ORDINANCE NO. 633

AN ORDINANCE RELATING TO SANITATION AND THE DISPOSAL OF REFUSE, ASHES AND GARBAGE, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. For the purposes of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein.

(a) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(b) Business, industrial and institutional establishments shall include but not be limited to stores, markets, restaurants, hospitals, factories, schools, public buildings and other similar establishments located within the city.

(c) "Ashes" is the residue from the burning of wood, coal, coke, or other combustible materials.

(d) "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

(e) "Rubbish" is nonputrescible solid wastes (excluding ashes), consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

(f) "Refuse" is all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.

Section 2.

(a) Refuse containers for the temporary storage of refuse to be collected as herein provided shall be furnished by the owner, tenant, lessee or occupant of the premises. Such refuse containers shall be maintained in good condition. Any such container that does not conform to the provisions of this Ordinance or that may have ragged or sharp edges or any other defects liable to hamper or injure the person collecting the contents thereof, shall be promptly replaced upon notice. Refuse collection services may be refused to any person failing to comply herewith.

(b) Any refuse containers in which any garbage or ashes as herein defined is to be deposited for collection shall be made of metal, equipped with suitable handles and tight fitting covers,

be water tight, and have a capacity of not more than ~~25~~ 30 gallons.

(c) Any refuse containers not used for either garbage or ashes as herein defined shall be of a kind suitable for collection purposes, shall be of such weight that they can be handled by one man, and shall have a capacity of not more than 30 gallons.

Section 3.

(a) No person shall place any refuse in any street, alley or other public place, or upon any private property whether owned by such person or not, within the city except it be in proper containers for collection or under express approval granted by the City Manager. Nor shall any person throw or deposit any refuse in any stream or other body of water.

(b) Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within thirty days after the effective date of this Ordinance shall be deemed a violation of this Ordinance.

(c) No person shall cast, place, sweep or deposit anywhere within the City any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the City.

Section 4.

(a) The removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed should be performed under the supervision and direction of the City Manager. Such refuse shall not be placed in containers for regular collections.

(b) Highly inflammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the City Manager at the expense of the owner or possessor thereof.

Section 5. The mayor of the City of Milwaukie is hereby authorized and directed to enter into a contract with George Deering, doing business under the assumed business name of Milwaukie Sanitary Service, for a period of five successive years from and after March 1, 1956, granting to the said George Deering the exclusive right, except as herein otherwise provided, to collect, convey and dispose of all garbage, ashes, rubbish and refuse accumulating within the City of Milwaukie in accordance with the terms and conditions embodied within the written contract, a copy of which contract is filed with the City Recorder and made a part of the minutes of the special meeting of the City Council held on the 16th day of January, 1956. Upon the expiration of said contract by lapse of time or otherwise, the mayor of the City of Milwaukie is hereby auth-

orized, from time to time as may be required, to enter into other contracts with other persons, firms or corporations for the collection, conveyance and disposal of garbage, ashes, rubbish and refuse accumulating within the City of Milwaukie, Oregon, subject to the approval by the City Council as to the terms and conditions of any such contracts. Any contract entered into with any person, firm or corporation in accordance with the provisions of this section may provide that such person, firm or corporation shall pay an annual license fee to the City of Milwaukie, Oregon, in an amount not to exceed One hundred dollars.

Section 6. The actual producers of refuse or the owners of the premises on which refuse is accumulated who desire personally to collect and dispose of said refuse, persons who desire to dispose of waste material not included in the definition of refuse and collectors of refuse from outside of the City who desire to haul over the streets of the City, shall use a water tight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled. This Ordinance shall not prohibit the actual producers of refuse, or the owners of premises upon which refuse has accumulated, from personally collecting, conveying, and disposing of such refuse, provided that such producers or owners comply with the provisions of this Ordinance and with any other governing law or ordinances. This Ordinance shall not prohibit collectors of refuse outside of the City from hauling such refuse over city streets, provided such collectors comply with the provisions of this Ordinance and with any other governing law or ordinances.

Section 7. Except as hereinabove otherwise provided, it shall be unlawful for any person, firm or corporation other than a person, firm or corporation under contract with the City of Milwaukie as provided in Section 5 of this Ordinance, to collect, gather and haul away over the streets of said City and dispose of any garbage, ashes, refuse or rubbish accumulated therein.

Section 8. Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be subject to a fine in a sum not to exceed. $300.00.

Section 9. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Read the first time this 16th day of January, 1956.

Read the second time and passed this 23rd day of January, 1956.

Signed by the Mayor this 23rd day of January, 1956.

Leonard B Mullan
Mayor

The foregoing Ordinance Number 633 was unanimously passed by the Council of the City of Milwaukie, Oregon, on the 23rd day of January, 1956, as shown by the minutes of the Council meeting of that date.

Dated this 24th day of January, 1956.

City Recorder.

AFFADAVIT AS TO POSTING OF ORDINANCE NUMBER 633 AS REQUIRED BY SECTION 29 OF CHAPTER 7 OF THE CHARTER OF THE CITY OF MILWAUKIE, OREGON

STATE OF OREGON)
)ss.
County of Clackamas)

I, Ellen Martin, being first duly sworn upon my oath depose and say as follows:

That I am the duly appointed, qualified and acting recorder of the City of Milwaukie, Oregon.

I further depose and say that on the 24th day of January 1956, I did post three true, correct and conformed copies of ordinance number 633 in three conspicuous places in the City of Milwaukie, Oregon, one of which was posted on The bulletin board, City Hall, 926 Main Street, Milwaukie, Oregon another of which was posted at United States Post Office, Monroe St. Milwaukie, and a third of which was posted at Cooper's Market, Main Street, Milwaukie, Ore.

I further depose and say that all of the said places where the said copies of Ordinance Number 633 were posted were and are public and conspicuous places in the City of Milwaukie, Oregon, and that said copies of said ordinance Number 633 remain posted from said date of posting until and including the [illegible] day of [illegible] 1956.

Ellen Martin
Recorder of the City of Milwaukie, Oregon

Subscribed and sworn to before me this _____ day of _____ 19_____.

_____
Notary Public of Oregon
My commission expires _____