



Notice of Public Works Meeting

City of Falls City, Oregon

Meeting Location: 320 N Main Street, Falls City

Thursday October 22, 2020 at 6:00 PM

Posted on October 21, 2020

Committee Members

Mike McConnell
Jeff Propp
Guy Mack

Tony Meier
Gordon Hanson
Tracy Young
Cliff Lauder

AGENDA

1. **Call to order**
2. **Pledge of Allegiance**
3. **Motion to adopt the entire agenda**
4. **Consent Agenda: Motion Action Approving Consent Agenda Items**
 - a. **Public Works Committee Meeting Minutes September 24, 2020 (pg.1-2)**
5. **Public Comments:** Citizens may address the Committee or introduce items for Committee consideration on any matter. The Committee may not be able to provide an immediate answer or response but may direct staff to follow up on any questions raised. Out of respect to the Committee and others in attendance, please limit your comment to five (5) minutes. Please state your name and city of residence for the record.
6. **Old Business**

None
7. **New Business**
 - a. **SR on Action Item- Mandated Universal Household Garbage Collection (pg.3-10)**
8. **Correspondence, Comments and Ex-Officio Reports**
9. **Committee Announcements**
10. **Adjourn**

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City of Falls City
Public Works Committee Meeting
Thursday September 24, 2020 6:00 p.m.
Meeting Location: 320 N Main Street, Falls City, OR 97344

Committee Members Present

Mike McConnell, Tony Meier, Jeff Propp, Guy Mack

1. Call to Order

Chair McConnell called meeting to order at 6:01 PM and took roll call. Committee Member's Cliff Lauder, Tracy Young, and Gordon Hanson were absent

2. Pledge of Allegiance

Chair McConnell led committee in the Pledge of Allegiance.

3. Motion to Adopt the entire agenda

A motion was made by Member Mack and seconded by Member Propp to adopt the entire Agenda Motion carried 4-0-0-3 Ayes. Mike McConnell, Tony Meier, Jeff Propp, Guy Mack.

4. Consent Agenda.

A motion was made by Member Mack and seconded by Member Propp to consent the Agenda including Committee minutes from July 23, 2020. Motion carried 4-0-0-3 Ayes. Mike McConnell, Tony Meier, Jeff Propp, Guy Mack

5. Public Comments

None

6. Old Business

None

7. New Business

None

8. Correspondence, Comments and Ex-Officio Reports

- a. Member Propp expressed concern about citizens storing household garbage on their property and if the City should mandate universal garbage collection. Public Works Committee requests information if current City Ordinances address this situation and how other cities deal with this. Action Item Mandated/universal household garbage collection on Agenda for next meeting.
- b. Chair McConnell informed committee that a property owner has built on a City Street. Public Works Committee requests information on current City Ordinances. Action Item: Building on a public street
- c. Member Meier and Member Young have not attended the last two meetings. Chair McConnell volunteered to communicate with those members and determine if they want to continue to serve as Committee Members.

9. Committee Announcements

Next Public Works meeting is scheduled for Thursday October 22, 2020 at 6:00 PM.

10. Adjourn

A motion was made by Member Mack and seconded by Chair McConnell to adjourn the meeting. Motion carried 4-0-0-3. Ayes: Mike McConnell, Tony Meier, Jeff Propp, Guy Mack.

The meeting was adjourned at 6:25 PM

Signed: _____ Public Works Committee Member

Attested: _____ Public Works Committee Member

AGENDA REPORT

TO: PUBLIC WORKS COMMITTEE
FROM: JAMIE WARD, CITY CLERK
SUBJECT: MANDATED UNIVERSAL HOUSEHOLD GARBAGE COLLECTION
DATE: OCTOBER 19, 2020

SUMMARY

As per Public Works Committee action item listed on the September 24, 2020 minutes below is what Falls City's Ordinance states on Public responsibilities of Waste Management.

FINDINGS:

53.01.010 Title This chapter shall be known, pleaded, and cited as the "Falls City Solid Waste Management and Resource Recovery Code," and referred to herein as "this code."

53.01.020 Purpose, policy and scope.

(A) To protect the public health, safety, welfare and environment and to conserve energy and natural resources within Falls City and to carry out recycling, reuse and other resource recovery and waste reduction requirements of ORS Chapters 459 and 459A, it is declared the policy of the city of Falls City to establish and implement programs to:

(1) Carry out the responsibility and the authority granted, delegated and imposed by ORS Chapters 459 and 459A.

(2) Ensure present and future safe, efficient and economical accumulation, storage, collection, transportation, disposal or resource recovery of or from solid waste.

(3) Ensure maintenance of a financially stable, reliable solid waste management service and facilities.

(4) Eliminate potential overlapping service to reduce truck traffic, street wear, air, water and land pollution and noise. Falls City, OR Code of Ordinances American Legal Publishing Corporation 65

(5) Ensure just, fair, reasonable and adequate rates providing necessary solid waste management services to the public.

(6) Provide for technologically and economically feasible recycling pursuant to city, county, and state adopted waste reduction and recycling and reuse plans.

(7) Prohibit rate preferences and other discriminatory practices which might benefit one or few users at the expense of other users of the service or the general public.

(8) Provide standards for solid waste management services and public responsibilities.

(9) Provide the basis for coordinated planning and cooperation between the city, county and other local and state governmental units to achieve the purposes of this section.

(10) Protect against improper and dangerous handling of hazardous wastes and infectious wastes.

(11) Provide a basis and incentive for investment in waste handling equipment, facilities, sites, systems and new technology.

(B) The authority granted under the terms of this franchise is also for the purpose of accomplishing the objectives set forth in ORS Chapter 459A. This authority and responsibility include recycling as required in ORS Chapter 459A, together with regulations promulgated thereunder. The authority granted herein shall also carry out the following:

(1) The purposes of ORS 459A.085.

(2) The recycling, reuse and other requirements of ORS Chapter 459A.

(3) The requirements of any waste reduction program adopted by Polk County and approved by the Oregon Department of Environmental Quality.

(4) The State Solid Waste Management Plan and any adopted Department of Environmental Quality, Polk Solid Waste Management Plans.

(5) The Oregon Land Conservation and Development Goals No. 6 and No. 11 on environment and public facilities, respectively.

(6) Applicable requirements of the Federal Resource Conservation and Recovery Act of 1976, as amended.

(7) Applicable requirements and provisions of ORS 468.220(6) and 646.740.

(8) Applicable rules, requirements, standards and regulations promulgated under the Falls City, OR Code of Ordinances American Legal Publishing Corporation 66 above.

53.01.030 Definitions.

(A) "City council" or "council" means the Falls City city council.

(B) "City administrator" or "administrator" means the Falls City city administrator. Wherever this chapter grants authority to the administrator, that authority may be exercised by any person designated by the administrator.

(C) "Compensation" includes:

(1) Any type of consideration paid for service including, but not limited to, rent, proceeds from resource recovery, any direct or indirect provision for the payment of money, goods, services or benefits by tenants, lessees, occupants or similarly situated persons;

- (2) The exchange of service between persons; or
- (3) The flow of consideration from a person owning, possessing or generating solid waste to another person who provides services or from a person providing services to another person owning, possessing or generating solid waste.

(D) "Commercial" means commercial and industrial businesses, including, but not limited to, retail sales, services, wholesale operations, manufacturing and industrial operations, excluding businesses lawfully conducted on residentially zoned property and permitted under applicable zoning regulations.

(E) "Compact" and "compaction" means the process of, or to engage in, the shredding of material or the manual or mechanical compression of material.

(F) "Dispose" or "disposal" means the accumulation, storage, discarding, collection, removal, transportation, and recycling or resource recovery of waste.

(G) "Disposal site" means land and facilities used for the disposal, handling or transfer of or resource recovery from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, resource recovery facilities, incinerators for solid waste delivered by the public or by a solid waste collection service, composting plants and land and facilities previously used for solid waste disposal at a land disposal site; but the term does not include a facility subject to the permit requirements of ORS 46853.010; nor a landfill site which is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar non-decomposable material, unless the site is used by the public either directly or through a solid waste collection service; or a site operated by a wrecker issued a certificate under ORS 822.110. Falls City, OR Code of Ordinances American Legal Publishing Corporation 67

(H) "Franchisee" means Republic Services.

(I) "Generator" means the person producing solid waste or recyclable material to be placed, or that is placed, for collection and disposal. As used herein, "generator" does not include any person who manages an intermediate function resulting in the alteration or compaction of the solid waste or recyclable material after it has been produced by the generator and placed for collection.

(J) "Hazardous wastes" means any wastes defined as such by or pursuant to ORS 466.005; by another governmental unit; or found to be so by the franchisee to service workers, equipment or to the public.

(K) "Mixed recycling" means the process where two or more types of recyclable materials are collected together or commingled (i.e., not separated) in a combination allowed by applicable regulations.

(L) "Multi-family" means property with five or more dwelling units located thereon.

(M) "Person" means the state of Oregon, a public or private corporation, local government unit, public agency, individual, partnership, association, cooperative, firm, trust, estate or any other legal entity.

(N) "Placed for collection" means solid waste that has been placed by the customer for service by the franchisee under the requirements of this chapter.

(O) "Putrescible material" means organic materials that can decompose and may give rise to foul-smelling, offensive odors or products or create a health or vector problem.

(P) "Receptacle" means a can, cart, bin, container, drop box or other vessel used for collection and disposal of solid waste and recyclable materials that have been approved by the city and into which solid waste, recyclable materials or yard debris may be placed for collection.

(Q) "Recyclable material" means any material or group of materials that can be collected and sold for recycling at a net cost equal to or less than the cost of collection and disposal of the same material.

(R) "Residential" means property with four or fewer dwelling units that are used for residential purposes irrespective of whether such dwelling units are rental units or are owner-occupied.

(S) "Resource recovery" means the process of obtaining useful material or energy resources from solid waste and includes:

(1) "Energy recovery" means recovery in which all or a part of the solid waste materials are processed to utilize the heat content (or other forms of energy) of or from the Falls City, OR Code of Ordinances American Legal Publishing Corporation 68 material.

(2) "Material recovery" means any process of obtaining from solid waste, by presegregation or otherwise, materials which still have useful physical or chemical properties after serving a specific purpose and can, therefore, be reused or recycled for the same or other purposes.

(3) "Recycling" means any process by which solid waste is transformed into new or different products in such a manner that the original products may lose their original identity. As used in this code, "recycling" includes the collection, transportation and storage of solid waste done in order to place the solid waste in the stream of commerce for recycling or resource recovery.

(4) "Reuse" means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

(T) "Service" means the collection, transportation, storage, transfer, disposal of or resource recovery from solid waste, including solid waste management.

(U) "Solid waste" means all putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, waste paper, cardboard, grass clippings, compost, tires, equipment and furniture; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction wastes; discarded or abandoned vehicles or parts thereof; discarded home and industrial appliances; manure, vegetable or animal solid and semisolid wastes, dead animals, infectious waste as defined in ORS 459.387, and other wastes; but the term does not include:

(1) Hazardous wastes as defined in ORS 466.005.

(2) Materials used for fertilizer or for other productive purposes or which are salvageable as such materials are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowl and animals.

(3) Beverage containers, subject to reuse or refund provisions as set out in ORS 459A.700 to 459A.740.

(V) "Solid waste management" means the prevention or reduction of solid waste; management of the storage, collection, transportation, treatment, utilization, processing and final disposal of solid waste; or resource recovery from solid waste; and facilities necessary or convenient to such activities.

(W) "Source separate" means the process of separating recyclable materials from solid waste by the generator. Falls City, OR Code of Ordinances American Legal Publishing Corporation 69

(X) "Special service" means collection of bulky waste including furniture, appliances and large quantities of waste.

(Y) "Waste" means material that is no longer usable or wanted by the source of the material, which material is to be utilized or disposed of by another person. For the purpose of this subsection, "utilized" means the productive use of wastes through recycling, reuse, salvage, resource recovery, energy recovery or landfilling for reclamation, habilitation or rehabilitation of land.

(Z) "Waste reduction" means reduction of the volume of waste that would otherwise be disposed of in a landfill disposal site, through techniques such as source reduction, recycling, reuse, or other resource recovery.

(AA) "Yard debris" means grass clippings, leaves, hedge trimmings, and similar vegetative waste generated from property or landscaping activities but does not include stumps or similar bulky wood materials. Yard debris is a subset of solid waste.

53.01.170 Public responsibilities.

(A) Preparation of Solid Waste.

(1) Solid waste shall be drained of surplus liquid and placed in a leak-proof receptacle. No liquid waste or semi-solid waste shall be directly placed in a receptacle.

(2) Pet feces, sharp objects such as broken glass and knives and any other solid waste with the potential of causing injury or disease shall be securely wrapped in a manner to prevent exposure or injury to the public or to the franchisee's employees.

(3) Ashes shall be allowed to cool and be securely wrapped or bagged before depositing in any receptacle.

(4) No hazardous waste shall be put into any receptacle placed for collection or disposal by the franchisee.

(5) When materials, customer abuse, fire or vandalism causes excessive wear or damage to a receptacle provided by the franchisee, the cost of repair or replacement may be charged to the customer.

(6) Areas around the receptacles shall be free of accumulated waste. The franchisee shall periodically maintain receptacles supplied by the franchisee, if maintenance is needed.

(7) Every generator shall remove or have removed all putrescible waste at least every 7 days. More frequent removal may be required where the facility, activity or use involves public health. All wastes shall be removed at sufficient frequency as to prevent health hazards, nuisances or pollution.

(B) Solid Waste Receptacles.

(1) Receptacles for mechanical collection shall be provided the generator by the franchisee unless otherwise authorized by the franchisee. Falls City, OR Code of Ordinances American Legal Publishing Corporation 81

(2) Except for drop boxes, receptacles shall be equipped with lids sufficient to keep out water and prevent disturbance by animals and entry by pets; shall be kept closed except when being filled, emptied or cleaned; and shall be kept in a clean, leak-proof and reasonable sanitary condition by the generator. Except for drop boxes, receptacles shall not be filled so that the lid cannot be securely closed. If such a receptacle is overfilled, an additional disposal fee may be charged.

(3) Solid waste placed in receptacles not designed for emptying by mechanical means shall not exceed 60 pounds, including the receptacle and its contents. The receptacle shall have tapered sides, a bail or two handles on opposite sides, a close-fitting lid with handle, not exceed 32 gallons in capacity and be watertight in construction. They shall be made of metal or other rigid material that will not crack or break in freezing weather, are rodent-resistant and easily cleanable.

(4) Receptacles known as "carts" designed for emptying by mechanical means shall not exceed a weight of 180 pounds for 90- to 95-gallon receptacles, 120 pounds for 60- to 65-gallon receptacles, 60 pounds for 32- to 35-gallon receptacles and 40 pounds for 20-gallon receptacles, including the container and contents.

(5) A stationary compactor or other container for commercial or industrial use shall not exceed the safe loading or design limits for the operation of the collection vehicles; nor shall the weight put the collector over the weight limit for the loaded vehicle. The collector shall furnish the customer with information concerning limitations on his equipment, upon request. If the weight of a container exceeds 250 pounds (loose), an additional disposal fee may be charged.

(6) No person shall install a stationary compactor for collection of solid wastes unless the franchisee has been notified, has the equipment to handle the solid waste and the compactor complies with all applicable federal and state laws and regulations.

(7) If the contents of a receptacle are compacted, either mechanically or manually, the compactor rate will be charged.

- a. Sunken refuse cans or containers shall not be serviced unless they are placed above ground by the customers for service.

(C) Placement of Receptacles for Collection.

(1) Receptacles containing solid waste, recyclable materials or yard debris shall be kept or placed for convenient and safe access for collection, and (except as provided in this subsection) shall not be kept upon the street, sidewalk or other public place unless first approved by the city. Falls City, OR Code of Ordinances American Legal Publishing Corporation 82

(2) All carts designed for mechanical collection shall be placed at the curb or roadside by the generator prior to collection time.

(3) Placement of receptacles for collection is limited to a time period of 24 hours prior to pickup and 24 hours after pickup.

(4) Receptacles shall be placed so that no part of the receptacle may be more than three feet from the curb or edge of the street. Placement shall be made so receptacles are within manageable reach if standing in the street at or next to the curb or roadside line.

(5) The generator shall provide safe access to the pickup point so as not to jeopardize the franchisee's (or subcontractor's) employees or equipment, pedestrians, mailboxes, bicyclists or the motoring public.

(6) Receptacles shall be placed for collection outside any locked, latched, bolted or hooked enclosure. Access must not require the collector to pass under low-hanging obstructions such as eaves, tree branches, clotheslines or electrical wires which obstruct safe passage to and from receptacles.

(7) No person shall block service access to a commercial container that is one cubic yard capacity, or a larger drop box or roll-off box or other similar receptacle for solid waste or recycling collection. Customers using containers shall provide a location so as to meet standards of the Consumer Products Safety Commission and the city's design review requirements.

(8) Solid waste service customers shall place items not intended for pickup at least five feet from any solid waste can or container.

FINANCIAL IMPLICATIONS

None

STAFF RECOMMENDATION

None

Exhibits

None

PROPOSED MOTION

None