

ORDINANCE NO. 5899

AN ORDINANCE ADDING SECTION 5.04.120 TO CHAPTER 5.04 OF THE HILLSBORO MUNICIPAL CODE, RELATING TO BUSINESS RECYCLING.

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

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

WHEREAS, the regional government, Metro, has adopted Ordinance No. 08-1201 which has adopted the business recycling requirement model ordinance pursuant to Metro code section 5.10.350 and the regional solid waste management plan, 2008-2018 update; and

WHEREAS, the City of Hillsboro desires to comply with Metro Code 5.10, as amended.

NOW, THEREFORE, THE CITY OF HILLSBORO ORDAINS AS FOLLOWS:

Section 1. A new section 5.04.120 "Business licenses" of the Hillsboro Municipal Code is adopted to read as follows:

5.04.120 Business Recycling

A. All businesses required to have a City of Hillsboro Business License or otherwise be entitled to an exemption certificate as described in section 5.04.030 shall recycle as follows:

1. Businesses shall source separate from the waste stream all paper, cardboard, glass and plastic bottles and jars, and metal cans;
2. Businesses and business recycling service customers shall provide recycling containers for internal maintenance or work areas where recyclable materials may be collected, stored, or both; and
3. 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 and that provide recycling instructions.

B. A business may seek an exemption from the requirements in subsection A if:

1. The business provides access to the City or designated agent for a site visit; and

2. The City or designated agent determines during the site visit that the business cannot comply with the Business Recycling Requirement because of space or economic restrictions or other extenuating circumstances.

C. To assist businesses in compliance with this section, the City or designated agent shall:

1. Notify businesses of the Business Recycling Requirement at the time application is made for a Business License;

2. Provide businesses with education and technical assistance to assist with meeting the requirements of this section; and

3. The City's business license procedures shall include provisions requiring that the business shall certify that they have complied with the requirements of this section upon signing the Business License Application and the business shall also certify upon renewal of the Business License that they have complied with the requirements of this section.

D. A business that does not comply with the Business Recycling Requirement may receive a written notice of noncompliance. The notice shall describe:

1. The violation,

2. How the business or business recycling service customer can cure the violation within the time specified in the notice, and

3. An offer of assistance with compliance.

E. A business or business recycling service customer that does not cure the violation within the time specified in the notice of noncompliance may receive a written citation. The citation shall provide:

1. An additional opportunity to cure the violation within the time specified on the citation, and

2. Notification to the business or business recycling service customer that it may be subject to a fine.

F. A business or business recycling service customer that does not cure the violation within the time specified in the notice of noncompliance may be subject to a fine.

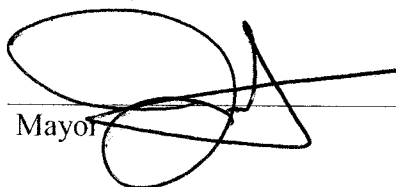
Section 2. The title of Chapter 5.04 of the Hillsboro Municipal Code is amended to read "Business Licenses and Recycling".

Section 3. This ordinance shall be effective from and after 30 days following its passage and approval by the Mayor.

First approval of the Council on this 17th day of February 2009.

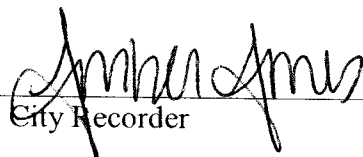
Second approval and adoption by the Council on this 3rd day of March 2009.

Approved by the Mayor this 3rd day of March 2009.



Mayor

ATTEST:



City Recorder