

ORDINANCE NO. 4497

AN ORDINANCE AMENDING CHAPTER FOUR OF THE BEAVERTON CITY CODE BY ADDING A NEW SECTION RELATING TO BUSINESS RECYCLING REQUIREMENTS.

WHEREAS, It is the policy of the City of Beaverton to reduce the amount of solid waste generated and disposed per capita by undertaking aggressive source reduction and recycling activities (Beaverton Code 4.08.020); and,

WHEREAS, Businesses annually generate almost half of the region's garbage and dispose of more than 100,000 tons of paper and containers each year that could otherwise be recycled; and,

WHEREAS, Metro, the regional government, has adopted Ordinance No. 08-1198 which amends the Regional Solid Waste Management Plan, 2008-2018, to include a business recycling requirement; and,

WHEREAS, Metro, the regional government, has adopted Ordinance No. 08-1200 which amends Metro Code Chapter 5.10, Regional Solid Waste Management Plan, by adding provisions to implement a business recycling requirement; and,

WHEREAS, Metro, the regional government, has adopted Ordinance No. 08-1201 which has adopted a business recycling requirement model ordinance pursuant to Metro code section 5.10.350; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Beaverton Code 4.08.030 is amended by adding the following definitions:

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.

Business Recycling Service Customer: any person who enters into a service agreement with a waste hauler or recycler for Business recycling services.

Section 2. BC 4.08.500 is enacted to read:

Chapter 4.08.500 BUSINESS RECYCLING REQUIREMENT

4.08.505 Short Title BC 4.08.500 through 4.08.540 shall be known and may be cited as the "Business Recycling Requirement Ordinance."

4.08.510 Purpose

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.

4.08.520 Applicability

This ordinance applies to all Businesses and Business Recycling Service Customers except for sites located in a Residence.

4.08.530 Business Recycling Requirement

- A. Businesses shall Source Separate all recyclable paper, cardboard, glass and plastic bottles and jars, and metal cans for reuse or recycling.
- B. 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.
- C. Businesses and Business Recycling Service Customers shall post accurate signs that:
 - a. Describe the location where recyclable materials are collected, stored, or both;
 - b. Identify the materials that the Business must Source Separate for reuse or recycling; and,
 - c. Provide recycling instructions.

4.08.540 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.
- D. A violation of a provision of this ordinance or of a rule duly promulgated under authority of this ordinance by a Business or Business Recycling Service Customer shall constitute a Class I Civil Infraction and shall be processed according to the procedure set forth in BC 2.10.010 through 2.10.050.
- E. Each violation of this ordinance or of a rule duly promulgated under authority of this ordinance relating to Business Recycling Requirements shall constitute a separate civil infraction. Each day that a violation of a provision of this ordinance or of a rule promulgated under authority of this ordinance is committed or is permitted to continue shall constitute a separate civil infraction.
- F. Any penalty imposed pursuant to this ordinance or a rule duly promulgated under authority of this ordinance is in addition to, and not in lieu of, any other civil, criminal or administrative penalty or sanction otherwise authorized by law.

Section 3. The sections and subsections of this ordinance are severable. If any part of this ordinance is held unconstitutional or otherwise invalid, the remaining parts shall remain in force.

Section 4. This Ordinance shall be effective 30 days after passage or April 1, 2009, whichever is later.

First reading this 1st day of December, 2008.

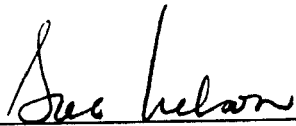
Passed by the Council on this 15th day of December, 2008.

Approved by the Mayor on this 16th day of December, 2008.

Ayes: 5

Nays: 0

ATTEST:



Sue Nelson, City Recorder

APPROVED:



Rob Drake, Mayor