

# TIGARD MUNICIPAL CODE

## Chapter 11.04 SOLID WASTE MANAGEMENT.

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- 11.04.010 Title For Citation.

The ordinance codified in this chapter shall be known as the "City of Tigard solid waste

management ordinance," and may be so cited and pleaded, and shall be cited herein as "this chapter." (Ord. 91-36 §1 Exh. A (part), 1991: Ord. 78-64 §1, 1978).

### 11.04.020 Purpose, Policy And Scope Of Chapter Provisions.

1. It is declared to be in the public interest for the City of Tigard to establish this policy relative to the matters of solid waste management to:

a. Provide sufficient waste volume to sustain solid waste management facilities necessary to achieve resource recovery goals established by the City, County, State Department of Environmental Quality and Metropolitan Service District;

b. Provide the basis for agreements with other governmental units and persons for regional flow control to such facilities;

c. Insure safe accumulation, storage, and collection, transportation, disposal or resource recovery of solid waste;

d. Insure maintenance of a financially stable, reliable solid waste collection and disposal service;

e. Insure rates that are just, fair, reasonable and adequate to provide necessary service to the public;

f. Prohibit rate preference and other discriminatory practices which benefit one customer at the expense of other customers of the service or the general public;

g. Conserve energy and material resources;

h. Eliminate overlapping service to

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service standards of Section 11.04.100 of this chapter. (Ord. 91-36 §1 Exh. A (part), 1991: Ord. 78-64 §11, 1978).

## 11.04.150 Subcontracts.

The franchisees may subcontract with others to provide a portion of the service where the franchisees do not have the necessary equipment or service capability. Such a subcontract shall not relieve the franchisees of total responsibility for providing and maintaining service and from compliance with this chapter. Franchisee shall provide written notice to the City of the franchisee's intention to subcontract any portion of the service prior to entering into such agreement. (Ord. 91-36 §1 Exh. A (part), 1991: Ord. 78-64 §12, 1978).

## 11.04.155 Business Recycling Requirement.

Unless otherwise exempt, all Businesses and Business Recycling Service Customers shall comply with the Business Recycling Requirement Performance Standard set forth in Metro Regional Government Code Section 5.10.330 and the administrative rules ~~and supplemental regulations~~ adopted pursuant to ~~rulemaking authority set forth in~~ TMC 11.04.165. (Ord. 09-05 §1)

## 11.04.160 Rules And Regulations Applicable to Franchisees.

The City Manager or designee may propose and prepare rules and regulations applicable to franchisees that pertain to this chapter. The rules and regulations shall be printed or typewritten, and be maintained for inspection in the office of the City Recorder. All proposed rules and regulations promulgated under the authority of this section, and all amendments thereto, shall be immediately forwarded to the franchisee operating under this chapter for response. The franchisee shall have thirty days to respond in writing to such proposed rules and regulations. If the franchisee

has objections or revisions to the proposed rules, the franchisee shall meet and confer with the City Manager regarding the franchisees concerns. If the concerns are not resolved through consultation with the City Manager, then the City Manager shall forward the proposed rule, with the franchisees comments, to the City Council for its consideration. The franchisee may request that the City Council hold a public hearing on a proposed rule. The Council may approve the proposed rule as submitted, modify the rule, or reject the rule. The City Manager shall enact all rules pursuant to this subsection by written order. (Ord. 09-05 §1; Ord. 03-08, Ord. 91-36 §1 Exh. A (part), 1991: Ord. 78-64 §14, 1978).

## 11.04.165 ~~Administrative Rules And Regulations~~ Applicable To Business Recycling Requirement.

1. Adoption of Administrative Rules ~~and Supplemental Regulations~~.

a. The City ~~Manager or designee is~~ ~~Council has the~~ authorized to adopt ~~the initial~~ administrative rules ~~and supplemental regulations~~ related to the provisions of the Business Recycling Requirement. Such ~~initial~~ ~~administrative~~ rules and regulations shall be adopted ~~pursuant with the provisions of TMC 2.04~~ by resolution.

~~b. The Public Works Director has the authority to adopt and amend the administrative rules and supplemental regulations related to the provisions of the Business Recycling Requirement. The Public Works Director has the authority to administer the rules and regulations whether adopted by the City Council or by the Public Works Director. Rules subsequent to the initial rules adopted by City Council will be adopted according to the procedures in this section.~~

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~~2. Permanent Rules. Prior to the adoption of a permanent rule, the Public Works Director will:~~

~~a. Publish a notice in a newspaper of general circulation in the City. The notice must be published not less than 14 days before the deadline for receipt of comments. The notice shall provide a brief description of the subjects covered by the proposed rule; the final date for acceptance of written comments; the location to submit comments and the location where copies of the full set of the proposed rules may be obtained.~~

~~b. The Public Works Director will receive written comments regarding the proposed rules. The Director will take into consideration the written comments received and may either adopt, modify or reject the proposed rule.~~

~~c. If a substantial modification is made to the proposed rule, the Public Works Director may adopt the modification as an interim rule or provide additional public comments prior to adoption.~~

~~d. Unless otherwise stated, all rules will be effective on the 14th day after adoption by the Public Works Director unless a written protest is received by the Director.~~

~~e. If written protest of the proposed rule is received by the Public Works Director on or before the fourteenth day after adoption, the Director shall refer the rule to the City Council for a public hearing. The Council may adopt, modify or reject the rule. The Council's decision on the contents of the proposed rule shall be final and effective upon passage.~~

~~3. Interim Rules.~~

~~a. Interim rules will be effective for a period of not longer than 180 days.~~

~~b. Not more than 30 days after adoption of an interim rule, public notice of the interim rule must be published in a newspaper of general circulation in the City. Such notice must identify the location at which copies of the full set of the interim rules may be obtained.~~

~~4. All permanent and interim rules must be filed in the office of the Public Works Director. (Ord. 09-05 §1)~~

## **11.04.170 Enforcement.**

1. The City Manager shall enforce the provisions of this chapter, and the rules and regulations adopted pursuant thereto; City's agents, including police officers and other employees so designated, may enter affected premises at reasonable times for the purpose of determining compliance with the provisions and terms of this chapter. However, no premises shall be entered without first attempting to obtain the consent of the owner or person in control of the premises if other than the owner. If consent cannot be obtained, the City representative shall secure a search warrant from the City's Municipal Court before further attempts to gain entry, and the City shall have recourse to every other remedy provided by law to secure entry.

2. A franchisee shall have a cause of action in Washington County Circuit Court against any person providing service in the Tigard city limits without having a franchise in violation of Section 11.04.040. The cause of action includes any appropriate relief, including injunctive relief.

a. Notice to City Manager. Before a franchisee may commence a civil action, the franchisee must provide thirty days written notice to the City Manager. The City Manager may elect either to enforce the provisions of this chapter in accordance with 11.04.170, or allow the franchisee to commence a civil action in

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## Chapter 9.04 GENERAL PROVISIONS.

### Sections:

**9.04.005 Adoption of Administrative Rules ~~and~~ Supplemental Regulations.**

**9.04.010 Purpose.**

**9.04.020 Facility Reservation.**

**9.04.040 Refund Of Fees And Change In Reservation.**

**9.04.050 Repealed By Ord. 92-33.**

**9.04.060 Waiver Of Fees.**

**9.04.005 Adoption of Administrative Rules ~~and~~ Supplemental Regulations.**

The City Manager, or designee, ~~has the~~ authorized to adopt ~~and amend~~ administrative rules ~~and supplemental regulations~~ related to the provisions of park facility reservations and consistent with the provisions of this section. (Ord. 10-09 § 1, 2010). Such rules shall be adopted pursuant to TMC 2.04.

**9.04.010 Purpose.**

The purposes of these park facilities reservation rules ~~and regulations are~~ is to:

(1) Facilitate maximum use of public facilities by the citizens of Tigard;

(2) Coordinate the use of park facilities, thus assuring maximum opportunity for use through the convenience of advance reservations;

(3) Provide for use of park facilities by the citizens of Tigard, but where exclusive use takes place, or special handling is required, to recover associated costs;

(4) Coordinate the public use of park facilities with maintenance, construction and other

activities. (Ord. 10-09 § 1, 2010; Ord. 92-33 §1(Exh. A)(part), 1992; Ord. 83-55 §1(part), 1983; Ord. 78-13 §1, 1978).

**9.04.020 Facility Reservation.**

To provide advance reservation of park facilities, the following procedures are adopted:

(1) A formal application must be made through the Public Works Department to reserve any public park and recreation facility for the exclusive use of a particular group.

(2) All fees and any required deposit must be paid at the time the reservation is made. Field users may pay field rental charges in installment payments as agreed upon by the Public Works Director, or designee. Fees shall be set by the City Council in the Master Fees and Charges Resolution.

(3) A responsible person, 18 years or older, must sign the application and be present at the function.

(4) Primary field reservations shall be made through the Tigard Field Use Committee comprised of Tigard-based non-profits benefiting Tigard youth, including, but not limited to, Tigard-Tualatin School District 23J, Tigard Little League, and Southside Soccer Club.

(5) The number of persons allowed in the total reservation and for each separate reservation shall be set by the Public Works Director, or designee. The policy for allowable reservations shall be routinely reviewed and adjusted to meet the purpose of reservations as stated in Section 9.04.010. Capacity shall not be exceeded at any given time unless approved by the Public Works Director, or designee.

(6) City of Tigard sponsored activities shall have first priority for the use of park facilities and