

AN ORDINANCE AMENDING PROVISIONS OF  
CHAPTERS FOUR AND FIVE OF THE BEAVERTON CITY CODE  
RELATING TO NUISANCES AFFECTING THE PUBLIC HEALTH.

**WHEREAS**, the City has the legal authority to and currently does regulate rubbish and solid waste collection; and

**WHEREAS**, the City seeks to amend the code prohibition against rubbish to include, without limitation, household appliances and upholstered furniture, carpet or cardboard stored out-of-doors for more than 72 hours; and

**WHEREAS**, the City seeks to require that all residents dispose of their rubbish and solid waste in an appropriate and timely fashion. Now therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** BC 5.05.095 is amended by striking the existing text and inserting:

“5.05.095 Rubbish.

A. No person shall cause to be placed upon public or private property any kind of rubbish, trash, debris, refuse, or other substance that mars the property’s appearance, creates a stench or a fire hazard, detracts from the cleanliness or safety of the property, or constitutes an unreasonable danger to human life or property. Substances that mar the appearance of property, create a stench or a fire hazard, detract from the cleanliness or safety of property, or constitute an unreasonable danger to human life or property include, but are not limited to, the following items stored out-of-doors for more than 72 hours:

1. carpet,
2. upholstered furniture (unless designed and manufactured for outdoor use and impervious to rain), and
3. household appliances (including, but not limited to, clothes dryers, washing machines, ovens and stoves).

B. No person shall cause rubbish, trash, debris, or refuse to be placed in a dumpster, dropbox, garbage can, or other container unless the person either owns or has authority to use the container.”

**Section 2.** BC 4.08.205 is enacted to read:

“4.08.205 Rulemaking Authority for Administration and Enforcement. The Mayor may promulgate such rules and regulations to promote recycling and proper disposal of solid waste as are necessary for the administration and enforcement of this ordinance, including but not limited to additional definitions, fee collection requirements, service standards, franchisee responsibilities, customer responsibilities, forms and procedures to implement the provisions of

this ordinance, and a process for notice and comment regarding such rules and regulations prior to their adoption.”

**Section 3.** BC 4.08.210 is amended by striking the existing text and inserting:

“4.08.210 Enforcement of Standards: Customers.

A. A violation of a provision of this ordinance or of a rule duly promulgated under authority of this ordinance by a franchise customer shall constitute a Class I Civil Infraction and shall be processed according to the procedure set forth in BC 2.10.010 - 2.10.050.

B. Each violation of this ordinance or of a rule duly promulgated under authority of this ordinance relating to the responsibilities of a franchise customer shall constitute a separate civil infraction. Each day that a violation of a provision of this ordinance or of a rule promulgated under authority of this ordinance is committed or is permitted to continue shall constitute a separate civil infraction.

C. Any penalty imposed pursuant to this ordinance or a rule duly promulgated under authority of this ordinance is in addition to, and not in lieu of, any other civil, criminal or administrative penalty or sanction otherwise authorized by law.”

**Section 4.** BC 4.08.215 is enacted to read:

“4.08.215 Enforcement of Standards: Franchisees.

A. A violation by a franchisee of a provision of this ordinance or of a rule duly promulgated under authority of this ordinance shall constitute an infraction and shall be processed according to the procedure set forth in this ordinance.

B. Infractions under this ordinance and under any rules duly promulgated under authority of this ordinance are classified by an Enforcement Code consisting of two letters.

1. The first letter identifies the severity of the infraction (“A” being the most severe, “B” being the second most severe, “C” being the third most severe and “D” being the least severe).

2. The second letter identifies whether the infraction is measured “Per Day” (referred to as D), "Per Class" (referred to as C), or "Per Incident" (referred to as I).

C. Violation of this ordinance or of a rule duly promulgated under authority of this ordinance by a franchisee is punishable as provided in BC 4.08.420.

D. Any penalty imposed pursuant to this ordinance or a rule duly promulgated under authority of this ordinance is in addition to, and not in lieu of, any other civil, criminal or administrative penalty or sanction otherwise authorized by law.

E. Upon recommendation of the Mayor, the Council may declare a franchisee who fails to abide by the rules to be in default.”

**Section 5.** Those administrative rules duly promulgated under authority of Ordinance No. 4203 and now in effect shall survive the enactment of this ordinance and remain in full force and effect until otherwise repealed or amended.

First reading this 8<sup>th</sup> day of November, 2004.


Passed by the Council this 15<sup>th</sup> day of November, 2004.

Approved by the Mayor this 16<sup>th</sup> day of NOVEMBER, 2004.

ATTEST:

  
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SUE NELSON, City Recorder

APPROVED:

  
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ROB DRAKE, Mayor