

RESOLUTION NO. 2525

A RESOLUTION ADOPTING RESPONSIBILITIES AND STANDARDS FOR SOLID WASTE COLLECTION AND DROP BOX FRANCHISES

WHEREAS, Hillsboro Municipal Code section 6.08.050 obligates the Council to adopt Responsibilities and Standards for Solid Waste Collection and Drop Box Franchisees; and

WHEREAS, Solid Waste Collection and Drop Box Franchisees must comply with the Responsibilities and Standards in place at the time their franchise is awarded or renewed; and

WHEREAS, the City Council is renewing Solid Waste Collection and Drop Box franchises in Resolution No. 2525 and desires to establish the Responsibilities and Standards applicable to such renewed franchises.

NOW, THEREFORE, THE CITY OF HILLSBORO RESOLVES AS FOLLOWS:

Section 1. Each Solid Waste Collection and Drop Box Franchisee awarded a franchise in Resolution No. 2525 shall comply with the Franchisee Responsibilities and Standards set for in Exhibit A.

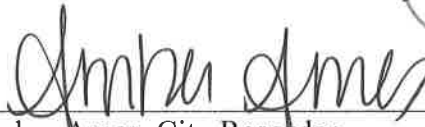
Section 2. Consistent with Hillsboro Municipal Code section 6.08.050, the City shall review and amend as necessary these Responsibilities and Standards in 2021.

Section 3. This resolution is effective immediately upon adoption.

Approved and adopted by the Hillsboro City Council at a regular meeting held on the 17th day of May 2016.



Jerry Willey, Mayor

ATTEST: 

Amber Ames, City Recorder

Exhibit A

[Franchisee Responsibilities and Standards]

Recycling and Solid Waste

Franchisee Responsibilities and Standards

Effective May 17, 2016



Responsibilities and Standards

- A. Purpose
- B. Scope
- C. Goal
- D. Effect
- E. Franchise Requirements
- F. Operational Efficiency Targets

- A. **Purpose.** To establish minimum service requirements for solid waste, recycling and yard debris collection.
- B. **Scope.** Pursuant to Section 6.08.020 of Hillsboro Municipal Code (HMC) these Responsibilities and Standards (Standards) apply to all Collection and Drop Box Franchisees authorized to operate within the incorporated area of the City of Hillsboro.
- C. **Goal.** To provide City of Hillsboro residents and businesses safe and efficient recycling, yard debris and solid waste collection services.
- D. **Effect.** These Standards are designed to:
- Provide efficient collection service.
 - Increase customer access to the benefits of recycling and waste reduction, thereby reducing costs to the customer.
 - Ensure a fair return to the franchisee.
 - Increase the operational life of local landfills.
 - Reduce negative impacts on the environment including waste, pollution, energy and other impacts.
- E. **Franchise Requirements.** Each Collection and Drop Box franchisee shall:
1. **General.**
 - a. **Service Provision.** Provide all services for which a rate has been established by the City.
 - b. **Access to Service.** Provide service to all customers. Preferential treatment shall not be extended to any customer or group of customers. Any service or option available to one customer shall be available to all customers.
 - c. **Fees for Service.** Charge only established rates or fees for services. Franchisees may make allowances or provide services at a reduced cost for a charitable, community, or benevolent purpose or event.
 - d. **Service Standard.** Perform all solid waste management and collection services and drop box services, respectively, under the supervision and to the satisfaction of the City.

- e. **Noise.** Operate with a minimum of noise and disturbance to City residents and businesses, and in compliance with City noise regulations.
- f. **Service Delivery.** Utilize sufficient collection vehicles, containers, facilities, trained personnel and financial resources to provide efficient solid waste management and collection services. When necessary, a franchisee may subcontract with others to provide certain types of specialized service consistent with the standards imposed by the City.
- g. **Level of Service, Exceptions.** Provide service as requested by a customer consistent with the level of service described in HMC Chapter 6.08 and these Standards. Whenever it is infeasible to provide the service requested, provide the customer with a written explanation therefor and suggest an alternative level of service. A copy of the communication will be sent to the City.
- h. **Service Efficiency.** Provide adequate and practical container sizes considering the nature of the community served and efficiency of service.
- i. **Containers, Automated Service.** Furnish, deliver, maintain, and replace all garbage and recycling receptacles that are mechanically lifted and emptied into collection vehicles.
- j. **Collection of Recyclable Materials.** Provide the necessary equipment and labor to collect and deliver to market all recyclable materials designated by the City. For the purposes of these Standards, Recyclable Materials include those listed below, and others that may be identified by the City.
 - 1) Metals: Aerosol cans, aluminum and steel tinned containers, ferrous and nonferrous scrap.
 - 2) Paper: Magazines, newspapers, office paper (including white and colored ledger and computer), mixed scrap paper¹, paper board, box board, and telephone directories.
 - 3) Corrugated cardboard and Kraft paper: Boxes placed outside the receptacle should be flattened and cardboard pieces should be no larger than 36 inches by 36 inches.
 - 4) Plastic bottles and tubs larger than six ounces, plastic buckets five gallons or less and rigid plastic nursery pots four inches or larger.
 - 5) Glass: Bottles/jars, colored and clear. Glass shall be kept on the side, separate from other recyclables, in a rigid container.
 - 6) Yard Debris: Leaves, weeds, grass clippings, branches, and prunings no greater than 4 inches in diameter or 36 inches in length. No animal waste, dirt, sod, stumps, metal, rocks, ashes, food waste, lumber, or garbage shall be included.

¹ For the purposes of these Standards, mixed scrap paper includes junk mail copy and FAX paper, colored and white writing paper, computer paper, tablet and note paper, construction paper, file folders, greyboard (e.g., cereal, cracker and potato chip boxes), shoe and gift boxes, paper towel and toilet paper tubes, paper egg cartons, envelopes, greeting cards, all-paper gift wrap, coupons, brochures bill inserts, Post-it Notes, paper labels from tin cans or bottles, non-Kraft paper bags, and other household paper products that may from time to time be administratively added to this class.

- k. **Glass.** Ensure that glass is collected separately from other recyclable materials.
- l. **Recycling Only Service.** Provide “recycling only” service upon request.
- m. **Spillage Clean Up.** Immediately clean up any solid waste or recyclable materials spilled by the franchisee.
- n. **Disposition of Solid Waste and Opportunity to Recycle.** Dispose of solid waste at an approved disposal site(s) and provide the opportunity to recycle consistent with state law.
- o. **Customer Payment.** Provide for electronic, automatic debit or credit card customer payment.
- p. **Data Requests.** Provide any supplemental statistical data that may from time to time be reasonably requested by the City.
- q. **Bulky Waste.** Provide on-call collection of appliances and other bulky waste, and bulk quantities of recyclables consistent with established rates.
- r. **Overloaded or Unsafe Containers.** Not be required to pick up an overloaded or otherwise unsafe container. A container shall be considered overloaded or unsafe if it is so filled as to allow material to fall out, has large items extending from the container, or is so improperly loaded as to potentially cause damage to equipment or to harm people.
- s. **Compactors.** Utilize compactors that comply with applicable federal, state and local regulations. No compactor may be loaded to exceed the safe operational limits of a franchisee’s collection vehicles. A person wishing solid waste and collection services for a compactor shall inquire of franchisee as to compatibility with the franchisee’s equipment or equipment which the franchisee is willing to acquire.
- t. **Refusal of Service.** Be permitted to refuse to provide service or terminate service to those customers who have failed to make full payment of the amount billed within forty-five (45) days of the billing date. Franchisees shall send any refusal to provide service to the customer in written form, stating the reason for the refusal. Any termination of service shall be preceded by a written notice to the customer mailed at least fifteen (15) days prior to actual termination of service. The customer may appeal to the City the amount billed as not conforming to the rates established by the City. Such appeal shall be considered by the City Manager and shall delay termination of service until twenty (20) days after determination by the City Manager of whether the amount does conform to the rates established by the City. The findings and decisions of the City Manager shall be conclusive and final and subject to review solely as provided by ORS 34.010 to 34.100 (2011) and not otherwise.
- u. **Performance Bond.** Furnish an acceptable performance bond by an acceptable surety company in the amount of one-hundred thousand dollars (\$100,000.00), but may, in lieu of the bond, assign a savings account or deposit in any federally insured financial institution in the amount of one-hundred thousand dollars (\$100,000.00). The performance bond or release of the assignment is conditioned upon faithful performance of all the obligations contained herein with the premium for such bond

or cost of such assignment to be paid by the franchisee furnishing the bond or making the assignment.

- v. **Service Interruption.** Except for the right to terminate service because of nonpayment, pursuant to subsection E.1.t. above, not interrupt service unless access, roads, streets or highways necessary for collection operations are unusable or unsafe and there are no alternative routes. Service shall be resumed within twenty-four (24) hours after access is restored or at such other time as prescribed by the City.
- w. **Insurance.** Maintain general commercial liability, business interruption and automobile insurance policies in such forms and with such companies as approved by the City Manager or designee. The insurance policies shall provide protection for the franchisee and the City, by naming the City, its elected and appointed officials, officers, agents, employees and volunteers as additional insureds. The policies shall be primary policies and provide single limit general liability coverage of two million dollars (\$2,000,000) and separate automobile coverage of one million dollars (\$1,000,000) or the limit of liability contained in ORS 30.260 to 30.300, whichever is greater. The policies shall provide that the City will receive thirty (30) days' written notice of cancellation or material change to each policy.
- x. **Late Fees.** Be permitted to charge late penalties for non-payment of the amount billed if not received within thirty (30) days the billing date and a fee for checks returned from a bank or other financial institution for reason of insufficient funds (NSF), provided that such fees and penalties are consistent with the rates for such fees and penalties established and approved by the City. The customer may appeal to the City the imposition of any such fee or penalty. Such appeal shall be considered by the City Manager or the City Manager's designee. The findings and decisions of the City Manager or the City Manager's designee shall be conclusive and final and subject to review solely as provided by ORS 34.010 to 34.100 (2011) and not otherwise.

2. Residential Service.

- a. **Collection Schedule.** Establish collection schedules that include weekly collection of putrescible waste² except for on-call service and every-other-week collection of recyclable materials, glass and yard debris.
- b. **Roll Carts, Ownership.** Provide and retain ownership of the roll cart(s) required by customers and in accordance with these Standards. In the event a customer loses or damages the cart(s), the franchisee may assess a fee. The franchisee may require the roll cart be placed at the curb or roadside to enhance collection efficiency and may assess a fee (consistent with rates established by the City) should a customer fail to present the roll cart in such fashion unless, pursuant to subsection E.2.i. above, the customer provides franchisee with written notice that he/she is medically or physically

² For the purposes of these Standards, Putrescible Waste is solid waste containing organic material that can be rapidly decomposed by microorganisms, and which may give rise to foul smelling, offensive products during such decomposition or which is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies.

unable comply. In such event, no fee may be assessed and the franchisee must arrange for a mutually convenient system for solid waste management and collection services.

- c. **Roll Carts, Recycling.** Provide ninety to ninety-five (90 – 95) gallon roll carts to single family residences for curbside collection of recyclable materials designated by the City and as described in subsection E.1.j. above.
- d. **Roll Carts, Yard Debris.** Provide sixty (60) gallon yard debris roll carts to single family residences for curbside collection of yard debris.
- e. **Glass Collection.** Provide a bin to single family residences for curbside collection of glass.
- f. **Service Exceptions, Recycling.** Upon request, provide smaller roll carts for recycling to customers with limited space or less frequent collection needs. Roll carts may be returned by the customer if no longer needed.
- g. **Additional Recycling Roll Cart.** Upon request, provide a second roll cart for recycling at no additional cost to the customer.
- h. **Disposition of Collected Recyclable Material.** Comply with ORS 459 and its provisions regarding delivery of collected recyclables.
- i. **Alternative Service.** Provide an alternative to curbside collection service to residential roll cart customers who are physically incapable of placing a cart and recycling collection container at the curb. Customers eligible for this alternative service shall meet one of the following criteria:
 - 1) Meet the eligibility criteria established by the State of Oregon, Department of Motor Vehicles under the definitions of eligibility contained in ORS 801.235; and
 - 2) Attest in writing that no one resides in the house capable of placing the receptacles at the curbside.

Franchisees may require re-confirmation of the exception when there is evidence that the household may no longer qualify. Customers receiving such alternative service shall negotiate with the franchisee and mutually agree upon an alternative location, consistent with the provisions of these Standards, where the cart and container are to be placed on collection day. Should the parties fail to reach agreement on such location, the matter shall be submitted to the City Manager. The findings and decisions of the City Manager shall be conclusive and final.

3. **Commercial and Multi-family Service.**

- a. **Service Container, Landfill-bound Waste.** Provide a single container for solid waste unless one of the following applies³:
- 1) The service volume exceeds the largest container size for which a rate has been established.
 - 2) The customer, after being informed of options and costs, requests containers of lesser volume and pays for an additional container(s) at the additional container rate. The hauler must document the request in its service records.
 - 3) The hauler has a lack of equipment, by choice or shortfall, wherein the hauler must provide an equitable level of service with equipment on hand, but may charge only the single container rate for the level of service requested.
 - 4) It is unsafe (due to weight, distance to collection vehicle or other circumstances) to collect the solid waste in a single container.
- b. **Service Provision.** Provide collection of recyclable materials to all commercial accounts as part of regular solid waste service. For commercial roll cart customers, cart sizes should mirror those listed in subsections E.2.c. and E.2.d. above, unless exceptions will result in enhanced capture of recyclable materials.
- c. **Additional Recycling Roll Cart.** Upon request, for roll cart customers, provide a second roll cart for recycling at no additional cost to the customer.
- d. **Level of Service.** Provide commercial collection service, with containers and receptacles in sizes for which a rate has been established. The service ratio of garbage to recycling shall be 1:2, where the volume of receptacles for recycling is twice that for non-recyclable solid waste. Additional recycling volume shall be charged at the 'recycling only' rate. Yard debris collection service shall be considered additional service and charged the appropriate established service rate. The requirements of this section do not apply when service is provided by drop box, compactor or compacted container.
- e. **Collection of Recyclable Materials.** Collect the recyclable materials described in subsection E.1.j. above.
- f. **Vertical Clearance.** Place containers only in areas with greater than twenty-five (25) feet of vertical clearance.
- g. **No Obstruction of Traffic or Walkways.** Place containers so as not to obstruct traffic or designated pedestrian walkways.

³ The hauler shall not be required to place a container in an enclosure unless there is clear and unobstructed vehicle access to the enclosure, any gate or door on the enclosure is operable during the time of service, the gate or door is able to be secured in the open position, and the usable enclosure opening is at least ten (10) feet wide.

- h. **Containers with Wheels.** Place containers with wheels on level ground unless the wheels are lockable and are able to be positioned in a direction opposite the incline.
- i. **Container Placement.** Place containers so as not to obstruct or block drainage, fire hydrants, or emergency access/egress to a structure.
- j. **Service Frequency.** Collect recyclable materials from multi-family complexes⁴ of over four (4) units, and from commercial, industrial, institutional and governmental customers at least once a month, or more often if needed by the customer or designated by the City. Franchisees shall provide enhanced or additional recycling collection services to multi-family complexes and commercial, institutional and governmental customers when requested by the customer, City or its agents, where space and safety parameters permit, and make any adjustments necessary for the efficient collection of solid waste and recyclable materials.
- k. **Collection of Bulky Waste, Multi-Family.** Assist multi-family complexes to establish specific areas for depositing bulky items or provide a direct on-call pick-up service for tenants that have bulky items. This service may be subcontracted.

4. Vehicle Standards.

- a. **Cleanliness.** All vehicles used by a Franchisee in the collection and/or transportation of solid waste, including recyclables, shall be constructed, loaded, operated and maintained in a manner so as to reduce to the greatest extent practicable dropping, leaking, blowing, sifting or escaping of solid waste or recyclables or liquids from such solid waste or recyclables or from the vehicles (including hydraulic fluid or lubricants from the vehicles) onto private or public property while the vehicles are stationary or in transit.
- b. **Cargo Cover.** All open-body collection vehicles shall have a cover. The cover shall be used at all times the vehicle is in transit unless and only so long as use of the cover is impractical during transport of large items such as appliances and furniture. All vehicles shall be operated in conformity with all applicable federal, state and local laws and regulations.
- c. **Emissions Reduction.** Franchisees operating in the City shall obtain and install exhaust emission reducing equipment when economically feasible or as required by federal, state or regional emissions regulations. Franchisees shall use emission-reducing fuels when available and compatible

⁴ For the purposes of these Standards, Multi-Family Complex includes any multi-dwelling building or group of buildings (i) containing five (5) dwelling units or more on a single lot (i.e., apartments, condominiums, or mobile home parks); and (ii) receiving Solid Waste Management and Collection Services on a per lot or per building, as opposed to per unit, basis. Multi-Family Complex also includes certified or licensed residential care housing such as adult foster care homes and group homes. Multi-family accounts are deemed Residential.

with existing or new equipment, and shall work with the City and its partners to explore and implement emission-reducing applications and technologies.

5. **Customer Service.**

- a. **Excellence in Customer Service.** Strive for excellence in customer service by providing fast, flexible, friendly and fair customer service to all customers.
- b. **Business Office Location and Hours.** Provide a locally-based office staff or answering service available to accept customer calls and complaints at all times during business hours, from 8:00 a.m. to 5:00 p.m. Monday through Friday (weekends, holidays and force majeure circumstances excepted).
- c. **Telephone Service.** Provide dedicated business local or toll free phone lines with franchisee's business name listed as a business in the telephone directory and maintain at least one dedicated telephone line for every 2,000 customers (or fraction exceeding 10%).
- d. **Electronic Mail and Software Capability.** Have electronic mail (email) to receive email from the City and its agents. The email must be capable of receiving, opening and printing documents sent in Microsoft Excel, Microsoft Word and Adobe PDF format.
- e. **Complaints.** Maintain a record of all complaints made to the franchisee regarding service. Complaint information shall include at a minimum:
 - 1) Name, address, and phone number of complainant (if known).
 - 2) Date of the complaint's receipt.
 - 3) Manner thereof (i.e., telephone, email, letter, etc.).
 - 4) Complaint's subject matter.
 - 5) Complaint's disposition and date of complaint.
 - 6) Date of disposition of the complaint.
 - 7) Date and method of notification to the complainant of the disposition.
- f. **Complaint Log.** Make available records of complaints to the City for inspection at any time during normal business hours and upon request. A copy of the complaint log for the calendar quarter shall be submitted to the City with the franchise payment for that calendar quarter.

- g. **Customer Service Demeanor.** Exhibit a professional and customer service-oriented demeanor from both office and on-route staff. Customer communications shall be knowledgeable and courteous in responding to customer inquiries and complaints.
- h. **Customer Service Practices.** Exhibit customer service practices consistent with standards established for City employees.
- i. **Inappropriate Customer Service Language.** Not ever use curt, abrupt, rude or foul language with a customer.
- j. **Customer Service Responsiveness.** Respond to customer inquiries and complaints within 24 hours of receipt unless the day after the incoming call is a holiday or weekend, whereby responses shall be provided by noon on the subsequent day.
- k. **Customer Service Training.** Require that franchisee Customer Service Representatives, management and ownership attend City-sponsored professional quality customer service trainings as defined and requested by the City.
- l. **Secret Shopper Service.** Retain a 'secret shopper' service to periodically call the franchisees' customer service representatives pretending to be a customer and to grade the customer service responses for both accuracy and demeanor.
- m. **Special Hauling Request Response.** Respond to all calls for special hauling within three (3) days from the date of receiving the call.

6. **Customer Education and Promotion.**

- a. **Opportunity to Recycle Notification.** Provide citizens within their respective franchise area with a notice of the opportunity to recycle that includes basic recycling information, clear instructions on the preparation of recyclables, and contact information for further information. Reminder notices shall be provided to all customers at least every six (6) months.
- b. **Service Start Up Notification, Level of Service.** Notify new residential customers at the time of start-up of collection service of:
 - 1) Service level options and rates.
 - 2) Billing procedures.
 - 3) Issuance of recycling bins.

- 4) Basic information on recycling procedures.
- c. **Service Start Up Notification, Waste Diversion Options.** Provide City-approved written informational materials to all new customers within seven (7) days of sign-up. Materials shall include information on:
- 1) Solid waste, recyclable material and yard debris service options.
 - 2) Rates for services, including an explanation of extra charges.
 - 3) A listing of the recyclable materials collected.
 - 4) The schedule of collection.
 - 5) The proper method of preparing materials for collection.
 - 6) The reasons that customers should separate their materials for recycling.
- d. **Service Start Up Notification, Multi-Family Level of Service.** Notify new multi-family customers at the time of start-up of collection service of:
- 1) Service level options and rates.
 - 2) Billing procedures.
 - 3) State of Oregon requirements that all tenants be provided with the opportunity to recycle.
 - 4) The availability of yard debris collection service.
- e. **Service Start Up Notification, Multi-Family Waste Diversion Options.** Provide City-approved written information on the proper preparation of recyclable materials to all new multi-family customers within seven (7) days of sign-up.
- f. **Ongoing Education, Multi-Family.** Provide managers of multi-family complexes with educational/instructional materials regarding best practices for collection of solid waste and recyclable materials including instructional materials for tenants.
- g. **Service Start Up Notification, Commercial Level of Service.** Notify new commercial customers at the time of start-up of collection service of:
- 1) Service level options and rates.
 - 2) Billing procedures.

- 3) Availability of collection of recyclable materials.
 - 4) Availability of yard debris collection services.
 - 5) Availability and benefits of waste evaluations.
- h. **Service Changes Notification, Commercial.** Provide the notifications in E.6.e. above for all existing commercial customers when any change is made to the level or type of service provided to that customer.
- i. **Service Start Up Notification, Commercial Waste Diversion Options.** Provide City-approved written information on the proper preparation of recyclable materials to all new commercial customers within seven (7) days of sign-up.
- j. **Ongoing Waste Diversion Education, Cooperative Efforts.** Cooperate with the City and other agencies in educational and promotional activities to increase participation in recycling. Such activities may include distribution of educational materials and forwarding customer requests for assistance to the City or its agent.
- k. **Commercial Technical Assistance.** Refer each new commercial customer and any customer that requests technical assistance to the City or its agent.
- l. **Labeling.** Maintain proper labeling, including roll carts with City-approved decals.
- F. **Operational Efficiency Targets.** The City may, at its discretion, as part of the annual rate review process, create performance benchmarks in order to measure, track and improve the operational and cost efficiency of the franchisees.