

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING CHAPTER 13.26 OF THE MILWAUKIE CITY CODE AND DECLARING AN EMERGENCY.

WHEREAS, on May 9, 2000, the United States District Court for the District of Oregon entered its permanent injunction in the case of AGG v. Washington County (Docket No. CIV. 99-1097-KI);

WHEREAS, the injunction provided in relevant part as follows:

1. On April 6, 2000, this Court filed an Opinion which declared that Chapter 8.04 of the Washington County code on Solid Waste Control and Chapter 4.08 of the City of Beaverton Ordinance on Solid Waste Control, when enforced to prohibit plaintiff A.G.G. Enterprises, Inc. from transporting source-separated loads of recyclable materials and mixed loads of solid waste and recyclable materials, are preempted by the Federal Aviation Administration Authorization Act of 1994, 49 U.S.C. § 14501(c), because they are regulating service performed by a motor carrier with respect to the transportation of property.

2. Consistent with that opinion, Washington County, Oregon is permanently enjoined from enforcing its Solid Waste Control Code to the extent of imposing substantive standards affecting the price, route or service of plaintiff A.G.G. Enterprises, Inc. in the transport of source-separated loads of recyclable materials and mixed loads containing solid waste and recyclable materials for single generator non-residential accounts from, in and through Washington County to manufacturers, recycling facilities or material recovery facilities, but not to a transfer station or landfill.

3. The City of Beaverton is permanently enjoined from enforcing its Solid Waste Control Ordinance to the extent of imposing substantive standards affecting the price, route or service of plaintiff A.G.G. Enterprises, Inc. in the transport of source-separated loads of recyclable materials and mixed loads containing solid waste and recyclable materials for single generator non-residential accounts from, in or through the City of Beaverton to manufacturers, recycling facilities or material recovery facilities, but not to a transfer station or landfill.

4. For purposes of this injunction, multi-family accounts such as apartment complexes or condominiums are considered to be residential accounts.

WHEREAS, the regulations adopted in this Ordinance are permissible under the Federal Aviation Authorization Act in that they do not impermissibly regulate the price, route, or service of a motor carrier.

WHEREAS, the Milwaukie City Council finds that the terms of the Injunction and reasoning of the court's opinion in support of the injunction might also apply to the requirements of chapter 13.24 of the Milwaukie City Code and franchises issued pursuant to it, but only to the extent of barring the City from regulating the routes, rates or service of a motor carrier or motor private carrier in transportation of non-putrescible source separated loads of recyclable materials and mixed loads for single-generator, non-residential accounts from, in, and through the City to manufacturers, recycling facilities or material recovery facilities, but not to a transfer station or landfill;

WHEREAS, mixed loads addressed in the injunction contained no more than trivial amounts of putrescible materials;

WHEREAS, material recovery facilities in the region are generally achieving recovery rates of at least 25%;

WHEREAS, the City of Milwaukie retains the authority and responsibility to regulate all types of solid waste within its jurisdiction to ensure the public health, safety, and welfare of its people, and especially any solid waste that includes putrescible materials;

WHEREAS, loads containing putrescible materials present substantial health and safety concerns, justifying continued application of chapter 13.24 of the Milwaukie City Code with respect to such loads;

WHEREAS, loads containing putrescible materials in greater than trivial amounts may render the entire load non-recoverable;

WHEREAS, under ORS Chapter 459A and OAR Chapter 340, Division 90 the City retains the authority and responsibility to monitor and achieve high levels of recycling while complying with the Injunction;

WHEREAS, the City finds that the fees imposed in this code are reasonably related to the cost of administering and enforcing this code and ensuring the public health, safety, and welfare of its residents with regard to the subject matter of this code;

WHEREAS, an appeal of the injunction is reportedly to be undertaken before the United States Circuit Court of Appeals for the Ninth Circuit, and the Ninth Circuit may revise or reverse the Injunction, in which case it would be the expectation of the Milwaukie City Council that the provisions of the City Code relating to solid waste and recycling would be modified or returned to their form previous to this enactment;

WHEREAS, franchised haulers, motor carriers, and motor private carriers will under this code be allowed to compete on an equal basis with each other in the transport of exempt loads;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1

A Chapter 13.26 is hereby created in the Milwaukie City Code, titled "Residual Solid Waste", containing the following provisions:

13.26.010 Definitions.

As used in this chapter, the following terms shall have the definitions provided in this section, unless the context requires otherwise. References to "ORS" and "OAR" indicate the source of the definitions.

- A. "CALENDAR QUARTER" means the segment of a calendar year from January 1 through March 31, from April 1 through June 30, from July 1 through September 30 or from October 1 through December 31.
- B. "CITY" means the City of Milwaukie, Clackamas County, Oregon.
- C. "COMMERCIAL" means stores, offices including manufacturing and industry offices, restaurants, warehouses, schools, colleges, universities, hospitals and other non-manufacturing or processing entities, but does not include other manufacturing activities. Business, manufacturing or processing activities in residential dwellings are also not included. (OAR 340-90-0010 (6))
- D. "CONTAMINATED LOAD" means any load not meeting the definition of either source separated recyclables or mixed load.
- E. "DISPOSAL" means the process of discarding material at disposal sites as defined by

ORS 459.005(8).

- F. "DROPBOX" means a single receptacle designed to transport large volumes of solid waste or waste or recyclable materials, which is usually ten (10) cubic yards or larger in size.
- G. "EXEMPT LOADS" mean loads exempted from regulation pursuant to Section 13.24.190.020 (A) of this chapter-means a load of source separated recyclable materials or a mixed load taken from a single-generator, non-residential source in the City to a manufacturer, recycling facility, or material recovery facility. A multi-family residential property is a residential source, except for waste generated by the owner or landlord in the course of the owner or landlord's business.
- H. "FRANCHISED HAULER" means a person who holds a solid waste collection franchise on or after the effective date of this chapter.
- I. "GENERATOR" means a person who generates, produces, or creates an exempt load at a given site address.
- J. "LANDFILL" means a facility for the disposal of Solid Waste involving the placement of Solid Waste on or beneath the land surface. (ORS Chapter 459.005 (14))
- K. "LOAD" means any material that includes solid waste or recyclable materials carried on or in a vehicle.
- L. "MANUFACTURER" means a business that makes a product from raw materials.
- M. "MATERIAL RECOVERY" means a type of resource recovery that is limited to mechanical and / or manual methods of obtaining from solid waste materials which still have useful physical or chemical properties and can be reused, recycled, or composted for some purpose. Material recovery includes obtaining from solid waste materials used in the preparation of fuel, but excludes the extraction of heat content or other forms of energy from the material. (Metro Code Section 5.01.010 (y))
- N. "MATERIAL RECOVERY FACILITY" means a solid waste management facility that separates materials for the purposes of recycling from a mixed load of non-putrescible waste by using manual and / or mechanical methods and achieves a 25% recovery rate. It also means a facility that primarily accepts previously separated recyclables.
- O. "MIXED LOAD" means a load containing both (1) non-recyclable solid waste, and (2) recyclable material.
- P. "MOTOR CARRIER" is as defined in 49 U.S.C. §13102(12).
- Q. "MOTOR PRIVATE CARRIER" is as defined in 49 U.S.C. §1302(13).
- R. "MULTIFAMILY COMPLEX" or "MULTIFAMILY" means any multi-dwelling building or group of buildings that contain(s) five dwelling units or more on a single tax

lot. Multi-family accounts are determined to be a residential waste stream.

- S. "NON-PUTRESCIBLE WASTE" means any solid waste that contains no more than trivial amounts of putrescible materials or minor amounts of putrescible materials contained in such a way that they can easily be separated from the remainder of the load without causing contamination of the load. This category includes construction, demolition debris, and land clearing debris; but excludes cleanup materials contaminated by hazardous substances and source-separated recyclable material whether or not sorted into individual material categories by the generator. (Metro Code Section 5.01.010 (bb))
- T. "NUISANCE" means every act or thing done or existing within the limits of the City of Milwaukie which is declared by this chapter to be a nuisance, as provided in ORS 221.915 and 221.916(8).
- U. "PERMITTEE" means a person that holds a valid permit under this section of this chapter from the City of Milwaukie.
- V. "PERSON" means the United States, the state or a public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity. (ORS Chapter 459.005 (18))
- W. "PUTRESCIBLE WASTE" means solid waste containing organic material that can be rapidly decomposed by microorganisms, and which may give rise to foul smelling, offensive products during such decomposition or which is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies, including but not limited to: bones; meat; meat scraps; fat; grease; fish; fish scraps; vegetables; fruit; and food containers or products contaminated with food wastes, particles or residues. (OAR 340-093-0030 (70))
- X. "RECEPTACLE" Is the vessel used to contain the Source-Separated loads of Recyclable Materials or the Mixed Loads containing non-recyclable Solid Waste and Recyclable Materials.
- Y. "RECYCLABLE MATERIAL", "RECYCLABLE," and "RECYCLABLES" means or refers to material that still has or retains useful physical, chemical, or biological properties after serving its original purpose(s) or function(s), and that can be reused, recycled or composted for the same or other purpose(s).
- Z. "RECYCLING" means any process by which waste materials are transformed into new products in such a manner that the original products may lose their identity.
- AA. "RECYCLING FACILITY" means a facility that only accepts Source Separated Recyclable Materials and is permitted by the appropriate agency.
- BB. "RESIDENCE" means any dwelling unit where at least 50 percent of the use of the entire building is for residential use.
- CC. "RESIDENTIAL" means of or pertaining to "Residence."

- DD. "RESIDUAL" means the portion of a load that will not be recycled or reused.
- EE. "RESIDUAL SOLID WASTE PERMIT" means the permit required by section 13.26.030 of this chapter.
- FF. "SINGLE GENERATOR" means one generator.
- GG. "SOLID WASTE" means all useless or discarded putrescible and non-putrescible materials, including but not limited to garbage, rubbish, refuse, ashes, paper and cardboard, sewage sludge, septic tank and cesspool pumpings or other sludge, useless or discarded commercial, industrial, demolition and construction materials, discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid materials, dead animals and infectious waste as defined in ORS 459.386. The term does not include:
1. Hazardous waste as defined in ORS 466.005;
 2. Materials used for fertilizer, soil conditioning, humus restoration, or for other productive purposes or which are salvageable for these purposes and are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals, provided the materials are used at or below agronomic applications rates. (ORS 459.005 (24))
- HH. "SOURCE SEPARATE" or "SOURCE SEPARATED" means that the person who last uses recyclable material separates the recyclable material from non-recyclable solid waste. (ORS 459.005 (26))
- II. "SOURCE SEPARATED RECYCLABLES" means recyclables that have been source separated and contain 5% or less residual by weight.
- JJ. "TRANSFER STATION" means a fixed or mobile facility other than a collection vehicle where solid waste is deposited temporarily after being removed from the site of generation but before being transported to a final disposal location. (ORS Chapter 459.005 (27))
- KK. "VIOLATION" means a failure by any person to comply with the requirements of this chapter.

13.26.020 Motor Carrier Exemption; Exempt Loads

- A. While this chapter remains in effect, the provisions of this Chapter shall prevail over any inconsistent or conflicting provisions in Chapter 13.24. While this Chapter remains in effect, Chapter 13.24 shall not apply to exempt loads.
- B. For purposes of this Chapter, multi-family accounts such as apartment complexes and condominiums are considered to be residential accounts.
- C. Except as otherwise provided in sections 13.26.040 , 13.26.060, 13.26.110, 13.26.140 and 13.26.160 of this chapter, no franchise or similar fee, whether imposed by ordinance, code, resolution, franchise or contract, will be due for the transport and disposal of such

exempt loads.

- D. Exempt loads shall not be subject to any form of minimum or maximum rate, whether imposed by ordinance, code, resolution, franchise or contract.
- E. Although Chapter 13.26 supercedes some requirements and restrictions of Chapter 13.24 and some franchise provisions, it shall not be applied or interpreted as a repeal of such requirements, restrictions, and provisions, which shall remain valid and operative to the extent consistent with the requirements of federal law and the terms of this chapter.
- F. To the extent the effect of 49 USC Section 14501(c) is clarified or altered as a result of amendment or further judicial interpretation, it is the intention of the City to adjust the provisions of this chapter to conform thereto.

13.26.030 Transportation of Exempt Loads, Residual Solid Waste Permit Required

No person shall transport exempt loads originating in the City of Milwaukie containing any non-recyclable residual without having obtained a Residual Solid Waste Permit from the City.

Residual Solid Waste Permits shall be issued for the year beginning July 1 and ending June 30. A person holding a Residual Solid Waste Permit shall not, under authority of the Residual Solid Waste Permit: 1) collect and transport mixed loads containing more than trivial amounts of putrescible waste; 2) collect and transport loads containing only non-recyclables; or 3) combine solid waste from more than one generator in a single load for transport.

13.26.040 Registration for Permit

Residual Solid Waste Permits, or the renewal thereof, may be obtained by registering with the Milwaukie City Manager or their designee on forms provided by the City. The registration shall include:

- A. The name, street and mailing address, and business telephone number of the permittee;
- B. Applicant business ownership information, responsible official and contact person;
- C. Any other relevant information deemed necessary by the City;
- D. A registration fee of \$100.00

13.26.050 Exceptions to Permit Requirement

- A. A Residual Solid Waste Permit is not required for the collection or transportation of solid waste and recyclable materials by the following persons:
 - 1. Persons transporting exempt loads or source separated recyclable material collected outside City of Milwaukie;
 - 2. A contractor employed to demolish, construct or remodel a building or structure, including, but not limited to, land clearing operations and construction wastes, when collecting or transporting wastes created in connection with such employment;
 - 3. Landscapers, gardeners, tree service contractors, janitors or renderers when collecting or transporting wastes created in connection with such employment;
 - 4. Persons who self-haul solid waste produced by that person, except for solid waste produced by a tenant at a rental property. For purposes of this section, mixed loads containing solid waste and recyclable materials and/or source separated recyclable material produced by a tenant, licensee, occupant or similar person is produced by that person and not by the landlord;
 - 5. Persons collecting or transporting only waste tires under a valid waste tire storage or carrier permit pursuant to OAR Chapter 340;
 - 6. Persons transporting only reusable beverage containers as defined in ORS 459A;

7. Federal or state agencies that collect, store, transport and dispose of solid waste or those who contract with such agencies to perform the service, but only insofar as the service is performed by or for such agencies.
8. Civic, community, benevolent or charitable non-profit organizations that are permitted under section 13.24.040.

13.26.060 Tonnage Fee

Permittees shall, when invoiced quarterly by the City, pay a tonnage fee to the City. Fees shall be assessed based on the tonnage of non-recyclable residual material from processed exempt loads collected within the City and transported to a manufacturer, recycling facility, or material recovery facility. Fees shall be calculated on the total tonnage delivered to a manufacturer, recycling facility, or material recovery facility, less the percentage of the materials recovered per the facility's verified recovery rate. Payments shall be made within 30 days of the date of the invoice. Interest shall accrue at 1-1/2% per month on balances remaining unpaid as of 30 days after the date of invoice, compounded daily from the due date.

The tonnage fee shall be charged in such amount as the City Council orders.

13.26.070 Divulging Particulars of Report Forms Prohibited

Except as otherwise required by law, it shall be unlawful for the City or any officer, employee, or agent to divulge, release, or make known in any manner any information submitted or disclosed to the City under terms of this Chapter 13.26. Nothing in this section shall be construed to prohibit:

- A. The disclosure of the names and addresses of any persons to whom permits have been issued;
- B. The disclosure of general statistics in a form which would prevent the identification of financial information regarding any individual permittee; or
- C. Communication by the City with other governmental officials, provided the information shall continue to be considered confidential.

13.26.080 Use of Fees

- A. All fees, civil penalties and interest received by the City pursuant to the terms of this Chapter 13.26 shall be deposited with the City.
- B. The fees, civil penalties, and interest and any other fees or charges collected by the City under this Chapter shall be used for the administration, implementation, operation and enforcement of the solid waste and recycling ordinances and programs of the City.

13.26.090 Fees as a Debt, Enforcement and Collection

All fees, penalties and interest imposed by this chapter 13.26 shall be a debt due and owing to the City and may be collected by civil action in the name of the City of Milwaukie. Any penalties remaining unpaid after the due date shall accrue interest at 1-1/2% per month, compounded daily from the due date. In addition, the City may revoke or deny renewal of any permit to registrants who have not paid tonnage fees, violation assessments, or interest charges when due.

13.26.100 Prohibitions

- A. No person shall transport or carry, or direct another person to transport or carry, any solid

waste, mixed load, or source-separated recyclables containing non-recyclable residual in or on a vehicle unless the load is:

1. Completely covered on all sides and on the top and bottom and the cover is securely fastened to the body of the vehicle; or
2. Contained in the body of the vehicle in such a way as to prevent any part of the solid waste or mixed load from being deposited upon any property, road, right-of-way or driveway within the City.

13.26.110 Permittee Requirements, Contaminated Loads

- A. The permittee is prohibited from knowingly transporting contaminated loads and shall make a reasonable effort to detect contamination prior to transporting a contaminated load.
 1. Contaminated loads at the site of the generator: It shall be considered an affirmative defense for the permittee to dispose of a load if the permittee determines that the load is contaminated at the site of the generator and the following conditions have been met: 1) the generator has declined to decontaminate the load so that it meets the definition of source separated recyclables or exempt load; 2) the generator has declined to self-haul the load pursuant to section 13.26.040; 3) the franchised hauler has declined to dispose of the load within 24 hours, pursuant to the generator's or permittee's request, and 4) the permittee files a statement of disposal, listing the generator, disposal location; date and time of disposal; truck number; franchisee's or permittee's company name; and weight of load disposed, with the City within 48 hours; and 5) the permittee submits to the City a payment for that load equivalent to 5% of the approved City solid waste management fee or rate for service established by the City for collection and disposal of such a load by a franchised collector under section 13.24.130. More than three such incidents in three months constitute a violation of this chapter.
 2. Contaminated Load at a Material Recovery Facility. It shall be considered an affirmative defense for the permittee to dispose of a load if the load has been rejected at a material recovery facility due to contamination and the following conditions have been met: 1) the permittee files a statement of disposal listing the generator; disposal location; date and time of disposal; truck number; franchisee's or permittee's company name; and weight of load disposed, with the City within 48 hours; and 2) the permittee submits to the City a payment for that load equivalent to 5% of the approved City solid waste management fee or rate for service established by the City for collection and disposal of such a load by a franchised collector under section 13.24.130. More than three such incidents in three months constitute a violation of this chapter.

13.26.120 Generator Prohibitions and Responsibilities

- A. Generators are prohibited from contracting service for transportation of solid waste for the purpose of disposal at a landfill or transfer station with any person other than the franchised hauler.
- B. A generator is prohibited from contracting service for transportation of solid waste for the purpose of disposal at a material recovery facility if their waste is to be combined with one or more additional generator's waste prior to disposal.

- C. Generators may haul their solid waste without payment or compensation, pursuant to section 13.24.040.
- D. Generators are responsible for providing adequate and safe space and access for containers.
- E. Generators are responsible for placing infectious wastes and putrescible wastes in appropriate containers. Generators are prohibited from placing these items into containers for transportation with exempt loads.

13.26.130 Changes in Permittee Address and Contact Person

- A. The permittee shall notify the City of anticipated changes in addresses (mailing address, office address and yard locations) and phone numbers (including an after-hours phone number for emergency use). Such notice shall be provided to the City, in writing, no less than ten days prior to such change.
- B. The permittee shall notify the City in writing of changes in company contact persons and responsible company officials within one week after such changes.

13.26.140 Reporting

- A. Delivery of Reports. Reports shall be submitted in a form acceptable to the City.
- B. Data Reporting
 - 1. Report Due Date. By the 30th day after the end of each calendar quarter, the permittee shall complete, sign, and deliver to the City a quarterly tonnage report, using a form provided or approved by the City for that calendar quarter. When the due date falls on a Saturday, Sunday, or legal holiday, the report is due on the next business day.
 - 2. Report Content. On this report form, the permittee shall provide the total tonnage of exempt loads and loads of source separated recyclables, originating in Milwaukie and delivered to each facility during the quarter. Source separated recyclables should be reported as per commodity or mix of commodities as defined by the City.
- C. Delinquent Reports, Enforcement
 - 1. Should a permittee fail to submit a required report by the due date, then the City will send a Delinquent Notice within five days following the due date. The Delinquent Notice will require the permittee to send in the report within five days of the receipt of the Delinquent Notice. The Notice will also require payment of a \$20.00 service charge, due and payable when the report is submitted.
 - 2. Should a permittee, after being sent the "Delinquent Notice," fail to return a required report within five days of receipt of the Delinquent Notice, then the City shall send the permittee a Violation Notice on the day after the delinquent due date.
 - 3. Failure to deliver a complete, signed, accurate report by a deadline identified above shall constitute a violation.
- D. Record Keeping. All records necessary for the above data reporting requirements shall be retained by the permittee for a period of two years from the date of delivery or sale, including, but not limited to: records allowing for each weight slip received for exempt loads delivered to be specifically identified in relation to the facility, the generator's name, the billing name, service date and address, and invoice, and each market receipt for source separated recyclables sold or delivered; and any other records pertaining to the

origin of any exempt loads transported by the permittee, receipts for sale or delivery of transported exempt loads or recyclables, and generator lists. The City has the right to require access to any relevant information for purposes of tonnage verification, including financial records necessary to verify sale or delivery of collected recyclables. Information requested by the City shall be made available to the City within five working days of a written request.

13.26.150 Other Provisions

It is a violation for any person to fail to follow all applicable federal, state and local laws.

13.26.160 Compliance and Enforcement

- A. A violation of this chapter 13.26 is a nuisance. The City may, in addition to other remedies provided by law, file an action in a court of appropriate jurisdiction seeking any of the following: a civil penalty as set forth below, recovery of unpaid fees owed, an injunction for abatement, and court costs.
- B. The maximum civil penalty for a violation of this chapter shall be \$1,000. When a violation is of a continuous nature, a separate violation shall be deemed to exist on each day the violation continues to exist.
- C. The following criteria shall be considered by the court in determining the amount of any civil penalty to be assessed in a court action under this section:
 - 1. The nature and extent of the person's involvement in the violation;
 - 2. The benefits, economic or otherwise, accruing or likely to accrue as a result of the violation;
 - 3. Whether the violation was isolated and temporary, or repeated and continuous;
 - 4. The magnitude and seriousness of the violation;
 - 5. The costs of investigation and remedying the violation; and
 - 6. Any other relevant, applicable evidence bearing on the nature and seriousness of the violation.
- D. Initiation of Enforcement Action. The City of Milwaukie may initiate an enforcement action based on its own observations or on a complaint. Complaints regarding compliance with this chapter of the Code may be accepted from any source, including in writing, through personal visit or telephone call.
- E. No person shall be entitled to an award of attorney's fees in any action initiated by, or on behalf of, the City of Milwaukie under this chapter.
- F. Any action by the City to enforce or require compliance with this code or other code or ordinance concerning the collection and transportation of solid waste shall be within the absolute discretion of the City of Milwaukie.

13.26.170 Revocation and Denial of Permit

The City may revoke or deny renewal of a permit for violations of this chapter or under other conditions as follows:

- A. Any permittee who has accumulated within a 365 day period more than five violations.
- B. Any permittee who has failed to pay fees or fines, as provided in section 13.26.090.
- C. Any permittee who has been found by a court of competent jurisdiction to have practiced any fraud or deceit upon the City.

13.26.180 Intergovernmental Agreements

- A. The City may enter into an agreement with another political subdivision of the State of Oregon for the provision of any or all of the regulatory functions of this chapter 13.26.

13.26.190 Private Right of Action.

A private enforcement cause of action is hereby created for any person to bring a civil action alleging violation of this Residual Solid Waste Code in a State court of appropriate jurisdiction, seeking appropriate judicial remedies, including injunctive relief and damages. A copy of any such suit that is filed shall be mailed or delivered to the City Manager's Office when it is filed. Any person who prevails in an action under this section, pertaining to private right of action, shall be entitled to his, her or its reasonable costs and attorney's fees, including those on appeal.

13.26.200 Sunset Provision & Review.

- A. Unless further extended by action of the City Council, this Residual Solid Waste Section shall automatically cease to be effective three years after September 1, 2000.
- B. This Residual Solid Waste section shall be reviewed at least annually on or before September 1 of each year. During the review the City shall consider enacting such adjustments as may be required.

Section 2

Savings Clause

If any subsection, clause or provision of Chapter 13.26 be declared by a court of competent jurisdiction to be invalid, the declaration shall not affect the chapter as a whole or any part that is not declared invalid; each subsection, clause and provision of Chapter 13.26 are severable

Section 3

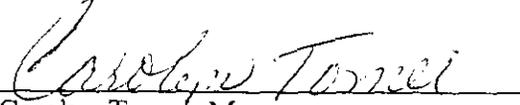
Declaration of Emergency.

The Milwaukie City Council finds that an emergency exists, and accordingly this Residual Solid Waste Code shall be effective immediately upon enactment.

Read the first time on 9/19/00, and moved to second by 5-0 vote of the City Council.

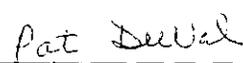
Read the second time and adopted by the City Council on 9/19/00.

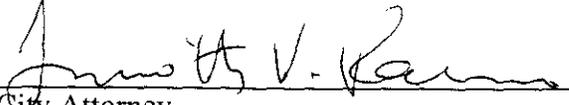
Signed by the Mayor on the 27 of September, 2000.


Carolyn Tomel, Mayor

ATTEST:

APPROVED AS TO FORM:
Ramis, Crew, Corrigan & Bachrach, LLP


Pat DuVal, City Recorder


City Attorney

