

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING METRO)	ORDINANCE NO. 91-397
CODE SECTION 5.02.035 LITTER)	
CONTROL BY ESTABLISHING A)	Introduced by Rena Cusma,
SURCHARGE FOR UNCOVERED LOADS)	Executive Officer

WHEREAS, The transport of uncovered loads of solid waste to Metro facilities causes litter along the region's streets and highways that is unsightly and expensive to remove; and

WHEREAS, Metro currently charges double solid waste disposal fees for vehicles "that are not covered with a secure tarp or solid tight fitting cover that prohibits material from being blown from the vehicle while in motion"; and

WHEREAS, The existing policy has resulted in fees that do not always match the severity of the violation, and in arguments between haulers and scalehouse personnel over the security of the load; and

WHEREAS, It is believed that establishment of a flat surcharge for large, usually commercial uncovered loads, and a separate flat surcharge for small, usually self-haul uncovered loads, would be a more equitable way to encourage haulers to secure their loads; and

WHEREAS, It is believed that a standard for assessing a surcharge that is based on the visibility of the load will result in fewer arguments over whether a surcharge is warranted; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section I. Section 5.02.035 of the Metro Code is repealed, and the following is adopted in lieu thereof:

5.02.035 Litter Control Surcharge: A surcharge shall be levied against a person who disposes of waste at a Metro operated solid waste disposal facility, transfer station, recycling center or compost facility, if when entering the facility any portion of the waste is visible to Metro scalehouse personnel, unless the waste is only visible through a secure covering. The surcharge shall be \$100.00 for a load delivered by a vehicle greater than three-quarter ton capacity, and \$25.00 for a load delivered by a vehicle of three-quarter ton capacity or less, and shall be collected in the same manner as other disposal fees are collected at the facility.

ADOPTED by the Council of the Metropolitan Service District this 23rd day of May, 1991.



Tanya Collier, Presiding Officer

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 91-397 FOR THE PURPOSE
OF AMENDING METRO CODE SECTION 5.02.035 LITTER CONTROL BY
ESTABLISHING A SURCHARGE FOR UNCOVERED LOADS

Date: April 17, 1991

Presented by: Sam Chandler

FACTUAL BACKGROUND AND ANALYSIS

This Ordinance will Amend Metro Code 5.02.035 Litter Control. Since January of 1990 Metro scalehouse employees have been more diligent in their enforcement of the current uncovered loads policy in order to prepare our customer for what would be an even more stringent but more equitable uncovered loads policy due to be effective July 1, 1991.

We have found there are some weakness and inconsistencies that prohibit us from enforcing the current policy in a fair and equitable manner.

Currently, loads of solid waste that are judged by scalehouse personnel to be uncovered are assessed a penalty which doubles the disposal charge which would otherwise be charged. In some cases this can amount to several hundred dollars for a commercial hauler. The typical self-hauler who is penalized for an uncovered load pays double the flat rate or \$30 for failure to cover the load. Therefore, there is no consistent fee or penalty for uncovered loads and in many instances the fee does not match the severity of the violation. The computation of the penalty and the arguments that result from our scalehouse judgement decisions unduly complicate our relationship with our customers without effectively causing compliance with the uncovered load policy.

It is proposed that we implement a program which uses a surcharge of \$100.00 for a load delivered by a vehicle greater than three-quarter ton capacity, and \$25.00 for a load delivered by a vehicle of three-quarter ton capacity or less, and shall be collected in the same manner as other disposal fees are collected at the facility. Rather than requiring scalehouse personnel to determine whether a faulty cover does or does not allow material to be blown from the vehicle while in motion, the proposed policy would impose a surcharge on any visibly uncovered waste. Customers Delivering uncovered loads would not be turned away from the facility as is now sometimes the case. Each vehicle subject to the surcharge would be documented with a photo and subject to review by the Operations Manager.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 91-397.

SC:ay
STAF0417.RPT
April 17, 1991

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING METRO)	ORDINANCE NO. 91-397
CODE SECTION 5.02.035 LITTER)	
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SURCHARGE FOR UNCOVERED LOADS)	Executive Officer

WHEREAS, The transport of uncovered loads of solid waste to Metro facilities causes litter along the region's streets and highways that is unsightly and expensive to remove; and

WHEREAS, Metro currently charges double solid waste disposal fees for vehicles "that are not covered with a secure tarp or solid tight fitting cover that prohibits material from being blown from the vehicle while in motion"; and

WHEREAS, The existing policy has resulted in fees that do not always match the severity of the violation, and in arguments between haulers and scalehouse personnel over the security of the load; and

WHEREAS, It is believed that establishment of a flat surcharge for large, usually commercial uncovered loads, and a separate flat surcharge for small, usually self-haul uncovered loads, would be a more equitable way to encourage haulers to secure their loads; and

WHEREAS, It is believed that a standard for assessing a surcharge that is based on the visibility of the load will result in fewer arguments over whether a surcharge is warranted; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section I. Section 5.02.035 of the Metro Code is repealed, and the following is adopted in lieu thereof:

~~[5.02.035 Litter Control: All vehicles entering Metro operated solid waste facilities, transfer stations, recycling centers, or compost facilities with loads that are not covered with a secure tarp or solid tight fitting cover that prohibits material from being blown from the vehicle while in motion shall be charged double the total disposal charge which would otherwise be charged.]~~

5.02.035 Litter Control Surcharge: A surcharge shall be levied against a person who disposes of waste at a Metro operated solid waste disposal facility, transfer station, recycling center or compost facility, if when entering the facility any portion of the waste is visible to Metro scalehouse personnel, unless the waste is only visible through a secure covering. The surcharge shall be \$100.00 for a load delivered by a vehicle greater than three-quarter ton capacity, and \$25.00 for a load delivered by a vehicle of three-quarter ton capacity or less, and shall be collected in the same manner as other disposal fees are collected at the facility.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1991.

Tanya Collier, Presiding Officer

SC:ay
SW91-397.ORD
April 16, 1991

SOLID WASTE COMMITTEE REPORT

ORDINANCE NO. 91-397, FOR THE PURPOSE OF AMENDING METRO CODE SECTION 5.02.035 LITTER CONTROL BY ESTABLISHING A SURCHARGE FOR UNCOVERED LOADS

Date: May 22, 1991

Presented by: Councilor DeJardin

Committee Recommendation: At the May 22, 1991 meeting, the Committee voted unanimously to recommend adoption of Ordinance No. 91-397. Voting in favor were Councilors DeJardin, Gardner, McFarland, McLain, and Wyers.

Committee Issues/Discussion: Sam Chandler, Solid Waste Facilities Manager, gave staff's report by responding to questions raised in a memorandum from Council staff.

He said the Solid Waste Department does not know exactly how many uncovered loads come to Metro facilities, but the department believes the vast majority of litter near stations is due to unsecured loads. He said the majority of the problems are due to self-haulers.

He said the surcharge figures recommended by Department staff are sufficiently high to be a deterrent, but not onerous. The aim of the policy is to encourage compliance, not to seek revenue. Staff had looked at the possibility of issuing tickets, but found that the administrative review process would be too complicated, and that Metro lacked the necessary authority.

Councilor DeJardin noted the importance of adequate public notice, possibly through signage prior to beginning of enforcement. He also asked how the ordinance would be applied if the waste consists of lumber or bottles, which are less likely to be thrown from an uncovered load.

Mr. Chandler said the surcharge would be imposed when a hauler brings an uncovered load for the third time. Scalehouse technicians must exercise judgment to determine whether the ordinance applies to the type of load.

Councilor McFarland said she believes judgment calls should be avoided, and that the surcharge should be assessed against questionable uncovered loads unless it is clear the ordinance does not apply.

Councilor Gardner noted that the effect of the amendment is to reduce the penalty for commercial haulers and increase it for self-haulers. He found this approach persuasive in light of staff's comment that 90% of the litter is attributable to self-haulers.

Councilor Wyers suggested that after the policy has been in place for a year, the Department should consider assessing the surcharge after one warning.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 91-397 FOR THE PURPOSE OF AMENDING METRO CODE SECTION 5.02.035 LITTER CONTROL BY ESTABLISHING A SURCHARGE FOR UNCOVERED LOADS

Date: April 17, 1991

Presented by: Sam Chandler

FACTUAL BACKGROUND AND ANALYSIS

This Ordinance will Amend Metro Code 5.02.035 Litter Control. Since January of 1990 Metro scalehouse employees have been more diligent in their enforcement of the current uncovered loads policy in order to prepare our customer for what would be an even more stringent but more equitable uncovered loads policy due to be effective July 1, 1991.

We have found there are some weakness and inconsistencies that prohibit us from enforcing the current policy in a fair and equitable manner.

Currently, loads of solid waste that are judged by scalehouse personnel to be uncovered are assessed a penalty which doubles the disposal charge which would otherwise be charged. In some cases this can amount to several hundred dollars for a commercial hauler. The typical self-hauler who is penalized for an uncovered load pays double the flat rate or \$30 for failure to cover the load. Therefore, there is no consistent fee or penalty for uncovered loads and in many instances the fee does not match the severity of the violation. The computation of the penalty and the arguments that result from our scalehouse judgement decisions unduly complicate our relationship with our customers without effectively causing compliance with the uncovered load policy.

It is proposed that we implement a program which uses a surcharge of \$100.00 for a load delivered by a vehicle greater than three-quarter ton capacity, and \$25.00 for a load delivered by a vehicle of three-quarter ton capacity or less, and shall be collected in the same manner as other disposal fees are collected at the facility. Rather than requiring scalehouse personnel to determine whether a faulty cover does or does not allow material to be blown from the vehicle while in motion, the proposed policy would impose a surcharge on any visibly uncovered waste. Customers Delivering uncovered loads would not be turned away from the facility as is now sometimes the case. Each vehicle subject to the surcharge would be documented with a photo and subject to review by the Operations Manager.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 91-397.

SC:ay
STAF0417.RPT
April 17, 1991



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

TO: Council Solid Waste Committee

FROM: Karla Forsythe, ^{VLF} Council Analyst

DATE: May 14, 1991

RE: Ordinance No. 91-397, For the Purpose of Amending Metro Code Section 5.02.035 Litter Control by Establishing a Surcharge for Uncovered Loads

The Solid Waste Department is recommending that the Council revise current Metro Code provisions which deal with uncovered loads delivered to disposal facilities. Rather than charging double the total disposal charge, the Department recommends a surcharge of \$100 for an uncovered load delivered by a vehicle greater than three-quarter ton capacity, and \$25.00 for an uncovered load delivered by a vehicle of three-quarter ton capacity or less. A load would be subject to the surcharge if when entering the facility any portion of the waste is visible to scalehouse personnel, unless it is visible only through a secure covering.

It might be helpful to the Committee if the Department could respond to several informational questions which are not addressed in the staff report:

1. How many uncovered or improperly covered loads currently come to Metro facilities? Of these, what percentage come from commercial haulers, and what percentage from self-haulers?
2. How did the Department arrive at the recommended surcharges of \$100 for a commercial load and \$25 for a self-haul load?
3. What is the amount of double disposal charges collected under the current policy, and what amount is anticipated to be collected under the revised policy?
4. How are disposal fees collected? What steps will be taken to ensure that the surcharge is paid?
5. The first paragraph of the staff report refers to a more equitable uncovered loads policy due to be effective July 1, 1991. Would this ordinance adopt that policy?
6. The staff report indicates that current fees do not always match the severity of the violation. Are fees currently deemed to be too stringent, too lenient, or both, depending on the circumstances?

c: Sam Chandler



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: May 28, 1991
TO: Rena Cusma, Executive Officer
FROM: Paulette Allen, Clerk of the Council *PA*
RE: TRANSMITTAL OF ORDINANCE NO. 91-397

Attached for your consideration is a true copy of Ordinance No. 91-397 adopted by the Council on May 23, 1991.

If you wish to veto this ordinance, I must receive a signed and dated written veto message from you no later than 5:00 p.m., Friday, May 31, 1991. The veto message, if submitted, will become part of the permanent record. If no veto message is received by the time and date stated above, this ordinance will be considered finally adopted.

I, *John McDaniel*, received this memo and a true copy of Ordinance No. 91-397 from the Clerk of the Council on May 28, 1991.

Date: *5/28/91*

ORD. MEM



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

91-397

August 16, 1991

Clerk of the Board
Multnomah County Courthouse
1021 S.W. Fourth Avenue
Portland, OR 97204

Dear Clerk of the Board:

Enclosed are true copies of the following ordinances adopted by the Metro Council. Please file these ordinances in the Metro file maintained by your County.

Executive Officer
Rena Cusma
Metro Council

Tanya Collier
Presiding Officer
District 9

Jim Gardner
Deputy Presiding
Officer
District 3

Susan McLain
District 1

Lawrence Bauer
District 2

Richard Devlin
District 4

Tom DeJardin
District 5

George Van Bergen
District 6

Ruth McFarland
District 7

Judy Wyers
District 8

Roger Buchanan
District 10

David Knowles
District 11

Sandi Hansen
District 12

1. Ordinance No. 91-382, Amending the FY 1990-91 Budget and Appropriations Schedule to Increase the Convention Center Capital Fund Personal Services Appropriations
2. Ordinance No. 91-376B, Revising Admission Fees and Policies at the Metro Washington Park Zoo
3. Ordinance No. 91-387A, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Initial Financing and Purchase Costs of the Hanna Property
4. Ordinance No. 91-386C, For the Purpose of Amending Metro Chapter Code 5.02, Establishing Solid Waste Disposal Rates for FY 1991-92
5. Ordinance No. 91-389, For the Purpose of Exempting the Oregon Convention Center Grand Opening from the Provisions of Metro Code Chapter 7.01 Excise Tax
6. Ordinance No. 91-392, Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding the Charter Commission
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METRO ORDINANCES

August 20, 1991

Page 2

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15. Ordinance No. 91-403, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Increased Expenses in the Business License Program
16. Ordinance No. 91-404, An Ordinance for the Purpose of Amending Chapter 5.02 of the Metro Code to Provide that All User Fees and Other Fees Submitted to Metro for Solid Waste Generated Within the District Shall be Calculated on a Tonnage Basis Using Certified Scale Weights
17. Ordinance No. 91-405A, An Ordinance for the Purpose of Amending Chapter 5.02 of the Metro Code to Amend Section 5.02.025(c) Regarding the Recyclable Material Credit
18. Ordinance No. 91-395A, An Ordinance Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 90-1: Wagner
19. Ordinance No. 91-410, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Increased Expenses at Metropolitan Exposition-Recreation Facilities
20. Ordinance No. 91-390A, For the Purpose of Adopting the Annual Budget for Fiscal Year 1991-92, Making Appropriations and Levying Ad Valorem Taxes
21. Ordinance No. 91-408, For the Purpose of Amending the Planning Procedure for Designating Functional Planning Areas and Activities

METRO ORDINANCES

August 20, 1991

Page 3

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23. Ordinance No. 91-414, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Funding Modifications for the STRAP Project
24. Ordinance No. 91-413, For the Purpose of Approving an Increase in the Transfer Rate for the Forest Grove Transfer Station
25. Ordinance No. 91-409, For the Purpose of Amending Chapter 2 of the Metro Code to Establish the Appointment Process, Qualifications, and Terms of Office for Members of the Portland Metropolitan Area Local Government Boundary Commission
26. Ordinance No. 91-417, An Ordinance for the Purpose of Amending and Renewing the Franchise Agreement with East County Recycling, Inc.; and Declaring an Emergency

Sincerely,

A handwritten signature in cursive script, appearing to read "Paulette Allen", followed by a horizontal line.

Paulette Allen
Clerk of the Council



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

August 16, 1991

Charles D. Cameron
County Administrator
150 N. First Avenue
Hillsboro, OR 97124

Dear Mr. Kauffman:

Enclosed are true copies of the following ordinances adopted by the Metro Council. Please file these ordinances in the Metro file maintained by your County.

Executive Officer
Rena Cusma

Metro Council
Tanya Collier
Presiding Officer
District 9

Jim Gardner
Deputy Presiding
Officer
District 3

Susan McLain
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Lawrence Bauer
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Richard Devlin
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Tom DeJardin
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15. Ordinance No. 91-403, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Increased Expenses in the Business License Program
16. Ordinance No. 91-404, An Ordinance for the Purpose of Amending Chapter 5.02 of the Metro Code to Provide that All User Fees and Other Fees Submitted to Metro for Solid Waste Generated Within the District Shall be Calculated on a Tonnage Basis Using Certified Scale Weights
17. Ordinance No. 91-405A, An Ordinance for the Purpose of Amending Chapter 5.02 of the Metro Code to Amend Section 5.02.025(c) Regarding the Recyclable Material Credit
18. Ordinance No. 91-395A, An Ordinance Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 90-1: Wagner
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21. Ordinance No. 91-408, For the Purpose of Amending the Planning Procedure for Designating Functional Planning Areas and Activities

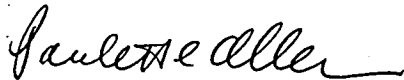
METRO ORDINANCES

August 20, 1991

Page 3

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Sincerely,



Paulette Allen
Clerk of the Council



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

August 16, 1991

John Kauffman
County Clerk
Clackamas County Courthouse
807 Main Street
Oregon City, OR 97045

Dear Mr. Kauffman:

Enclosed are true copies of the following ordinances adopted by the Metro Council. Please file these ordinances in the Metro file maintained by your County.

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August 20, 1991
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Sincerely,



Paulette Allen
Clerk of the Council