

ORDINANCE NO. 4745

**AN ORDINANCE AMENDING BEAVERTON CODE SECTION 4.08.100
TO ADD AN EXCEPTION TO OBTAINING A SOLID WASTE
FRANCHISE AND BEAVERTON CODE SECTION 2.01.050 ON THE
MEASURES THAT MAY BE TAKEN WHENEVER A STATE OF
EMERGENCY HAS BEEN DECLARED, AND DECLARING AN
EMERGENCY**

Whereas, local solid waste haulers are required to obtain a franchise with the City before they may collect and transport solid waste;

Whereas, after a disaster event, local solid waste haulers may not be adequately prepared to handle and dispose of a large amount of solid waste;

Whereas, the Federal Emergency Management Agency has provided that, to remain eligible for Public Assistance resources, no local laws may be violated when conducting reimbursable activity;

Whereas, existing City Code does not provide an exception to allow non-franchised haulers to collect and transport solid waste during an emergency without first obtaining a franchise;

Whereas, the City desires to amend its City Code to create an exception for non-franchised haulers to collect and transport solid waste when a state of emergency has been declared;

Whereas, November and December are months when large winter storms have been historically known to occur; and

Whereas, the City desires to declare an emergency so that the City will not be violating its local laws if a storm occurs in November or December and the City incurs costs by using a non-franchised hauler during a state of emergency.

Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Beaverton Code Chapter 4.08.100 is amended to read as follows:

4.08.100 Nonexclusive Franchise.

G. A franchise is not required of the following:

1. Any person self-hauling solid waste, recyclables or compostable materials. A generator may self-haul his or her own material, and a generator's contractor may haul materials that are generated as a direct result of the service provider's activity. For example,

landscapers, roofers, and remodelers may self-haul materials, but may not contract with third parties other than franchisees for collection and transport.

2. Any person that collects, handles, processes, transports or markets source separated recyclable material where (a) the generator is being paid for the recyclable material, or (b) the net cost to the generator for having the recyclable material removed is zero (\$) for all activities related to each transaction, including but not limited to collection, handling, processing, transporting, marketing, storing and rental of container.

3. Any person that collects, stores, transports, or disposes of waste or solid waste resulting from a disaster event pursuant to a contract with any federal, state or local agency that was entered into during a state of emergency declared pursuant to BC 2.01.040.

Section 2. Beaverton Code Chapter 2.01.050 is amended to read as follows:

2.01.050 Declaration of Emergency – Authorized Procedures.

Whenever a state of emergency has been declared to exist within the City, one or more of the following measures may be taken to further protect life or property:

A. Establishment of a curfew for the area designated as an emergency area which fixes the hours during which all persons, other than officially recognized personnel, may not be upon the public streets or other public places;

B. Prohibition or limitation of the number of persons who may gather or congregate upon any public street, public area, or any outdoor place within the area designated as an emergency area;

C. Barricading of streets and other areas; and vehicular and pedestrian traffic may be prohibited or regulated on streets leading to areas designated as emergency area for such distance as may be deemed necessary under the circumstances;

D. Mandatory evacuation of persons from designated emergency areas;

E. Restricting or prohibiting the sale of products deemed dangerous, including but not limited to alcohol, flammable liquids and explosives;

F. Prohibiting or restricting the possession of any weapons to the extent permitted by law on public streets, in public places, or at any outdoor place;

G. Curtailment or suspension of commercial activity;

H. Interruption or termination of water, gas, or electrical service;

I. Redirection of City funds for emergency use and implementation of City emergency procurement procedures;

J. Use of non-franchised contractor(s) for the management and removal of debris.

K. Other measures which are imminently necessary for the protection of life or property, including entering into or upon private property to prevent or minimize danger to lives or property.

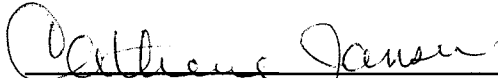
Section 3. This ordinance being necessary for the immediate preservation of the public peace, health, and safety, an emergency is declared to exist, and this ordinance takes effect on its passage.

First reading this 9th day of October, 2018.


Second reading and passage by this Council this 16th day of October, 2018.

Approved by the Mayor this 17th day of October, 2018.

ATTEST:


CATHERINE L. JANSEN, City Recorder

APPROVED:


DENNY DOYLE, Mayor
by Abigail Elder, Mayor Pro Tem