

Chapter 3

BUSINESS REGULATIONS AND TAXATION

Business Regulations - General

3.005 For the purposes of this chapter, the following words and phrases shall mean:

General

City manager. City manager or designee.

License. Includes licenses, certifications, or permits.

Licensee. Includes all persons possessing licenses, certifications or permits.

Principal. Includes all owners, shareholders, partners, directors, officers and managers of a business.

Material Information. Any information requested as part of the application process either for a new license, permit or certification, or a renewal of an existing license, permit or certification.

Special event. An activity, use, or event of a type normally regulated, permitted or licensed under provisions of this code, except that the activity, use, or event occurs only on a scheduled date(s) for a period of time not to exceed 14 calendar days.

Definitions

Solid Waste, Yard Debris and Recycling:

Collection route. Any public or private street, road or alley that is suitable for motorized vehicle travel and that is either used by the public, or abuts parcels of real estate occupied by not less than four of a licensee's residential solid waste collection customers.

Collector. The person who provides collection service.

Commercial. Stores; offices, including manufacturing and industrial offices; restaurants; multi-family dwellings; warehouses; schools; colleges and universities; hospitals; and other industrial, manufacturing and non-manufacturing entities; but does not include business activities conducted in residential dwellings.

Compensation. Compensation includes:

- (a) Any type of consideration paid for service including, but not limited to, rent, the proceeds from resource recovery, any direct or indirect provision for the payment of money, goods, services or benefits by tenants, lessees, occupants or similarly situated persons;
- (b) The exchange of service between persons; and
- (c) The flow of consideration from a person owning, possessing or generating solid waste to another person who provides services or from a person providing services to another person owning, possessing or generating solid waste.

Curbside. When used with reference to residential waste and recycling collection, curbside is that area abutting a collection route that is within three feet of the curb or other line of demarcation of the edge of the collection route. A curbside area may be within the apron of a residential customer's driveway if no other useable curbside space is available. Curbside space does not include any area within a public or private roadway, including any portion of the roadway used for vehicle parking or as a bicycle lane.

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Curbside collection. The collection of solid waste or recyclables placed at a curbside location.

Customer. Those persons to whom a licensee provides collection service of solid waste, recyclable materials or yard debris.

Licensee. The person to whom a solid waste collection license is granted by the city pursuant to this code, to provide service and solid waste management service for compensation, or the person to whom a recycling collection license is granted by the city pursuant to this code, to provide collection of recyclable materials.

Multi-family dwelling. A building or group of buildings on a single development site used for occupancy by three or more families, living independently of each other and having separate housekeeping facilities for each family.

Person. The United States, the state or a public or private corporation, local government unit, public agency, individual, partnership, association, trust, firm, estate or other private legal entity.

Rate. The fee set by administrative rule that collectors are allowed to charge their customers.

Recyclable materials. Any material that still has or retains useful physical, chemical, or biological properties after serving its original purpose(s) or function(s), and is separated from solid waste that will be transported to a transfer station or landfill, either by the generator or at the material recovery facility.

Recycling. Any process by which solid waste materials are transformed into new products in a manner that the original products may lose their identity.

Refuse. Solid waste as defined in this code.

Residence. Any dwelling unit in the city that is a duplex or smaller where at least 50 percent of the use of the building is residential, regardless of whether it has solid waste collection in individual cans, carts or containers. The term "residence" does not include any multi-family dwelling as defined in this section.

Residential. Of or pertaining to a residence as defined in this section.

Service. The provision of collection, transportation or disposal of solid waste, residential recycling, or yard debris.

Solid waste. All putrescible and non-putrescible wastes, including, but not limited to, garbage, rubbish, refuse, ashes, paper and cardboard, useless or discarded commercial, industrial, demolition and construction materials, manure, vegetable or animal solid and semisolid materials, dead animals and infectious waste as defined in ORS 459.386. Excluding discarded or abandoned vehicles or parts thereof; sewage, sludge, septic tank and cesspool pumpings or other sludge; discarded home or industrial appliances; hazardous wastes as defined in ORS 466.005; materials used as fertilizers or for other productive purposes; recyclable materials which have been source separated for collection.

Solid waste collection license. A license which allows the holder to provide collection of solid waste, yard debris, or recyclables within the city limits of Eugene.

Solid waste collector. The person who provides solid waste, yard debris, or recyclable collection service on a regular, recurring schedule.

Source separate. To separate recyclable materials from solid waste by the person who last uses the recyclable material.

Vehicle. Any motorized equipment used to collect and/or transport solid waste or recyclable.

Yard debris. Includes grass clippings, leaves, hedge trimmings, branches that are less than four inches in diameter and fit inside the yard debris cart, and similar vegetative waste but does not include dirt, rocks, metal, or other non-vegetative solid waste.

Solid Waste, Yard Debris and Recycling

3.245 Solid Waste, Yard Debris and Recycling - License Required.

- (1) No person shall collect residential recyclables, yard debris or solid waste within the corporate limits of the city without first obtaining a solid waste collection license for such activity in accordance with the rules adopted by the city manager under section 2.019 of this code.
- (2) The following persons do not require a solid waste collection license:
 - (a) A civic, community, benevolent or charitable non-profit organization that collects, transports and markets source separated materials for resource recovery, but only for the purpose of raising funds for a charitable, civic or benevolent activity.
 - (b) A person who transports solid waste which such person produces directly to a disposal site authorized by the Oregon Department of Environmental Quality or to a recycling or resource recovery facility.
 - (c) A property owner who transports solid waste left by a tenant upon such owner's property; however, an owner of an apartment, condominium or mobile home complex of more than five units may not provide solid waste collection service for compensation for tenants on a regular or continuing basis without first obtaining a license for solid waste collection.
 - (d) A contractor employed to demolish, construct or remodel a building or structure, including, but not limited to, land clearing operations and construction wastes, when collecting or transporting wastes created in connection with such employment.
 - (e) A person who collects recyclable materials only from commercial customers.
 - (f) A person who performs landscaping services for a property owner or tenant and transports yard debris in his or her own vehicle.
- (3) Except as otherwise provided in sections 3.245 through 3.270, no other person shall provide, offer to provide, or advertise for the performance of the services provided for therein for any person or any real property in the city for compensation.

(Section 3.245 amended by Ordinance No. 19321, enacted April 22, 1985; Ordinance No. 19603, enacted February 13, 1989; Ordinance No. 19982, enacted September 12, 1994, effective October 12, 1994; Ordinance No. 20173, enacted October 25, 1999, effective November 24, 1999; and Ordinance No. 20252, enacted May 13, 2002, effective June 12, 2002.)

3.247 Solid Waste, Yard Debris and Recycling - Limitation on Number of Solid Waste Collection Licenses.

- (1) The city shall issue no more than eight licenses for the collection of solid waste, yard debris and residential recyclable materials from within the city.
- (2) Notwithstanding subsection (1) of this section, additional licenses for the collection of solid waste, yard debris and residential recyclable materials may be issued only upon a showing by the applicant of the need for such service in the city. The decision of the city manager or the

city manager's designee on such applications shall be based on criteria addressing need contained in the rules adopted by the city manager under section 2.019 of this code.

(Section 3.247 added by Ordinance No. 19603, enacted February 13, 1989; amended by Ordinance No. 19982, enacted September 12, 1994, effective October 12, 1994; and Ordinance No. 20252, enacted May 13, 2002, effective June 12, 2002.)

3.248 Solid Waste, Yard Debris and Recycling - License Term.

- (1) The rights, privileges and license granted shall be for a continuing five (5) year term subject to annual license renewal, payment of license fees, and the provisions of subsection (2) of this section.
- (2) The city manager or designee may elect to not extend a license, or all licenses, by notice in writing given to a licensee or all licensees by April 1. In such event, the license or licenses shall have a flat license term of five (5) years remaining from the following July 1.

(Section 3.248, formerly section 3.265 amended by Ordinance No. 19321, enacted April 22, 1985; Ordinance No. 19603, enacted February 13, 1989; and Ordinance No. 19844 enacted April 27, 1992, effective May 27, 1992; amended and renumbered by Ordinance No. 20252, enacted May 13, 2002, effective June 12, 2002.)

3.249 Solid Waste, Yard Debris and Recycling - Subcontracts. A solid waste collection licensee shall not subcontract with another person on a regular, periodic or long-term basis to provide solid waste, yard debris, and/or recycling collection service under this code without the prior written approval of the city manager or designee. Approval shall be based on the ability of the licensee to substantiate that the subcontractor meets all the provisions of this chapter and rules adopted hereunder applicable to the service to be provided by the subcontractor. Approval by the city manager or designee shall not relieve the licensee from responsibility for compliance by the licensee and subcontractor with the provisions of this code and the rules adopted hereunder.

(Section 3.249, formerly section 3.284 added by Ordinance No. 19603, enacted February 13, 1989; amended and renumbered by Ordinance No. 20252, enacted May 13, 2002, effective June 12, 2002.)

3.250 Solid Waste, Yard Debris and Recycling - Administrative Powers of the City Manager.

- (1) The rules adopted by the city manager under section 2.019 of this code concerning solid waste and recycling licenses may address, but are not limited to:
 - (a) Minimum identification, maintenance and sanitation standards for collectors' vehicles;
 - (b) Minimum standards relating to the qualifications, training and identification of collectors' employees;
 - (c) Minimum standards for all information to be included in collectors' records;
 - (d) Minimum standards and procedures for collection service to assure quality of service to customers;
 - (e) The establishment of rates for service and the procedure to be used in recommending and revising solid waste and recycling service rates;
 - (f) The establishment of application requirements to be met before a license may be issued or transferred;
 - (g) The establishment of application, license and license transfer fees that allow the city, at a minimum, to recover regulatory and enforcement costs associated with solid waste and/or recycling collection;
 - (h) The establishment of procedures, policies and operating practices which are required for implementation of this code; and
 - (i) The establishment of customer responsibilities that include, but are not limited to, payment responsibility; location of receptacles; time and manner of placement and retrieval of solid waste, recyclable materials and yard debris receptacles; the manner in which receptacles are

loaded, and acceptable and unacceptable materials for specific receptacles, and the maximum weights for each.

- (2) The city manager may adopt a solid waste systems benefit fee under section 2.020 of this code, or may enter into an intergovernmental agreement with Lane County to authorize Lane County to impose and collect within the city a solid waste systems benefit fee in the same amount that applies outside the city, to fund the cost of waste management programs and community services, including but not limited to recycling education, recycling drop-off facilities, special waste programs and facilities, solid waste transfer sites and technical assistance services for businesses

(Section 3.250 amended by Ordinance No. 18629, enacted May 12, 1980; Ordinance No. 19321, enacted April 22, 1985; Ordinance No. 19603, enacted February 13, 1989; Ordinance No. 19982, enacted September 12, 1994, effective October 12, 1994; Ordinance No. 20173, enacted October 25, 1999, effective November 24, 1999; and Ordinance No. 20252, enacted May 13, 2002, effective June 12, 2002.)

3.260 Solid Waste, Yard Debris and Recycling - Rates.

- (1) All collectors, except those who collect only recyclables, shall charge rates established and adjusted by administrative rule of the city manager pursuant to this chapter.
- (2) Licensees may request a rate adjustment in the manner established by administrative rule of the city manager issued pursuant to provisions of this code.
- (3) The city manager or designee shall respond to proposed rate changes within 60 days of receipt of the request.

(Section 3.260, formerly section 3.275, amended by Ordinance No. 19321, enacted April 22, 1985; Ordinance No. 19603, enacted February 13, 1989; and Ordinance No. 19982, enacted September 12, 1994, effective October 12, 1994; amended and renumbered by Ordinance No. 20252, enacted May 13, 2003, effective April 12, 2002.)

3.270 Solid Waste, Yard Debris and Recycling - Licensee Responsibility.

- (1) In addition to the requirements of section 3.041 and other provisions of this chapter, licensees shall provide curbside recycling and yard debris collection services to their customers, and shall comply with the rules adopted by the city manager under section 2.019 of this code.
- (2) No licensee shall operate a vehicle or load or unload a vehicle so as to create a noise disturbance that is plainly audible within any dwelling unit between 10:00 p.m. and 7:00 a.m. the following day.

(Section 3.270 amended by Ordinance No. 19321, enacted April 22, 1985; Ordinance No. 19603, enacted February 13, 1989; Ordinance No. 19982, enacted September 12, 1994, effective October 12, 1994; Ordinance No. 20088, enacted July 14, 1977, effective August 13, 1997; Ordinance No. 20173, enacted October 25, 1999, effective November 24, 1999; Ordinance No. 20204, enacted August 7, 2000, effective September 6, 2000; and Ordinance No. 20252, enacted May 13, 2002, effective June 12, 2002.)