

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING )  
METRO CODE CHAPTER 5.02 TO )  
REPLACE THE LITTER CONTROL )  
SURCHARGE AT METRO TRANSFER )  
STATIONS WITH A SURCHARGE )  
BASED ON WEIGHT OF THE )  
UNSECURED LOAD )

ORDINANCE NO. 01-898

Introduced by Mike Burton,  
Executive Officer

WHEREAS, littering is unlawful and undesirable; and

WHEREAS, in order to educate customers who litter and to recover the cost of litter pick up from those customers, Metro transfer stations now impose a surcharge on all customers who arrive with unsecured loads of solid waste; and

WHEREAS, the litter control surcharge varies based on commercial vs. non-commercial customer type; and

WHEREAS, a per-ton surcharge, regardless of commercial or non-commercial status of the hauler, would be viewed as more equitable both by Metro staff and by Metro transfer station customers; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

SECTION 1. Metro Code Section 5.02.035 is amended to read:

5.02.035 Litter Control Surcharge

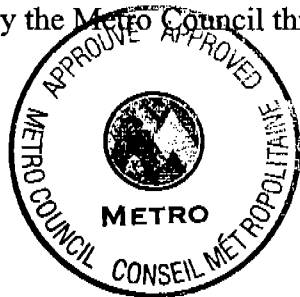
(a) A surcharge of \$25 per ton, up to a maximum amount of \$100, shall be levied against any customer who disposes of solid waste or a Recoverable Solid Waste at Metro Central Station or at Metro South Station if, when entering the facility, any portion of the customer's waste or Recoverable Solid Waste is unsecured and visible to Metro scalehouse personnel. (b) No surcharge shall be levied under this section if the solid waste or Recoverable Solid Waste is only visible through a secure covering.

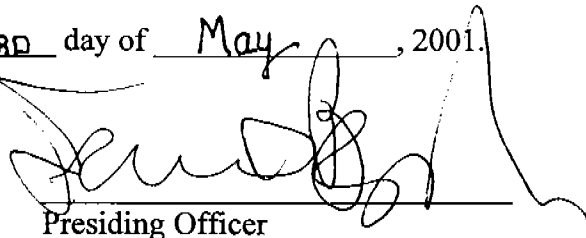
(c) Notwithstanding subsection (a) of this section, a surcharge of \$4 per Solid Waste Disposal Transaction shall be levied against any customer who disposes of a single load of solid waste or recoverable solid waste that weighs

320 pounds or less and that is unsecured and visible to Metro scalehouse personnel.

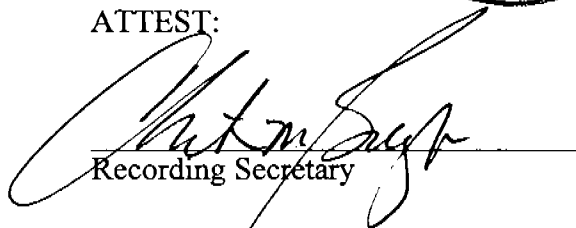
(d) The surcharge provided for in this section shall be collected in the same manner as Metro collects all other disposal fees and charges at the facility.

ADOPTED by the Metro Council this 3rd day of May, 2001.



  
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Presiding Officer

ATTEST:

  
\_\_\_\_\_  
Recording Secretary

Approved as to Form:

  
\_\_\_\_\_  
Daniel B. Cooper, General Counsel

## **EXECUTIVE SUMMARY ORDINANCE 01-898**

### **PROPOSED ACTION**

- Adopt Ordinance 01-898 that converts the transaction-based litter control surcharge at Metro transfer stations to a per-ton surcharge.

### **WHY NECESSARY**

The current transaction-based surcharge is:

- Inequitable
- Poorly known by customers
- Punitive

The new proposed per-ton surcharge would be:

- More equitable
- Simpler to communicate
- Less punitive

### **ISSUES/CONCERNS**

- Currently, self-haul customers are charged a \$25 surcharge when arriving at a Metro transfer station with an unsecured load of solid waste. This is a 150% surcharge for those who are charged the minimum tip fee.
- Self-haul customers commonly pay in cash, and few carry cash adequate to pay the litter control surcharge.
- Many self-haulers are not aware of the surcharge.
- Occasionally, customers become argumentative when confronted with an extra \$25 surcharge, making the enforcement duties of scalehouse employees more difficult.

### **BUDGET/FINANCIAL IMPACT**

None

## STAFF REPORT

Consideration of Ordinance No. 01-898, for the purpose of amending Metro code chapter 5.02 to replace the litter control surcharge at Metro transfer stations with a surcharge based on weight of the unsecured load.

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March 2001

Presented by: Terry Petersen

### BRIEF DESCRIPTION OF ORDINANCE

This ordinance would change the way litter control surcharges are imposed at Metro transfer stations, from a per-load surcharge to a per-ton surcharge on unsecured loads. This ordinance would require that a second, higher solid waste rate be posted alongside Metro's established solid waste rate, displaying a higher rate for customers who arrive with unsecured loads. It would not change the established Metro solid waste rate.

### EXISTING LAW

Littering is illegal under Oregon Revised Statutes Chapter 164 Sections 785 and 805. Metro Code Chapter 5.02 imposes a \$25 per load surcharge on non-commercial customers and a \$100 surcharge on commercial customers whose loads arrive untarped or unsecured at Metro transfer stations.

### BACKGROUND

Nearly 100% of commercial customers to Metro transfer stations arrive with covered and secured loads. Occasionally, self-haul (and, rarely, commercial) customers arrive at a Metro transfer station with a load not secured with a tarp.

Existing Metro Code (Chapter 5.02) imposes a \$25.00 per non-commercial vehicle or \$100.00 per commercial load surcharge for unsecured loads arriving at Metro transfer stations. While not intended to be punitive, a litter control surcharge can be an important deterrent and educational tool; however, the current litter control surcharge implementation is inequitable, not well known by customers, and can be punitive.

#### *Equity*

Typically, non-commercial customers dispose of small loads of waste at Metro's transfer stations. Such small loads incur the minimum tip fee of \$15, including transaction fee, commonly paid in cash. In the event of an unsecured load, the \$25 litter control surcharge adds over 150% to the customer's total bill. Few cash-paying non-commercial customers carry this extra cash, and some become angry when asked for it. A commercial customer with a relatively small two-ton load would experience a 75% bill increase due to the existing litter control surcharge; large unsecured loads—of eight tons, for example—see only a 20% increase. Arguably, commercial customers ought to know better and should be penalized at least as severely, if not more, than non-commercial customers.

A per-ton surcharge would ensure that all customers are dealt with on an equal basis (see “*Punitiveness*” section).

*Customer Awareness*

Currently, the per-transaction litter control surcharge is posted at Metro transfer stations as a “footnote” to the Metro tip fee. The proposed per-ton surcharge would allow posting two separate tip fees, one for secured loads (\$62.50), one for unsecured loads (\$87.50). Such posting would provide clearer communication to customers and presumably make the enforcement duties of scalehouse employees easier. Additionally, the majority of customers—who arrive with properly secured and covered loads—could easily see the financial “savings” they enjoy for doing the right thing.

*Punitiveness*

A 150% surcharge is perceived as punitive by non-commercial haulers; commercial haulers’ surcharges, at 20-75%, are less punitive. A \$25 per-ton surcharge would decrease the punitiveness on non-commercial customers. The proposed per-ton surcharge would add only \$4, or 27%, to the minimum tip fee of \$15. Capped at \$100 per transaction, the proposed per-ton surcharge will add \$100, or 31%, to the bill for a typical five-ton commercial load.

A \$25 per-ton surcharge, capped at \$4 minimum and \$100 maximum, will create a fairer, more effective educational tool for discouraging litter among Metro’s transfer station customers.

**BUDGET IMPACT**

None

**OUTSTANDING QUESTIONS**

None

**EXECUTIVE OFFICER’S RECOMMENDATION**

The Executive Officer recommends approval of Ordinance 01-898.