

ORDINANCE NO. 2015 A

**AN ORDINANCE AMENDING SECTION 7.05.015, EXCLUSIVE FRANCHISE AND EXCEPTIONS, AND SECTION 7.05.055, CUSTOMER DISPUTE RESOLUTION, OF THE NEWPORT MUNICIPAL CODE**

WHEREAS, the Council has heard public comment expressing the need to allow contractors to self-haul construction debris, and

WHEREAS, the current Newport Municipal Code does not allow for the self-hauling of construction debris by contractors, and

WHEREAS, the Council desires to amend section 7.05.015 of the Newport Municipal Code, Exclusive Franchise and Exceptions, to allow for limited self-hauling of construction debris by contractors, and

WHEREAS, the Council desires to make clear that actions brought against the City under Section 7.05.055, Customer Dispute Resolution, are subject to applicable tort limits in the Oregon Tort Claims Act and the Oregon Constitution;

NOW THEREFORE THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1: Section 7.05.015 B. is amended by adding the following subsection:

4. Prohibit a contractor licensed in the state of Oregon from transporting and disposing of waste as an incidental part of carrying on the business or service of the demolition, construction, or remodeling of a building or structure or in connection with land clearing and development. Such waste will be generated only by the contractor in connection with the contractor's construction site and hauled in equipment owned by the contractor. For purposes of this section, "incidental" is defined as a total of twelve (12) cubic yards or less of solid waste hauled at any time or in any one piece of equipment.

Section 2: Section 7.05.055, Customer Dispute Resolution, is amended by adding the following subsection:

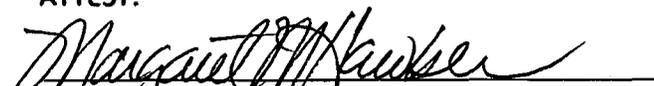
E. Actions brought against the City under this Section shall be subject to the applicable tort limits in the Oregon Tort Claims Act and the Oregon Constitution.

Adopted by the City Council on May 16, 2011.



Mark McConnell, Mayor

ATTEST:

  
Margaret M. Hawker, City Recorder