

ORDINANCE NO. 854

AN ORDINANCE CREATING TROUTDALE MUNICIPAL CODE SECTIONS 5.08 RELATING TO THE ESTABLISHMENT OF A BUSINESS RECYCLING PROGRAM PURSUANT TO STATE AND LOCAL LAW

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The City is required to meet the state statutory waste prevention, reuse, and recycling requirements outlined in Oregon's Opportunity to Recycle Act (ORS 459A and OAR 340-090) and its additional requirements adopted under Senate Bill 263 from June 2015.
2. Since 1990, Metro has developed regional waste plans to guide the waste prevention and recycling programs of Metro in coordination with local governments to meet state requirements. Metro began to incorporate statutory requirements into Metro code in order to ensure the minimum state requirements are met.
3. 5.10.320 of the Metro Code states that by February 27, 2009, local governments shall comply with this title by implementing the business recycling requirement as follows: (1) (a) Adopt the business recycling requirement model ordinance; or (b) Demonstrate that existing local government ordinances comply with the performance standard in Section 5.10.330 and the intent of this title; and (2) (a) Establish compliance with the business recycling requirement model ordinance or local government ordinance; or (b) Enter into an intergovernmental agreement with Metro that provides for Metro to establish compliance for the local government.
4. The Council previously, in 2011, considered an Ordinance to bring the City into compliance with the Metro Code but it failed to pass.
5. The City continues to be out of compliance with the Metro Code, and has been warned several times that further non-compliance will result in enforcement action against the City.
6. In the last 10 years, due to the City's non-compliance, Metro has withheld tens of thousands of dollars in funds to assist in a business recycling and waste recovery programs within the City; for budget year 2019-2020 that amount is estimated to be \$14,695.
7. Most businesses in the City already are complying with the intent and general purposes of the Metro Business Recycling Program.

8. The City believes that it is in the best interest of the citizens to adopt a Business Recycling Ordinance and to promote the proper recycling of materials as required by State and Metro laws.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 5.08 of the Troutdale Municipal Code are hereby created to read as follows:

5.08 BUSINESS RECYCLING REQUIREMENT

5.08.010 Intent

The purpose of this ordinance is to comply with the Business Recycling Requirement set forth in Metro Code Chapter 5.10.

5.08.20 Applicability

- A. 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.
- B. A Business Recycling Service Customer is a person who enters into a service agreement with a waste hauler or recycler for business recycling services.
- C. This ordinance does not apply to Businesses whose primary office is located in a residence. A residence is the place where a person lives.

5.08.030 Business Recycling Requirement

- A. Businesses shall source separate all recyclable paper, cardboard, glass and plastic bottles and jars, and aluminum and tin cans for reuse or recycling as suggested by the garbage/recycling hauler.
- B. Businesses and Business Recycling Service Customers shall provide appropriate receptacles and recycling containers for internal maintenance or work areas where recyclable materials may be collected, stored, or both.
- C. Businesses and Business Recycling Service Customers shall post accurate signs or adhere labels 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.

5.08.040 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 reasonably comply with the Business Recycling Requirement for reasons that include, without limitation, space constraints and extenuating circumstances.

5.08.050 Compliance with Business Recycling Requirement

- A. 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.
- B. A Business or Business Recycling Service Customer 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.
- C. 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 not to exceed \$100.

YEAS: 6
NAYS: 0
ABSTAINED: 0



Casey Ryan, Mayor
Date: July 12, 2019



Sarah Skroch, City Recorder
Adopted: July 9, 2019