

**CITY OF FLORENCE  
ORDINANCE NO. 5, SERIES 2016**

**An Ordinance of the City of Florence, Lane County, Oregon, Amending Florence City Code Title 9, Chapter 4, Solid Waste Management, in order to provide all tenants with garbage service, revise licensee responsibilities to include vehicle standards, and to revise rate review frequency and methodology.**

RECITALS:

1. The Environmental Management Advisory Committee (EMAC) met and reviewed the existing ordinance and determined a need for revisions.
2. At its work session on March 9, 2016, the Florence City Council reviewed the recommendations proposed by the EMAC.
3. Following the public hearing held April 4, 2016 the City Council determined that adoption of the proposed modifications to Florence City Code Title 9 Chapter 4 are in the public's best interest.

Based on these findings,

THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. The Florence City Code Chapter 4 of Title 9: Solid Waste is amended as shown in Exhibit A.
2. This Ordinance shall become effective 30 days after adoption.
3. The City Recorder is authorized to administratively correct any reference errors contained herein or in other provisions of the Florence City Code to the provisions added, amended, or repealed herein.


ADOPTION:

First Reading on the 4th day of April, 2016


Second Reading on the 4th day of April, 2016

This Ordinance is passed and adopted on the 4<sup>th</sup> day of April, 2016

AYES	5	Councilors Greene, Priesler, Lacer, Lyddon and Mayor Henry
NAYS	0	
ABSTAIN	0	
ABSENT	0	

  
\_\_\_\_\_  
Joe Henry, Mayor

Attest:

  
\_\_\_\_\_  
Kelli Weese, City Recorder

**Exhibit A**  
**ORDINANCE NO. 5, SERIES 2016**

TITLE 9  
CHAPTER 4

**SOLID WASTE MANAGEMENT**

**9-4-3: DEFINITIONS:**

Base Year: A fiscal year ending August 31, upon which it is the intent of the City, Haulers, and EMAC to perform a review of revenues and expenses within City of Florence, with the intent of resetting rates to allow the projected composite hauler financial performance to be in accordance with standards set in Section 9-4-5-2 B of City code. Generally, there will be one Base Year followed by two interim years.

Confidential Information; All business and production records, including the annual reports for both interim and base year calculations shall be considered confidential. Individual company reports shall not be made available to the public and aggregated information should not be made publicly available when there are two or fewer licensed haulers.

Fiscal Year: The reporting year for Licensees is September 1-August 31."

Interim year: A fiscal year ending August 31, upon which it is the intent of the City, Haulers, and EMAC to perform limited or no review procedures on the financial statements and change rates according to consumer price index and disposal cost drivers only. Generally, there will be two interim years followed by a Base Year.

Lines of Business: For purposes of this license, lines of business include residential solid waste, residential recycling collection, commercial solid waste, commercial recycling collection, yard waste recycling collection, and drop box."

**9-4-5: RATE REGULATIONS AND BUSINESS PRACTICES:**

**9-4-5-1 RATE REVIEW SCHEDULE**

- A. The Committee and Council shall review rates no less than once every ~~two~~ three years, with any recommended adjustments presented by March 1 with rates effective July 1.
- ~~1. In addition, licensees shall provide financial reporting on an annual basis, with reports for the prior calendar year being due no later than November 1 of each year.~~

1. In years designated as “base years,” licensed haulers shall provide a comprehensive review of operations on forms provided by the City Manager by November 1 for the base year most recently completed. Such forms may include a standard chart of accounts, and inputs for revenues, customer count, driver hours, disposal volumes, and regulated recycling information by line of business as determined by the City. Costs to compile the forms shall be considered allowable.

B. Licensed haulers shall provide an abbreviated annual report that summarizes revenues and expenses incurred within the City of Florence by November 1 of each interim year most recently completed. Such report will include license revenues and enumerate total licensee expenses incurred within the City using the chart of accounts specified and accounting policies set forth in the City’s comprehensive base year reporting format. Only revenue and expenses need to be reported.

#### **9-4-5-2: RATE DETERMINATION:**

A. To ensure fair and equitable consumer rates and to prohibit discriminatory practices, the Council may, by resolution, establish ~~minimum and maximum~~ rates for solid waste services following the procedures and standards in this Section. (~~Ord 2, 1999~~)

B. In recommending and determining rates, under this Section, due consideration shall be given to information from all licensees regarding: current and projected revenue and expenses; actual and overhead expense; the cost of acquiring and replacing equipment; the services of owner, family and management; the cost of providing for future, added or different service; the revenue from and cost of resource recovery services; a reasonable return for doing business; systems to avoid or recover the cost of bad debts; interest on late payments; and, such other factors deemed relevant. Rates charged by other persons performing the same or similar services in the same or similar areas under the same or similar service conditions may also be considered.

C. Requests to establish a minimum rate for a new classification of solid waste service may be made at any time. Adjustments to the Council established ~~minimum~~ rates may be initiated or made not more often than once per calendar year provided, however, that In addition to the possible annual rate adjustment, a supplemental rate adjustment may be requested when the cost of service is decreased or increased by governmental or environmental regulations and compliance therewith; or where there is substantial decrease in expenses that was not anticipated at the time of the last rate adjustment.

1. Adjustments to the Council established ~~minimum~~ rates may be initiated by a licensee, a petition of 20 customers using solid waste services, the Committee, the Council or the City Manager.

2. A request for rate adjustment or a request to establish a rate for a new classification of service shall be in writing ~~on a form provided by the City Recorder~~ and shall be accompanied by factual information substantiating the request and filed with the City Recorder.
3. Except for a request by the Council, Committee, or City Manager which shall not require a fee, any request for a rate adjustment or for the establishment of a rate for a new classification of service shall be accompanied by the nonrefundable filing fee of \$~~150~~500 or an amount otherwise set by Council resolution.
4. Upon receiving a request for rate adjustment or for establishment of a rate for a new classification of service, the City Manager shall prepare a staff report to initiate a full review and evaluation no later than 30 days after receiving the request, and present it to the Committee.
5. The Committee shall consider the request and staff report and hear testimony thereon. Before making its recommendation to the Council, the Committee shall give public notice inviting evidence and oral or written comment on the request and receive such at a public hearing. Within 90 days after it receives the request, the Committee shall make its written findings and recommendation to the Council.
6. The Council shall consider the Committee's recommendation and receive oral or written arguments on the recommendation. Based on substantial evidence in the record, the Council shall resolve to approve, modify and approve or reject the recommendation. The decision of the Council shall be final.

7. Rate adjustment requests solely to pass through costs associated with increases to the county's solid waste disposal/tipping fees shall be by resolution and amendment to the fee schedule and is not subject to a full rate review and hearings processes.

#### **9-4-4-5: LICENSEE RESPONSIBILITY:**

A. A licensee shall:

7. Operate and maintain solid waste collection and transfer vehicles ~~which display license tags issued by the City in a prominent location on the front and rear of each vehicle and~~ which meet the following standards:

a. Collection and Transfer Vehicles Construction and Operation:

1. Solid waste collection and transfer vehicles and devices shall be constructed, loaded, ~~and~~ operated, and maintained in a manner so as to

prevent, to the greatest extent practicable, dropping, leaking, sifting, or blowing or other escapement of solid waste, recyclable materials, compostables, liquids, vehicle fluids, or lubricants from the vehicle, while stationary or in transit, excepting:

(i.) Leakage of fluid or lubricant due to equipment failure provided that the failure is immediately contained and remedied as soon as practicable.;

2. Collection and transfer vehicles and devices carrying loads which are likely to blow or fall shall have a cover which is either an integral part of the vehicle or device or which is a separate cover of suitable materials with fasteners designed to secure all sides of the cover to the vehicle or device and shall be used while in transit.

3. All collection vehicles shall be labeled with a sign on the rear, with lettering not less than four (4) inches high and clearly visible from a minimum of twenty (20) feet away, stating "Spillage Complaints? Call xxx-xxx-xxxx", whereby the number entered shall be the City Code Enforcement Officer. Each licensee shall pick up all material blown, littered, broken or leaked in the public right-of-way in the course of collection. The company name and telephone number shall be prominently and conspicuously displayed on both sides of the vehicle

4. All collection and transfer vehicles must be maintained and operated in compliance with all local and state statutes, ordinances, and regulations including compliance with regulations related to the safety of the collection personnel and the public. Any equipment not meeting standards shall not be used within the City until repairs are made.

b. **Cleaning Collection Vehicles:** Collection and transfer vehicles or other devices used in transporting solid waste shall be cleanable and shall be cleaned at weekly intervals or more often as necessary to prevent odors, insects, rodents, or other nuisance conditions.

c. **Waste Water:** Wastewater from the cleaning process of containers of non-hazardous waste shall be disposed of in a lawful manner.

d. **Vehicle Condition:**

1. Collection vehicles shall be painted no less than every 6 years, with entire collection fleet meeting the 6 year requirement by December 31, 2018.

**9-4-6: PUBLIC RESPONSIBILITY:**

9-4-6-1: PUBLIC RESPONSIBILITY: In addition to and not in lieu of compliance with Chapter 459, ORS, and rules promulgated there under, and other applicable laws and regulations:

W. Property Owners renting residential units shall provide their tenants garbage and recycling service for each dwelling rented as a part of the lease. On or before January 1, 2017, all residentially leased properties shall comply with this Code.