ADMINISTRATIVE RULES AND SUPPLEMENTAL REGULATIONS PERTAINING TO THE BUSINESS RECYCLING REQUIREMENT

1. Authority.

   a. Under Section 11.04.165 the Public Works (Director) is authorized to adopt administrative rules and supplemental regulations for Section 11.04.155, the Business Recycling Requirement.

2. Definitions.

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

   c. "Source separate" means the customer separates recyclable material from solid waste.

3. 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.

   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 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. The signs shall include a description of the location where recyclable materials are collected, stored, or both, identify the materials the business must source separate for reuse or recycling, and provide recycling instructions

4. Exemptions.

   a. The Business Recycling Requirement does not apply to businesses whose primary office is located in a residence. A residence is the place where a person lives.

   b. A business may seek exemption from the Business Recycling Requirement by applying for such exemption to the Director. An exemption shall only be

granted if the applicant therefore provides the Director or his designee with access to its worksite and proves by a preponderance of the evidence that the business cannot comply with the Business Recycling Requirement. An applicant may appeal an adverse decision by the Director to the City Council by submitting a written request for a public hearing, citing the reasons why the applicant feels the Director's decision is in error. After a public hearing, at which the applicant, staff and other interested persons shall have the opportunity to present oral, written or documentary evidence, the City Council shall make a finding regarding the applicant's appeal. The application may be approved, approved with conditions, or denied. The City Council's findings shall be conclusive.

5. 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 from the Director or his designee. 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. If the noncompliance is not cured within the time specified in the notice referred to in section a. above, the Director may send a second notice or refer the matter to the City Manager for enforcement action as set forth in TMC 11.04.170.

c. Violation of the provisions of these administrative rules and supplemental regulations or of TMC 11.04.155 shall be deemed a Class 1 civil infraction and shall be punishable according to the provisions set forth in Chapter 1.16 of the Tigard Municipal Code.