

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE)	ORDINANCE NO. 08-1201
BUSINESS RECYCLING REQUIREMENT)	
MODEL ORDINANCE PURSUANT TO METRO)	Introduced by Michael Jordan, Chief
CODE SECTION 5.10.350 AND THE REGIONAL)	Operating Officer, with the concurrence of
SOLID WASTE MANAGEMENT PLAN, 2008-)	David Bragdon, Council President
2018 UPDATE)	

WHEREAS, on July 24, 2008, the Metro Council adopted Ordinance No. 07-1162A, For the Purpose of Adopting the Regional Solid Waste Management Plan, 2008-2018 Update (RSWMP), which when it is effective on October 22, 2008, will provide the Portland metropolitan area with policy and program direction for the next decade;

WHEREAS, on July 24, 2008, the Metro Council adopted Ordinance No. 08-1183A, For the Purpose of Amending Metro Code Title V, Solid Waste, to Add Chapter 5.10, Regional Solid Waste Management Plan, to Implement the Requirements of the 2008-2018 Regional Solid Waste Management Plan, which will take effect on October 22, 2008;

WHEREAS, the RSWMP includes the Waste Reduction Program required by ORS Chapter 459;

WHEREAS, the Metro Council has identified the specific enforceable components of the Waste Reduction Program through changes to the Metro Code;

WHEREAS, the Metro Council adopted Ordinance No. 08-1198, For the Purpose of Amending the Regional Solid Waste Management Plan, 2008-2018 Update, to Include a Business Recycling Requirement;

WHEREAS, the Metro Council adopted Ordinance No. 08-1200, For the Purpose of Amending Metro Code Chapter 5.10, Regional Solid Waste Management Plan, by Adding Provisions to Implement the Business Recycling Requirement; and

WHEREAS, Metro Code Section 5.10.350, adopted by Ordinance No. 08-1200, requires Metro to adopt a Business Recycling Requirement Model Ordinance that includes a compliance element; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

As required by Metro Code Section 5.10.350, the Business Recycling Requirement Model Ordinance, attached as Exhibit A, is hereby adopted.

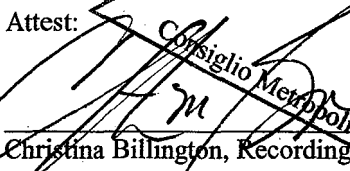
ADOPTED by the Metro Council this 18th day of September 2008.

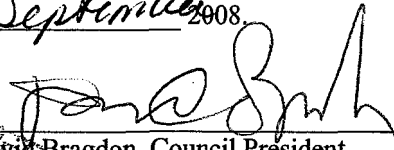
Officially Approved

Approvato Ufficiale

Consiglio Metropolitan

METRO COUNCIL

Attest:  Christina Billington, Recording Secretary

 David Bragdon, Council President

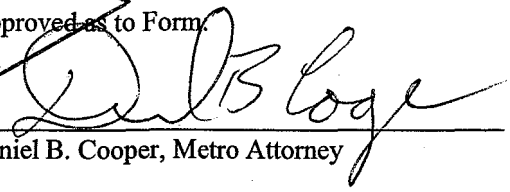
Approved as to Form:  Daniel B. Cooper, Metro Attorney

Exhibit A to Ordinance No. 08-1201
BUSINESS RECYCLING REQUIREMENT MODEL ORDINANCE

Section 1. Intent

The purpose of this ordinance is to comply with the Business Recycling Requirement set forth in Metro Code Chapter 5.10. A significant increase in business recycling will assist the Metro region in achieving waste reduction goals, conserving natural resources, and reducing greenhouse gas emissions.

Section 2. Applicability

This ordinance applies to all Businesses and Business Recycling Service Customers. A Business is any entity of one or more persons, corporate or otherwise, engaged in commercial, professional, charitable, political, industrial, educational, or other activity that is non-residential in nature, including public bodies. A Business Recycling Service Customer is a person who enters into a service agreement with a waste hauler or recycler for business recycling services.

This ordinance does not apply to Businesses whose primary office is located in a residence. A residence is the place where a person lives.

Section 3. Business Recycling Requirement

Businesses shall source separate all recyclable paper, cardboard, glass and plastic bottles and jars, and aluminum and tin cans for reuse or recycling.

Businesses and Business Recycling Service Customers shall ensure the provision of recycling containers for internal maintenance or work areas where recyclable materials may be collected, stored, or both.

Businesses and Business Recycling Service Customers shall post accurate signs where recyclable materials are collected, stored, or both that identify the materials that the Business must source separate for reuse or recycling and that provide recycling instructions.

Section 4. Exemption from Business Recycling Requirement

A Business may seek exemption from the Business Recycling Requirement by providing access to a recycling specialist for a site visit and establishing that it cannot comply with the Business Recycling Requirement.

Section 5. Compliance with Business Recycling Requirement

A Business or Business Recycling Service Customer that does not comply with the Business Recycling Requirement may receive a written notice of noncompliance. The notice of noncompliance shall describe the violation, provide the Business or Business Recycling Service Customer an opportunity to cure the violation within the time specified in the notice, and offer assistance with compliance.

A Business or Business Recycling Service Customers that does not cure a violation within the time specified in the notice of noncompliance may receive a written citation. The citation shall provide an additional opportunity to cure the violation within the time specified in the citation and shall notify the Business or Business Recycling Service Customer that it may be subject to a fine.

A Business or Business Recycling Service Customer that does not cure a violation within the time specified in the citation may be subject to a fine.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 08-1201, FOR THE PURPOSE OF ADOPTING THE BUSINESS RECYCLING REQUIREMENT MODEL ORDINANCE PURSUANT TO METRO CODE SECTION 5.10.350 AND THE REGIONAL SOLID WASTE MANAGEMENT PLAN

Date: August 18, 2008

Prepared by: Marta McGuire

BACKGROUND

Ordinance No. 08-1201 provides model code language to implement the Business Recycling Requirement (Ordinance No. 08-1200) of the Regional Solid Waste Management Plan 2008-2018.

The Metro Council will consider adoption of the Business Recycling Requirement in Ordinance No. 08-1200. The staff report related to this ordinance provides the history and purpose of the business recycling requirement.

The purpose of this Model Ordinance is to provide a specific example of provisions approved by the Metro Council that can be used by a local government to comply with the performance standards for Metro Code Section 5.10.330 – Business Recycling Requirement Performance Standard. This section describes specific performance standards and practices for local governments. Metro Code Section 5.10.350 requires Metro to adopt a Business Recycling Requirement Model Ordinance for use by local governments to comply with the Metro Code. This Model Ordinance fulfills this requirement. It is also consistent with Metro policies in the 2008-2018 Regional Solid Waste Management Plan.

The purpose of the Business Recycling Requirement is to provide an opportunity for businesses to work with local governments to provide recycling education, to create a consistent standard throughout the Metro region and to increase recycling, thereby assisting the Metro region in meeting recovery goals, conserving natural resources and reducing greenhouse gas emissions. This Model Ordinance addresses those purposes.

This Model Ordinance provides only one method of complying with the Business Recycling Requirement. The Model Ordinance shall be advisory and local governments are not required to adopt the Model Ordinance, or any part thereof, to comply with this title. Local governments that adopt the Model Ordinance in its entirety shall be deemed to have complied with the Business Recycling Requirement.

ANALYSIS/INFORMATION

1. Known Opposition: There is no known opposition to the model ordinance.

2. Legal Antecedents: Ordinance No. 07-1162A, (For the Purpose of Adopting the Regional Solid Waste Management Plan, 2008-2018 Update), adopted July 2008; Ordinance No. 08-1183A, (For the Purpose of Amending the Metro Code Title V, Solid Waste, to Add, Chapter 5.10, Regional Solid Waste Management Plan, to Implement the Requirements of the 2008-2018 Regional Solid Waste Management Plan), adopted July 2008; Metro Charter; Metro Code Title V Solid Waste; and ORS Chapters 268 and 459.

3. Anticipated Effects: The Model Ordinance provides one method of complying with the Business Recycling Requirement. The Model Ordinance is advisory and local governments are not required to adopt the ordinance.

4. Budget Impacts: No direct budget impacts; however, there are budget impacts related to the Business Recycling Requirement (Ordinance No. 08-1200) identified in the related staff report.

RECOMMENDED ACTION

The Chief Operating Officer recommends approval of Ordinance No. 08-1201.