

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO.

Adding MCC §27.500 to 27.511, Solid Waste and Recycling Management to Chapter 27

(Language ~~stricken~~ is deleted; double underlined language is new.)

Multnomah County Ordains as follows:

Section 1. MCC 27.500 is added as follows:

§ 27.500 Title and Area of Application

This subchapter of the Multnomah County Code relating to residential and business solid waste and recycling regulation applies to the unincorporated areas of the county outside of urban service districts. This chapter will not apply to any Federal or State agencies.

Section 2. MCC 27.501 is added as follows:

§ 27.501 Definitions

For the purpose of this subchapter, the following definitions apply unless the context requires a different meaning.

- a. **Business Recycling Requirement.** Requirements defined by Metro and this subchapter, which do not apply to businesses whose primary office is located in a residence.
- b. **Business.** 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.
- c. **Collection license.** A license issued by the Director which allows the holder to provide solid waste and recycling collection and dropbox service within the areas of Multnomah County that are covered by this subchapter.
- d. **Director.** Director of Department of Community Services or the Director's designee.

- e. **Drop box.** A single receptacle used to store solid waste or recyclable materials that is designed to be removed from the customer's site on the back of an open truck for unloading at a disposal site, material recovery facility, or other storage or processing facility. The contents of the receptacle are not mixed with the contents of other similar receptacles until delivery to a disposal site.
- f. **Licensee.** The person to whom a collection license is granted by the County pursuant to this subchapter.
- g. **Residential Service Standard.** Requirements defined by Metro and this subchapter.
- h. **Regional Solid Waste Management Plan.** The regional solid waste and recycling management plan adopted by Metro and approved by the Oregon Department of Environmental Quality.
- i. **Solid waste and recycling collection.** The collection of solid waste and recyclable materials from a customer.
- j. **Standard recyclable materials.** Any material or group of materials that can be recycled, as defined in the Regional Solid Waste Management Plan and the administrative procedures.

Section 3. MCC 27.502 is added as follows:

§ 27.502 Policy

The Board recognizes that regulation of solid waste and recycling collection within the unincorporated areas of the county is necessary to ensure a comprehensive and consistent level of recycling service for the region, and to assist the region in meeting state recovery and waste reduction goals, conservation of natural resources and reduction of greenhouse gas emissions. This ordinance will establish and implement regulations consistent with and in compliance with State law, the Regional Solid Waste Management Plan, and the intergovernmental agreement with Metro, Contract Number 201439, executed September 26, 2013.

Section 4. MCC 27.503 is added as follows:

§ 27.503 Administration and Delegation of Authority

The Director shall issue administrative rules in compliance with state law to implement this chapter, including but not limited to license issuance, licensing requirements, collection and hauling standards, data collection from licensees, educational information, and enforcement.

Section 5. MCC 27.504 is added as follows:

§ 27.504 Annual License Required

- a. The County will issue licenses under this subchapter.
- b. Only licensees may provide solid waste and recycling collection and drop box service within the areas of Multnomah County that are covered by this subchapter.
- c. The Director may deny an application for a license if a license applicant does not meet application criteria.

Section 6. MCC 27.505 is added as follows:

§ 27.505 Responsibility of Licensees

- a. Licensees and their subcontractors will provide solid waste and recycling collection and drop box service in compliance with license terms, applicable local, state, and federal laws, including the Residential Service Standard and the Business Recycling Requirement, and the rules adopted under this subchapter.
- b. Licensees will provide recycling collection educational information as described in the administrative rules to every new customer within 14 days of customer sign up and annually to every existing customer.
- c. Licensees must provide their current license upon request.
- d. Licenses may be transferred with approval of the Director, which will not be unreasonably withheld.

Section 7. MCC 27.506 is added as follows:

§ 27.506 Residential Service Standard

- a. For single-family residences, including duplexes, triplexes, and fourplexes, the licensee will:
 - i. Provide at least one durable recycling container to each residential customer; and
 - ii. Provide weekly on-route collection of all standard recyclable materials, unless granted an exception by the Director.
- b. For multi-family residences, the licensee will provide regular collection of standard recyclable materials for each multi-family dwelling community having five or more units, unless granted an exception by the Director.
- c. For businesses, the licensee will provide regular collection of standard recyclable materials, unless granted an exception by the Director.
- d. The licensee will provide a recycling education and promotion program to all customers that supports solid waste management according to the waste reduction hierarchy described in the administrative rules.

Section 8. MCC 27.507 is added as follows:

§ 27.507 Business Recycling Requirement

- a. Businesses must source separate all recyclable materials, provide recycling containers, post signs identifying materials the Business must source separate, and provide recycling instructions, in compliance with the administrative rules.
- b. A Business may seek exemption from the Business Recycling Requirement.

Section 9. MCC 27.508 is added as follows:

§ 27.508 Enforcement

- a. It is a violation to fail to comply with license terms, applicable local, state, and federal laws, including the Residential Service Standard, the Business Recycling Requirement, and the rules adopted under this subchapter.

- b. It is the Director's responsibility to enforce the provisions of this subchapter.
- c. The Director is authorized to issue a written notice of violation to any licensee or business that is not complying with this subchapter. The notice must conform with the administrative rules.
- d. An uncorrected violation may result in civil penalty, license suspension, or license revocation, as described in the administrative rules.

Section 10. MCC 27.509 is added as follows:

§ 27.509 Appeals and Hearing

- a. Any person receiving a written notice of violation of this subchapter may contest the notice in accordance with the administrative rules.
- b. Failure of a party to file an appeal or unexcused failure of a party to appear at a duly scheduled hearing will constitute a waiver by the party of any further appeal under this chapter. Upon entry of a waiver in the record, the last decision issued by the Director will become final.

Section 11. MCC 27.510 is added as follows:

§ 27.510 Determination of Fees

Fees will be imposed under this subchapter in amounts set by Board resolution.

Section 12. MCC 27.511 is added as follows:

§ 27.511 Penalty

- a. Any person subject to this subchapter who is found in violation may be subject to a civil penalty in an amount determined by the Director not to exceed \$500.
- b. Civil penalties may be imposed on a per month, per day, per incident or such other basis as the Director may determine as appropriate.

FIRST READING:

SECOND READING AND ADOPTION:

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Marissa Madrigal, Acting Chair

REVIEWED:

JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Bernadette D. Nunley, Assistant County Attorney

SUBMITTED BY: