

ORDINANCE NO. 2367

AN ORDINANCE REGULATING THE COLLECTION AND DISPOSAL OF GARBAGE AND REFUSE WITHIN THE CITY OF HILLSBORO AND GRANTING A FRANCHISE THEREFOR; DEFINING THE TERMS THEREOF, PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE CITY OF HILLSBORO DOES ORDAIN AS FOLLOWS:

Section 1: That on and after the First Day of July, 1970, it shall be unlawful for any person or persons to haul, carry or dispose of garbage or refuse within the City of Hillsboro except as in this Ordinance provided.

Section 2: That there is hereby granted to Hillsboro Garbage Disposal, hereinafter called the Collector, the right, franchise and privilege of collecting and hauling over the streets of the city all garbage and refuse, which shall be interpreted to mean and include all sorts of waste, animal and vegetable matter, rubbish, trash, debris, ashes, tin cans and other waste matter generally, and to embrace articles ordinarily and customarily discarded from business and domestic establishments and usually hauled off and dumped for the purpose of the cleanliness and health of the city. This franchise is to run until June 30, 1975.

Section 3 (a) That in consideration of such privilege, right and franchise the Hillsboro Garbage Disposal Shall pay to the City of Hillsboro each Fiscal Year during the life of this Franchise, beginning July 1, 1970, an annual Franchise fee based on three per cent of the gross Annual Revenue received from such garbage disposal service within the boundaries of the City of Hillsboro.

(b) On or before the first day of October, 1970 and on or before the first day of October of each year thereafter, Hillsboro Garbage Disposal shall file with the Recorder of the City of Hillsboro a statement under oath, showing the amount of the gross revenues received by Hillsboro Garbage Disposal within the City of Hillsboro for the Fiscal Year immediately preceding the Fiscal Year in which such statement is filed, and upon the amount of gross revenues so reported the amount of the annual franchise fee for the Fiscal Year in which such statement is filed shall be computed. Such Franchise Fee shall be payable annually on or before the fifteenth day of October beginning in the year 1970.

Upon receipt of such annual payment the City Recorder shall issue his receipt therefor which shall be full acquittance of said Hillsboro Garbage Disposal for such payments.

(c) If controversy arises as to the amount of gross revenue within the meaning of this ordinance, said Hillsboro Garbage Disposal agrees to have his books and accounts audited by a certified public accountant, and the report of such certified public accountant shall be deemed to be the correct amount. Any difference of payment due either the City or Hillsboro Garbage Disposal through error or otherwise shall be payable within fifteen days of discovery or determination of such error.

(d) Should Hillsboro Garbage Disposal fail or neglect for thirty (30) days after any annual payment shall become due and payable and after written notice from the City of Hillsboro to pay any of said payments provided for in this section, the City of Hillsboro, by its properly constituted authorities, may at its option, either continue this Franchise in force and proceed by suit or action to collect said payment, or declare a forfeiture of this Franchise because of the failure to make such payment, but without waiving its right to collect earned Franchise payments.

Section 4: The Collector is to use proper and suitable equipment for the hauling and transportation of garbage. All equipment for handling garbage, ashes, and rubbish shall be covered and all equipment for handling liquids shall be equipped with a metal body, water tight and drip proof. All equipment shall be kept clean at all times. Sufficient equipment shall be kept on hand to promptly and adequately remove all garbage subject to the terms of this Ordinance.

Section 5: The Collector is to provide, at his own expense, suitable dump facilities for the disposal of garbage.

Section 6: The Collector is to make collections of garbage throughout the business area of the city as required by the City Council and at least weekly collections in all of the residential districts of the city. The collection of offensive or wet garbage in the business district shall be completed by the hour of 11:00 A.M. on each day set for collecting the same. Between the hours of 5:00 p.m. and 8:00 p.m. on all days which precede legal holidays, the collector shall collect the garbage from all commercial establishments having garbage which may become foul or offensive by being kept over the ensuing holiday. In addition to the foregoing, the collector is to respond to all calls for special hauling within not over three days from the date of receiving said

call. He is to perform all of his work under the supervision and to the satisfaction of the City and agrees that he will comply with all of the sanitary regulations of the City, Washington County and the State of Oregon.

Section 7: Nothing in this Ordinance is to be construed to prevent any resident or householder of the city from hauling his own garbage or refuse and disposing of the same in a lawful manner: provided, however, that no resident or householder will be permitted to haul garbage or refuse for another person. Any such person hauling garbage over the streets of Hillsboro shall be required to convey the same in a covered or tightly closed vehicle to prevent the scattering of the same upon the streets of the City, and in the event that wet garbage or liquids are hauled they shall be hauled in such containers and in such manner as will prevent them from spilling, leaking or dripping upon the streets of the City.

Section 8. It is understood between the parties hereto that the City is prohibited by Charter from granting an exclusive franchise. However, the City does covenant and agree with Hillsboro Garbage Disposal that during the life of this franchise it will not grant to any other person, firm or corporation, a franchise for garbage and refuse disposal more favorable to the receipt thereof, than the provisions contained in this ordinance.

Section 9: The rates to be charged to all persons, firms or corporations by the collector shall be reasonable and uniform, taking into consideration the service rendered, and shall be in substantial compliance with and not in excess of those set forth in the following schedule:

<u>RATES</u>		
<u>Class</u>	<u>Calls</u>	<u>Rates</u>
Individual Residences	Once per week	2.00 per month
Individual Residences	Twice per week	4.00 " "
		(A.B.E; & F)
Residences	Special Call	.50
		(A.B. & E.)
Apartments	Once a week	2.00 per month
		(A.B.D.E. & F.)
Apartments	Twice per week	4.00 per month
		(A.B.D.E.F.)

Business places including
hotels, stores, hospitals,
restaurants, rooming houses
etc.

Once a week

2.00 per month
(A.B.E.F.)

Twice per week

4.00 per month
(A.B.E.F.)

More than twice per week

.25 per call
(A.B.E.)

Special Calls

.50
(A.B.E.)

Removal of large quantities
of garbage

(E)(or negotiated)

CHARGES FOR CONTAINER SERVICE

NUMBER OF STOPS PER WEEK & CHARGES PER MONTH

	<u>ONE</u>	<u>TWO</u>	<u>THREE</u>	<u>FOUR</u>	<u>FIVE</u>	<u>SIX</u>
<u>ONE YARD</u>	12.50	22.50	32.50	41.50	49.50	56.50
Ea.Add.Cont.	10.50	18.00	25.00	31.00	36.00	40.00
<u>ONE & ONE-HALF YD.</u>	16.50	31.00	45.00	58.00	71.50	84.00
Ea.Add.Cont.	14.50	26.50	37.50	47.50	57.00	66.00

(UNION CHARGES FOR CONTAINER SERVICE)
Effective July 1, 1969

NUMBER OF STOPS PER WEEK & CHARGES PER MONTH

	<u>ONE</u>	<u>TWO</u>	<u>THREE</u>	<u>FOUR</u>	<u>FIVE</u>	<u>SIX</u>
<u>ONE-YARD</u>	14.00	24.00	36.00	43.00	56.50	65.00
Ea.Add.Cont.	12.00	21.50	29.25	35.50	45.00	52.00
<u>ONE & ONE HALF YD.</u>	18.00	32.50	48.50	58.50	73.00	88.00
Ea.Add.Cont.	16.00	30.00	43.50	52.00	65.00	77.00
<u>TWO-YARD</u>	24.00	43.50	65.00	78.00	97.50	117.00
Ea.Add.Cont.	21.00	39.00	52.00	61.00	75.75	91.00
<u>THREE-YARD</u>	29.25	52.00	77.75	91.00	113.50	136.50
Ea.Add.Cont.	22.75	45.50	68.25	78.00	96.75	117.00

R U L E S

- Minimum Charge
- Additional charge may be made according to amount and class of material to be moved.
- Additional charge made where more frequent calls are required.
- Additional charge at rate of 20 cents per each garbage can over 2 used for major portion of each month.
- Additional and proportionate charge made where material to be moved at any one time weighs more than 100 lbs. or is large, cumbersome or bulky.
- Rate for one can: Second can at 50% extra charge.

It is provided that the city shall at all times during the life of this ordinance have the right to change, modify and regulate said rates and to provide other or different rates or other or different classifications. No change shall be made except upon at least twenty days notice to the collector, and any change made by the city shall be reasonable and in keeping with the conditions

then prevailing.

Section 10 Should the collector fail, neglect, or refuse to fulfill any or all of the terms and stipulations of this franchise to be by him performed, then the City of Hillsboro shall have the right to cancel and annul this franchise. Before any such cancellation, the council shall serve upon the collector a written notice setting forth wherein the collector has failed in his duties as set forth in this ordinance and fixing a time not less than ten days after the service of such notice when the matter will be heard before the Council. At any such hearing the collector shall have the right to be present in person and to be represented by counsel and to present such witnesses and evidence as may be proper concerning the matter. The city may also in like manner present such proper evidence as it may deem advisable. All witnesses shall be heard under oath and may be cross-examined by the collector or his representative and by the city or its representative, and the procedure shall, as nearly as practicable, follow the procedure in a trial of matters before equity courts of Oregon. The findings of the council thereon shall be conclusive.

Section 11: This franchise shall not be assignable by the collector to any third person without the written consent of the council being first had and obtained and not then until the assignee has filed his acceptance and agreement to abide by the terms hereof with the city recorder.

Section 12: The collector shall furnish an acceptable performance bond by an acceptable surety company in the amount of \$3,000, conditioned upon the faithful performance of all of the obligations contained herein, the premium for such bond to be paid by the collector.

Section 13: Any person hauling garbage in violation of the terms of this ordinance upon conviction thereof may be fined by a fine of not more than \$100 or by imprisonment for not more than 50 days or by both such fine and imprisonment.

Section 14: That the said Hillsboro Garbage Disposal shall, within thirty (30) days after the passage of this ordinance and approval by the Mayor, file with the Recorder of the City of Hillsboro its written acceptance of this ordinance, subject to all of the terms, obligations, restrictions and provisions of this ordinance, and upon the expiration of the allotted time for the acceptance of this

ordinance, the same not having been accepted unconditionally, this ordinance shall become wholly void, inoperative and of no effect.

Section 15: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Introduced and passed this 7th day of July 1970.

Approved by the Mayor this 7th day of July 1970.

Harold Tucker
Mayor

ATTEST:

E. Jones
Recorder

TO THE CITY COUNCIL OF THE CITY OF HILLSBORO, OREGON:

I, Alta T. Smith, owner and operator of Hillsboro Garbage Disposal, hereby unconditionally accepts the right, privilege and franchise granted unto me, my successors and assigns by that certain franchise passed by the City Council of the City of Hillsboro, Oregon on the 7th day of July 1970 designated as Ordinance No. 2367 and entitled:

AN ORDINANCE REGULATING THE COLLECTION AND DISPOSAL OF GARBAGE AND REFUSE WITHIN THE CITY OF HILLSBORO AND GRANTING A FRANCHISE THEREFOR; DEFINING THE TERMS THEREOF, PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

Dated at Hillsboro, Oregon this 10th day of July 1970.

Hillsboro Garbage Disposal
by Alta T. Smith
ALTA T. SMITH

I hereby acknowledge receipt of acceptance on the part of Hillsboro Garbage Disposal of the franchise granted by the City of Hillsboro, Oregon on July 7, 1970 designated as Ordinance No. 2367.

[Signature]
City Recorder

Dated at Hillsboro, Oregon this 13th day of July 1970