropriate area of the State within which to develop a common recycling program"); and

WHEREAS, due to imminent annexation of the unincorporated areas inside the City's urban service boundary, any program by the County to implement recycling collection service would only be an interim measure; and

WHEREAS, because annexations occur in an incremental and scattered manner, the most efficient and effective method for implementing recycling collection service is for the City to assume responsibility at once for all areas inside the urban service boundary; and

WHEREAS, the City has adopted a Recycling Plan that recommends entering into an intergovernmental agreement with the County "that links the two jurisdictions and transfers to the City the administration of and ability to assess fees for recycling collection service for unincorporated areas within the Portland watershed"; and

WHEREAS, ORS 190.010 and 190.030 provide for intergovernmental agreements between units of local government, including the City and the County, to allow the performance of functions or activities by one unit of local government for another; and

WHEREAS, ORS 459.065 acknowledges the broad intergovernmental cooperation authority found in ORS 190, and specifically authorizes joint city-county solid waste and recycling collection systems;

NOW, THEREFORE, in consideration of the mutual promises contained herein and pursuant to the provisions of ORS 190.010 - 190.030 and ORS 459.065, the City and County agree as follows:

SECTION 1: PURPOSE

The general purposes of this Agreement are:

- A. To provide for an integrated solid waste management system, and to allow for cooperation between the City and County in the joint effort necessary to achieve such a system.

- B. To ensure the provision of uniform and efficient recycling collection service for the entire Portland urban services area.
- C. To provide for an orderly transition of solid waste and recycling collection service responsibilities from the County to the City.
- D. To set forth the terms of the transfer of this urban service function in accordance with City and County Resolutions.

SECTION II: TRANSFER OF FUNCTIONS

A. Effective Date.

Transfer from the County to the City of the responsibilities described herein shall occur on September 18, 1986.

B. Functions Transferred.

1. The City agrees to:

- a. Assume responsibility for providing the "opportunity to recycle," as defined by ORS 459.165, for unincorporated areas inside the urban services boundary. Services will include ensuring the provision of curbside collection as well as a recycling promotion and education program, consistent with the requirements of ORS 459. Assumption of responsibilities is contingent upon Board of County Commissioners adoption of ordinances establishing compatible fee schedules and implementation requirements.
- b. Regulate solid waste collection in the unincorporated areas of Multnomah County inside Portland's urban services boundary, including the assessment and collection of fees to generate all revenue needed for Portland's planning, administration, and operation costs of recycling and solid waste collection programs in such areas.

2. The County agrees to:

- a. Develop and submit to the Board of County Commissioners ordinances granting to the City the additional authorization required to carry out the intent of this Agreement.
- b. Cooperate with the City in the design and implementation of curbside collection service and the recycling promotion and education program within the unincorporated areas.

C. Rights to Fees.

All revenue derived from fees assessed to haulers for operations within the unincorporated areas within the Portland watershed shall accrue to the City, for use in providing solid waste services.

SECTION III: GENERAL TERMS

A. Separability.

If any section, subsection, clause or phrase of this Agreement is determined by any court or arbitrator of competent jurisdiction, to be invalid or unenforceable for any reason, such determination shall not affect the validity of the remaining Agreement, which shall continue to be in effect.

B. Termination.

This Agreement shall continue indefinitely unless terminated upon six months written notice by either party.

C. Amendments.

This Agreement may be amended by mutual agreement of the parties.

IN WITNESS WHEREOF, the authorized representatives of the City and the County, as parties hereto, acting pursuant to the authority granted to them, have

HEREBY AGREED:

CITY OF PORTLAND

MULTNOMAH COUNTY

By *Dick Bogle*
Dick Bogle
Commissioner of Public Works

By *Dennis Buchanan*
Dennis Buchanan
County Executive

Date: 000

Date: 9/23/86

by *James Lansing*
James Lansing, Auditor

APPROVED AS TO FORM

By *Jeffrey L. Rogers*
Jeffrey L. Rogers
City Attorney

By *Peter Kasting*
Peter Kasting
Assistant County Counsel

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