

TRN-1.18 - Street Leaf Removal Program

STREET LEAF REMOVAL PROGRAM

Administrative Rule Adopted by Portland Bureau of Transportation Pursuant to Rule-Making Authority

ARB-TRN-1.18

I. Introduction (Purpose)

The goal of the City's Street Leaf Removal Program is to remove leaves from city streets during leaf season for traffic safety and water quality protection. The leaf removal service area includes streets that have high concentrations of mature street trees, where fallen leaves can clog catch basins, cause street flooding, and create slippery road conditions that can be hazardous to the traveling public. Streets in the leaf removal service area need a higher level of service than the city's regular street cleaning operation can provide to keep streets safe. Customers in the leaf removal service area benefit from leaf removal from the directly adjacent street area and the street grid that provides access to their neighborhood street. For these reasons, the city leaf removal service will collect any leaves, including yard leaves that are in the street or piled on the street between the curbs in the leaf removal service area.

The fall leaf removal program begins in early November and runs through mid-December. The program provides leaf collection services to approximately 30,000 customer residences or businesses located in the leaf removal service area.

City Council has directed the Bureau of Transportation via City Ordinance 183829 to collect a fee to supplement the cost of leaf collection. The fee is charged to the resident or property manager of each property within the leaf removal service area receiving the benefit of the city's leaf removal services. The resident or property manager is the responsible party for paying the fee.

II. Definitions

Customer

Customer is defined as the resident or property manager of the residential or commercial property within the leaf removal service area.

Implementation Period

The implementation period is during the fall, based on the predicted annual leaf drop, and is intended to provide the best service practicable. It is impossible to predict with certainty when the leaves will drop on every street. Weather can change quickly and without warning, making leaves fall earlier or later than predicted.

Leaf Removal Fee

The leaf removal fee provides funding for the city's Leaf Removal Program. The goal of the Leaf Removal Program is to remove leaves from city streets during leaf season for traffic safety and water quality protection. Fees are charged in the leaf removal service area for the service provided by the city unless an approved opt-out is applied for by the customer and granted by the Bureau of Transportation.

Leaf Removal Service

Leaf removal service is intended to remove the leaves swept into the street by the customer for pickup on the leaf pick-up day as published by the Bureau of Transportation. Service quality is based in part on customer participation and the removal of vehicles from the curbside.

Leaf Removal Service Area and Zones

The city's leaf removal service area is comprised of 30 leaf removal zones, of which 18 are serviced twice for leaves and 12 are serviced once during the implementation period of the program. Service area boundaries are available online at www.portlandonline.com/leafday.

III. Administrative Rule (Policy)

Leaf Removal Fee

The published transportation fee schedule for the Bureau of Transportation is available online at:

<http://www.portlandonline.com/auditor/index.cfm?c=38636&a=308415> (Exhibit A).

The schedule sets forth fees for categories as follows:

Leaf District Customers	Leaf Removal Fee
Residential customers within a single sweep/clean zone	\$15.00
Low-income residential customers in these zones*	\$5.00
Residential customers within a dual sweep/clean zone	\$30.00
Low-income residential customers in these zones*	\$10.00
Residential customers within a single sweep/clean/barricade and tow zone	\$30.00
Low-income residential customers in these zones*	\$10.00
Multi-family property greater than four (4) units	\$65.00
Commercial properties with a street frontage 76 feet or greater	\$65.00
Commercial properties with a street frontage less than 76 feet	
Within a single sweep/clean zone	\$15.00
Within a dual sweep/clean zone	\$30.00
Within a single/sweep/clean/barricade and tow zone	\$30.00

*Low-income residential customers will be identified through the Portland Water Bureau customer database.

Notification of City-Provided Scheduled Cleanings

The Bureau of Transportation will provide notification of upcoming leaf removal cleanings to customers by mail. The notification will include the leaf removal service area and zone boundaries and proposed date(s) of the cleanings. The notification and schedule is also available online at www.portlandonline.com/leafday.

Billing for City-Provided Leaf Removal Service

The city will send a bill for the city-provided leaf removal service by mail to each customer. If the bill is unpaid within 35 days of the original bill date, the city will send a notice of the unpaid bill. Interest will accrue on unpaid bills at the rate of 10 percent per year.

Opt-Out Process

An exemption to the leaf removal fee may be allowed if a customer within the leaf service area applies for and is granted an opt-out from the Bureau of Transportation. To opt out of the leaf removal program, the customer must show that 1) they provided the street leaf removal service themselves; 2) they contracted with someone else for the service; or 3) they have no street trees near their property or parking strip and the trees in their yard do not drop leaves that accumulate in the street. Customers who opt out of the fee may not sweep yard leaves into the street; the street in front of their property must be clean from the center line to the curb line at the time that street sweeping crews arrive. The parking strip is sometimes called a planting strip and is the unpaved area between the curb and sidewalk.

Opt-Out Application

A customer may opt out of the program by submitting an opt-out application prior to October 18, 2011. Completed opt-out applications must be submitted by US mail or online, to the city by 5:00 p.m. on October 18, 2011. The opt-out form is available online at www.portlandonline.com/leafday or by contacting the application processing center at:

Phone: 503-823-1784

Email: leafday@portlandoregon.gov

Mail: Leaf Removal Program Opt-Out, PO Box 8157, Portland OR 97207-8157

Failure to submit the opt-out form by the deadline will void the application. Failure to adhere to the terms of the opt-out program may void the application and/or subject the customer to administrative fees for the leaf collection.

Declaration of No Street Leaves

The applicant shall declare via a completed opt-out application that 1) they will remove the street leaves in front of their property; 2) they will contract with someone else for the service; or 3) they have no street trees near their property and the trees in their yard do not drop leaves that accumulate in the street.

Customers opting out of the leaf removal fee will not be entitled to sweep yard leaves into the street.

The applicant must identify how they qualify for the leaf removal fee exemption. Customer-provided street leaf removal may include the following opt-out strategies or conditions:

- **Additional curbside yard debris hauling** - Customer bags the street leaves and places them at the curb for pickup by their garbage hauler;
- **Self-hauling** - Customer collects the street leaves and hauls them to a yard debris processing facility or city leaf depot;
- **Contracted leaf removal** - Customer contracts with a yard service company that collects the street leaves and hauls them to a yard debris processing facility; or
- **Composting** - Customer collects the street leaves and composts them on site.

Alternatively, the Customer may identify that there are no street trees near their property and the trees in their yard do not drop leaves in the street.

To opt out of the leaf removal fee, the applicant must agree to have their property spot-checked by the city to determine compliance with the terms of the opt-out program. The applicant must also acknowledge that if they violate the terms of the opt-out program, they may be charged an administrative fee to cover program implementation and monitoring.

Opt-Out Evaluation

A Senior Public Works Supervisor for the city's Street Cleaning Section will review each opt-out application. Opt-out approval will be contingent upon the following:

- Customer submits an accurate completed application by October 18, 2011, and
- The city spot checks addresses within the leaf removal service area for compliance with the opt-out policies.

Opt-Out Approval and Notification

The city will notify the customer in writing of the result of their application.

Opt-Out Sequence of Events

For the 2011 leaf removal program, the opt-out sequence of events is as follows:

- City notifies customer of leaf removal program and opt-out application process by mail;
- Customer submits leaf removal fee opt-out application form, if wanting to opt out of the fee;
- City conducts final leaf cleaning;
- City notifies customer if there is any concern about compliance with the opt-out requirements; and
- Customer submits payment only if the customer failed to comply or failed the spot check.

Appeal

If a customer wishes to appeal a decision to deny their opt-out application, they may submit a written request for an administrative review to the Division Manager for the city's Street Cleaning Section. The request for review must be delivered to the Bureau of Transportation within five (5) business days of the customer receiving notice of the denial of their application. Submit appeals to the following:

Email: leafday@portlandoregon.gov

Mail: Leaf Removal Program Opt-Out, 2929 N. Kerby Avenue, Portland OR 97227

Renewal or Reinstatement

Because conditions change, customers must apply annually for a leaf removal program opt-out.

Remedies

The city shall administer the Leaf Removal Fee Program in a manner that seeks to ensure the efficient use of public resources to advance the goals of the program. To this end the city may exercise the following remedies.

False Filings

In the event that an applicant files false information to receive an opt-out or files a duplicate application, the city shall recover any opt-out fees that have been granted to the applicant for any property, administrative costs, plus accrued interest at a simple annual rate of 10 percent, and any penalty for false filing authorized by State law. The city shall provide a hearing to consider testimony from the applicant before making a final determination in such matters.

Failure to Comply with Program Requirements

The city is authorized to recoup an opt-out approval, plus accrued simple interest at a rate of 10 percent per annum, if the city determines that the applicant has failed to comply with program requirements. The city shall provide a hearing to consider testimony from the applicant before making a final determination in such matters.

Collections

The city is authorized to employ any legal means to recoup leaf removal fees, accrued interest, civil penalties, collection costs and related overhead that are imposed on an applicant as a result of a hearing to determine remedies for false filings or failures to comply with program requirements.

Disqualification

The city may permanently disqualify an applicant or a property from participation in the opt-out program as a remedy for a violation of the program requirements or administrative rules.

IV. Reference

Ordinance No. 183829, passed by City Council May 26, 2010 and effective July 1, 2010.

TRANSPORTATION FEE SCHEDULE BCP-TRN-3.450 (Fee schedules amended by Director of Portland Bureau of Transportation and filed for inclusion in PPD June 30, 2010).

HISTORY

Administrative rule adopted by Director of Portland Bureau of Transportation and filed for inclusion in PPD November 3, 2010.

Amended by Director of Portland Bureau of Transportation December 3, 2010.

Amended by Director of Portland Bureau of Transportation August 30, 2011.