

## **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

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#### **I. Introduction (Purpose)**

The goal of the City's Street Leaf Removal Program is to remove leaves from City streets for traffic safety and water quality protection. The service is provided to 28 designated leaf removal districts. These neighborhoods 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 leaf removal districts need a higher level of service than the City's regular street cleaning operation can provide to keep streets safe. Customers in these neighborhoods 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 that are in the street or piled on the street between the curbs in the designated leaf removal districts.

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 designated neighborhoods, or leaf removal districts.

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

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#### **II. Definitions**

##### **Leaf Removal District**

The City has 28 leaf removal districts, of which 18 are swept for leaves twice in the fall and 10 only once in the fall. District boundaries are available online at [www.portlandonline.com/transportation/leafremoval](http://www.portlandonline.com/transportation/leafremoval).

The leaf removal districts are as follows:

- Single Sweep/Clean (4): Garthwick, Hillside, Mt Tabor, Overlook;
- Dual Sweep/Clean (18): Alameda, Beaumont/Rose City (merged), Boise/Humboldt (new), Buckman, Eastmoreland A, Eastmoreland B, Irvington A, Irvington C (increased size), Irvington D, Ladds Addition, Laurelhurst A, Laurelhurst B, Laurelhurst C, Mocks Crest (increased size), St Johns (new), University Park, Walnut Park, Westmoreland Sellwood;
- Northwest Clean Sweeps (6): Northwest 1, Northwest 2, Northwest 3, Northwest 4, Northwest 5, Sullivan's Gulch (new, formerly Irvington B).

##### **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 for traffic safety and environmental health. Fees are charged in leaf removal districts 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.

##### **Customer**

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

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#### **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 district	\$15.00
Low-income residential customers with single clean*	\$5.00
Residential customers within a dual sweep/clean district	\$30.00
Low-income residential customers with dual clean*	\$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 district	\$15.00
Within a dual sweep/clean district	\$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 district boundaries and proposed date(s) of the cleanings. The notification is available online at [www.portlandonline.com/transportation/leafremoval](http://www.portlandonline.com/transportation/leafremoval).

### **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. The bill will be sent the Monday following the customer's only or final sweep. If the bill is unpaid within 28 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 a leaf district 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 they provided the street leaf removal service themselves, they contracted with someone else for the service, or they have no street trees near their property and the trees in their yard do not drop leaves that accumulate in the street. In addition, the customer may opt out of the 2010 fee if they declare that they would have managed the street leaves themselves if they had had earlier notification about the fee and the opt-out process.

#### **Opt-Out Application and Affidavit**

A customer interested in receiving an opt-out from the leaf removal program must submit a completed application and signed affidavit in accordance with procedures established in this policy. Opt-out applications may be submitted by US mail or hand delivery and must be submitted to the City within 14 business days of the date of the customer's bill for the City leaf removal service. The opt-out form is available online at [www.portlandonline.com/transportation/leafremoval](http://www.portlandonline.com/transportation/leafremoval) or by contacting the application processing center (not revenue billing) at:

Phone: 503-823-1784

Email: [leafremoval@portlandoregon.gov](mailto:leafremoval@portlandoregon.gov)

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

#### **Customer-Provided Street Leaf Removal and Affidavit**

The applicant shall declare via a completed application and signed affidavit that they removed the street leaves in front of their property, they contracted with someone else for the service, they have no street trees near their property and the trees in their yard do not drop leaves that accumulate in the street, or they lacked adequate notification about the fee and the opt-out process.

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;

- **Composting** - Customer collects the street leaves and composts them on site;
- **No street trees, no leaves** - Customer has no street trees near their property and the trees in their yard do not drop leaves in or near the street; or
- **Lacked advance notice** - Customer declares that they would have managed the street leaves in front of their property themselves if they had had earlier notification about the fee and the opt-out process.

### **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 a complete application that the City receives within 14 business days after the customer receives their bill for the City leaf removal service, and
- The City spot checks addresses within the leaf removal districts for compliance with the opt-out policies.

### **Opt-Out Approval and Notification**

Upon receipt of the customer's completed application and proof of payment for their own street leaf removal, the City will notify the customer in writing of the results of their application. If the application is approved, the City will credit the customer's account within five (5) business days.

### **Opt-Out Process Schedule**

For the initial year (2010) a typical billing and opt-out schedule may be as follows:

**Example:** Alameda leaf removal district with a November 22nd final scheduled cleaning

- |  |                           |
|--|---------------------------|
| • City notifies customer of leaf cleaning date(s) by mailer  | October 25, 2010          |
| • City conducts final leaf cleaning                          | November 22               |
| • City sends leaf removal bill to customer                   | November 29*              |
| • Customer receives City billing for leaf removal            | November 30               |
| • Customer submits opt-out application and proof of payment  | November 30-December 17** |
| • City notifies customer of the results of their application |                           |

\*City sends leaf removal bill to customer the Monday after the final scheduled cleaning.

\*\*Opt-out application must be submitted to the City within 14 business days of the date of the customer's bill for City leaf removal service.

### **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: [leafremoval@portlandoregon.gov](mailto:leafremoval@portlandoregon.gov)

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

### **Renewal or Reinstatement**

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 ensures the efficient and effective 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, 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.

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### **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).

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### **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.