ADMINISTRATIVE ORDER NO. 53-19-11-F
of the
City Manager of the City of Eugene

AMENDING AND RENAMING SOLID WASTE, YARD DEBRIS AND RECYCLING COLLECTION ADMINISTRATIVE RULE R-3.250 AND SOLID WASTE COLLECTION RATE SCHEDULE, AND REPEALING ADMINISTRATIVE ORDER NO. 53-18-10-F.

The City Manager of the City of Eugene finds that:

A. Pursuant to the authority contained in Sections 2.019 and 3.250 of the Eugene Code, 1971, the Solid Waste and Recycling Collection Administrative Rule R-3.250 ("Rule R-3.250") was established in 1989 and has subsequently been amended most recently on August 29, 2018 by Administrative Order No. 53-18-10-F.

B. On August 9, 2019, Administrative Order No. 53-19-11-F was issued ordering that notice be given of the opportunity to submit comments on my proposal to amend Rule R-3.250. The Notice specified that comments would be received for 15 days from August 19, 2019, the first date of publication of the Notice. No comments were received within the time or in the manner described in the Notice.

BASED UPON the above findings, the findings in Administrative Order No. 53-19-11, and pursuant to the authority contained EC 2.019, I order that:

1. As of the effective date of this Order, the Solid Waste, Yard Debris, Food Waste, Organics, and Recycling Collection Administrative Rule R-3.250 set forth below, and the Solid Waste, Yard Debris, Food Waste, Organics and Recycling Collection Rate Schedule attached to this Order are amended, and collectively constitute Solid Waste, Yard Debris, Food Waste, Organics, and Recycling Collection Administrative Rule R-3.250.

2. Administrative Order No. 53-18-10-F is repealed as of the effective date of this Order.

SOLID WASTE, YARD DEBRIS, FOOD WASTE, ORGANICS, AND RECYCLING COLLECTION
Administrative Rule R-3.250

R-3.250-A. <u>Definitions</u>.

In addition to the definitions contained in Section 3.005 of the Eugene Code, 1971, as used in this Rule, the following words and phrases mean:

Bulk Waste. Discarded materials, placed outside a container by a customer, which may or may not be recyclable, is not acceptable in the curbside commingled recycling

stream, and is too large in size to be placed into a 32-gallon collection receptacle without being altered.

Collection. All or any part of the activities involved in collecting and transporting solid waste, recyclable materials, yard debris, food waste, or organics to a permitted disposal or recycling facility.

Commingle. The practice of combining some or all recyclable material into a single container for the purposes of streamlining the collection effort.

Compacted material. Solid waste is considered to be compacted material if it is compressed through the actions of a mechanical device that derives its power through electrical, motorized, or hydraulic action.

Consolidated Rate. The rate paid by a customer to a licensee. The consolidated rate is the sum of the collection rate and the disposal fee associated with the tonnage contained in each container, can, or receptacle.

Contaminant. Non-recyclable material that has been deposited in a designated recycling container or material that is not yard debris, food waste, or organics that has been deposited in a designated yard debris, food waste, or organics container.

Curbside. When used with reference to residential waste and recycling collection, curbside means 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; on the planting strip; on a sidewalk, so long as at least a three feet width of the paved area of the sidewalk remains unobstructed by the container; between the curbs of a street that does not have a designated bicycle lane immediately adjacent to the curb; or at another area that is mutually agreeable to the licensee and customer. When used in reference to commercial waste and recycling service, in addition to the conditions listed above for residential, curbside also includes alley access and waste enclosures.

Disabled Customer. A customer who is recognized by the Oregon Department of Motor Vehicles as handicapped, or a customer whose ability to move a full solid waste, recyclable materials, yard debris, food waste, or organics receptacle is constrained by a medical or physical condition as evidenced by a letter from the customer's physician.

Donated Services. Solid waste, yard debris, food waste, organics, or recycling collection services provided at a reduced rate or free of charge to a customer that is a registered non-profit organization.

Drop Box. Container for solid waste, mixed construction and demolition waste, commingled recycling, food waste, or yard debris, between 7 and 50 cubic yards in size, that is transported by a specifically designed vehicle which utilizes a cable or chain system to roll the container on and off the bed of the vehicle.

Dry Commercial Solid Wastes. Those wastes produced or generated by a commercial customer consisting of, but not limited to, glass, paper, cardboard, dimensional wood or wood by-products, metals, polystyrene or urethane foam, carpet, textiles, construction and demolition debris, and plastics or other materials that are dry by nature.

Extras. Extras are additional materials that fit into a 32-gallon container without being altered, and that exceed the capacity of the container for which service is contracted.

Food Waste. Waste associated with the storage, preparation, cooking, handling, selling, or serving of food for human consumption. Food waste includes but is not limited to food or dairy products, meats, vegetable and meat trimmings, grains, breads and dough, incidental amounts of edible oils and organic waste from food processing. Food waste does not include packaging or large amounts of oils and meats which may be collected for rendering, fuel production or other reuse applications.

Materials Recovery Facility. A permitted facility designed to sort commingled commercial wastes for the purpose of recovering recyclable and/or reusable items.

Monthly Service. Service provided to a customer on a regular, subscribed basis for the rate outlined in the Solid Waste Collection Rate Schedule. This rate may be adjusted for vacation hold.

Multi-family complex. A multi-family dwelling, as defined in EC 3.005, consisting of four or more dwelling units.

Obstruction of a Sidewalk. A sidewalk is obstructed at any point in which the placement of a container or material leaves the unobstructed paved area of the sidewalk less than three feet wide.

On-call service. Service provided to a customer upon request, on a periodic basis. This service is charged on a per pick-up rate per the Solid Waste Collection Rate Schedule, including the container rental fee for commercial containers.

Organics. Food waste and yard debris.

Planting strip. The portion of the public right of way located between the sidewalk and the curb.

Responsible Person. For customer violations of R-3.250-U the responsible person shall be the owner of the property or the occupant of the property, at the discretion of the City Manager or designee. For licensee violations of EC Chapter 3 or R-3.250-F through 3.250-S, the responsible person shall be the licensee.

Reusables. Those items determined to be of further use either in the manner of their original design or in a function resulting from the deconstruction and subsequent use of the parts.

Scrap Paper. All recyclable paper except old corrugated containers and newsprint.

Tipping Fee. All fees charged for the disposal and/or processing of all materials collected as required by sections R-3.250-H.3, R-3.250-J.3, and R-3.250-K.3.

Unacceptable Materials. Unacceptable materials include hazardous materials, chemicals, paint, corrosive materials, car batteries, dead animals, infectious waste, semi-solid wastes, tires, major appliances, flammable materials and hot ashes.

Vacation hold. A vacation credit to stop all services for a minimum period of two consecutive weeks.

Wet Commercial Wastes. Those wastes produced or generated by a commercial customer consisting of, but not limited to, food, liquids, yard debris or other materials that are wet by nature.

Yard Debris. Grass clippings, leaves, hedge trimmings, branches that are less than four inches in diameter, and similar vegetative waste. Yard debris does not include dirt, rocks, metal, or other non-vegetative solid waste.

R-3.250-B. <u>Licenses - Application for License and Application Fee</u>.

1. A new or renewal application for a solid waste collection license shall be on forms provided by the City. Attachments required by the form shall be included with the application form. The new or renewal application shall include, but is not limited to, the following information:

a. The name and address of the business;

b. The name(s) and home and business address(es) of all principals of the business; and,

c. If the applicant is a firm whose primary place of business is outside the state of Oregon, the place and date of incorporation, home office, right to do business within the state, and the name and address of firm officers and/or its duly authorized local agent.

d. Disclosure, for the business and each principal of the business, of:

(1) All felony convictions within the last ten years and all other criminal convictions within the last three years;

(2) All civil litigation within the last ten years resulting from allegations of property damage, discrimination, or violations of environmental laws;

(3) All accidents occurring within the course and scope of the applicant's solid waste collection activities within the last three years that resulted in injury or property damage in excess of $5,000; and,

(4) All enforcement actions by the Department of Environmental Quality.

(5) Ownership interest in any business that currently holds a solid waste license issued by the City of Eugene.

2. When applying for a renewal of a solid waste collection license, the applicant shall submit a recycling report indicating volumes of recyclable materials collected within the City limits from residential recycling and commercial recycling customers in accordance with the requirements of ORS 459A. The report submitted by an applicant for a new solid waste collection license shall show how those requirements will be met.

3. Each application shall be accompanied by a non-refundable application fee of $150.

4. Upon receipt of a complete application, the City shall approve or deny the application within 30 days.

5. If the City receives multiple applications for a license, the City shall consider the applications in the order in which complete applications are received.

R-3.250-C. <u>Licenses - Criteria to be Considered by the City for the Approval or Denial of an Application</u>.

1. In addition to the provisions of EC 3.050, the City may deny a license application based upon a finding that:

a. The complaint history related to the applicant or its principles for the previous 3-5 years demonstrates excess number of customer complaints;

b. The application is materially incomplete or inaccurate;

c. Information provided in the application or other factors indicate the applicant's inability to meet local, state or federal requirements; or

d. Issuance or renewal of the license is not in the public interest.

2. If the City receives multiple applications for a single available license, the City Manager may require additional information from the applicants to serve as additional basis for comparison.

R-3.250-D. **Licenses - Criteria to be Considered by the City in Authorizing Licenses Beyond Number Authorized by Section 3.247 of the Eugene Code, 1971.**

1. Additional licenses beyond those authorized by Section 3.247(1) of the Eugene Code, 1971, for the collection of solid waste may be issued if, in addition to the application requirements set out at R-3.250-B, the applicant provides a narrative to demonstrate that:

a. The current licensees are not adequately handling the City's service needs due to:

(1) An increase in city population,

(2) The extension of city boundaries, or

(3) An increase of intensive residential, commercial or industrial development within the city's boundaries; or

b. There have been changes in solid waste and/or recycling collection technology that are not being incorporated into the practices of the current licensees and that could materially improve collection service or reduce collection costs to city residents; or

c. There have been changes in federal, state and/or local laws, rules or regulations that materially affect solid waste or recycling collection requirements in a way that would make it beneficial for the city to issue a license to the applicant; or

d. Other factors demonstrate a need for additional or different services.

The applicant must also demonstrate that it has the ability to provide the needed service.

2. The City may deny an application submitted under this section based on R-3.250-C or upon a finding that the narrative described in 1., above, fails to demonstrate a need for additional service.

R-3.250-E. **Licenses - License Conditions.**

Upon approval of a license application, but prior to issuance, the applicant shall furnish to the City:

1. **Insurance Certificates.** Proof of a general liability and automobile insurance policy satisfactory to the City. Such insurance shall:

a. Protect licensee and the City from all claims for damage to property or for bodily injury, including death, which may arise from operations under or in connection with the license;

b. Provide limits of automobile liability coverage of not less than $2,000,000 combined single limit per occurrence for bodily injury, personal injury, or property damage and provide limits of commercial general liability coverage of not less than $2,000,000 combined single limit per occurrence, with an annual aggregate of $3,000,000 for bodily injury, personal injury or property damage;

c. Be without prejudice to other existing coverage;

d. Name as additional insureds the City, its officials, agents and employees; and

e. Provide that the City shall be given 30 days advance written notification if the policy's limits are reduced or if the policy is terminated or altered.

2. **Hold Harmless Agreement.** The applicant shall furnish to the City on a form provided by the City, a signed statement that the licensee shall hold harmless the City, its officials, agents, and employees and shall indemnify the City, its officials, agents, and employees from and against any claims for injury or damage to property that may arise as a result of any activity carried on by the licensee, or the licensee's employees or agents.

3. **License Fee.** The applicant shall pay the City an annual license fee based on methodology in R-3.250-N.

R-3.250-F. Licenses - Change of Ownership, Sale of Business, Transfer of License, or Change in Material Information.

1. Any proposed change in ownership, sale of business, transfer of license, or substantive change in material information which would affect a currently licensed entity must first be approved through the application and approval process outlined in Sections R-3.250-B and R-3.250-C respectively.

2. **License Fees**. Prior to final approval under subsection 1., any outstanding License Fee balance must be paid to the City. For the next License Year, the License Fee will follow the methodology outlined in R-3.250-N and will include the financial information of the previous licensee, if necessary to provide a full calendar year of information.

R-3.250-G. Licensee Responsibilities - General

1. Point of Collection.

a. Except as provided below, licensees shall not be required to collect residential solid waste, recyclables, or organics from containers that are not located as required by R-3.250-U.3.

b. Licensees shall work with their customers through the provision of written educational materials, telephone assistance, website education, and driver activity to ensure the customer's compliance with Section R-3.250-U.3. for placement of containers.

c. Licensees shall make alternative arrangements to the Location of Receptacles' provisions at Section R-3.250-U.3. in the following cases:

(1) When curbside placement would cause obstruction of a sidewalk (would not leave at least a three feet width of the paved area of the sidewalk unobstructed), or the street has a designated bicycle lane immediately adjacent to the curb;

(2) When curbside placement is impracticable due to interfering structures, culverts, vegetation or terrain; or

(3) When the customer has a permanent or temporary disability or condition that makes curbside placement by the customer or another resident of the customer's household impracticable.

d. When alternative arrangements must be made under c., above, the order of preference for collection shall be as follows:

FIRST: Collection shall be made, at no extra charge to the customer, from the area closest to the curbside, but within 15 feet of the curb or edge of the collection route, provided that such collection can be made without ascending or descending stairs of more than three (3) steps, and without entering into a building.

SECOND: If alternative collection cannot be made as provided above, collection shall be made under any arrangement that is mutually agreeable to the licensee and the customer in a manner that does not create an obstruction of the sidewalk or place a container into a street with a designated bicycle lane immediately adjacent to the curb. Licensee's charge for the alternative collection shall not exceed the fees for pack-out service, as described in the Solid Waste Collection Rate Schedule.

2. Replacement of Containers. Licensees shall return any emptied cans, carts, containers, or bins to the correct location on the curbside or as designated in an alternative arrangement with the customer. Licensee shall not return containers in a manner that obstructs a

sidewalk, or that otherwise creates a hazardous situation. The licensee is responsible for closing any can, cart, or container as securely as possible to prevent the lid blowing away or rain getting into the can, cart, or container.

3. **Regularly Scheduled Collection.** The licensee shall provide regularly scheduled collection services so that customers can reliably determine their collection day.

4. **Notice of Change of Collection Day.** Prior written notice of any change in a route that results in a change to the day on which residential collection of solid waste occurs shall be given by licensees to residential customers a minimum of one week prior to the proposed change. A licensee shall not permit any customer to go longer than the customer's scheduled service frequency in connection with a collection schedule change.

5. **Rates and Services.**

a. Licensees shall provide new residential customers with information as to the residential services available and their rates, and new commercial customers with information about commercial rates and services at the time services are contracted for.

b. Within 60 days of any rate or service change adopted by the City, all licensees shall notify existing customers of the change and of any new rates or services added or discontinued. At least two weeks prior to providing this notice to customers, licensees shall provide the City Manager with a copy of the information given to customers.

c. At least 30 days prior to the effective date of any licensee initiated rate increase, licensees must notify, in writing, the City Manager and all existing customers to whom the new rate will apply. The notice shall describe the services affected, rate adjustments, effective date and justification for the change.

d. The customer notices required herein shall be given in the same manner in which a customer is billed (i.e., by mail or electronic mail).

6. **Litter.** Licensees shall transport all solid waste, recyclables, yard debris, commercial food waste, and organics in a manner so as to minimize odor and to keep solid waste, recyclables, yard debris, commercial food waste, and organics from dropping, spilling, blowing or leaking from the vehicle. Each licensee shall pick up all material blown, littered, broken or leaked in the public right-of-way in the course of collection.

7. **Service Reliability.** Failure to provide service on a regular basis to contracted customers is a violation of these rules. Labor unrest, including, but not limited to, strike, work stoppage or slowdown, sick-out, picketing, or other concerted job action conducted by a licensee's employees or directed at a licensee is not an excuse from performance and each licensee shall be obligated to continue to provide service notwithstanding the occurrence of any or all of such events. Enforcement action may be commenced if service is interrupted for five consecutive days.

R-3.250-H. Licensee Responsibilities – Solid Waste.

1. Service. Licensees shall collect solid waste at the subscribed service level from containers that the customer has placed for collection consistent with the location requirements at R-3.250-U.3. or R-3.250-G.1.

2. Containers.

a. Label. All containers provided by a licensee under these Rules shall be clearly labeled with the name and telephone number of the licensee providing the collection service.

b. Availability. For each collection service provided in the Solid Waste Collection Rate Schedule, licensees shall make available to their customers at no additional charge, a single, appropriately sized, rigid container designed for the collection of solid waste. Licensees may not substitute for the subscribed container size a larger container with a line either painted or otherwise marked to indicate the subscribed volume of service.

3. Disposal of Solid Waste. Licensees shall dispose of solid waste at sites authorized by the Oregon Department of Environmental Quality, except that solid waste to be used for agricultural or feeding purposes or recyclables shall be disposed of in the manner appropriate to its future use in compliance with ORS Chapter 459 and any rules or regulations adopted pursuant to such statutes.

R-3.250-I. Licensee Responsibilities- Recycling.

1. Residential Recycling.

a. Service. All licensees must provide each residential customer with weekly curbside collection of recyclable materials on the same day that solid waste is collected from those customers. Licensees providing commingled collection services on an automated basis with a roll cart may provide recycling collection service every other week. Residential recyclable materials include at least cardboard, newspapers, magazines, scrap paper, glass, tin and aluminum, plastic containers, and motor oil.

b. Commingled Collection Standards. Those licensees who elect to collect recyclable materials in a commingled fashion shall keep glass bottles and jars separated from other recyclable materials for the entire period during which a licensee possesses recyclable materials generated by a residential customer and shall supply an additional container for the collection of glass bottles and jars.

c. Residential Recycling Containers. At least one durable container for use in curbside recycling shall be provided by licensees to each residential customer at no additional charge. Recycling containers shall be: clearly labeled as a receptacle for the recyclable materials with the name and telephone number of the licensee providing the

collection service; constructed of a durable material with a solid base and a minimum of four sides; reusable and sized appropriately for the volumes generated; of a color distinctly different from the container(s) supplied for solid waste and organics; and maintained in good working order, free of sharp edges, dents, or other aesthetic blemishes.

2. Multi-family Recycling.

a. Service. All licensees must provide each multi-family complex solid waste collection customer with collection of recyclable materials, including, but not limited to cardboard, newspapers, magazines, scrap paper, glass, tin, aluminum, and plastic containers.

b. Commingled Collection Standards. Those licensees who elect to collect recyclable materials in a commingled fashion shall keep glass bottles and jars separated from other recyclable materials for the entire period during which a licensee possesses recyclable materials generated by a multi-family complex customer and shall supply an additional container for the collection of glass bottles and jars.

c. Multi-family Recycling Containers. Recycling containers shall be clearly labeled with the name and telephone number of the licensee providing the collection service; shall be constructed of a durable material with a solid base and a minimum of four sides; reusable and sized appropriately for the volumes generated; clearly labeled as a receptacle for the specific recyclable item; and shall be maintained in good working order, free of sharp edges, dents, or other aesthetic blemishes. The licensee shall also affix City-approved decals on all solid waste and recycling receptacles, clearly identifying the appropriate contents.

3. Commercial Recycling.

a. Service. All licensees must provide regularly scheduled on-site collection service for commingled recyclables, including at least the following: scrap paper, glass, tin and aluminum, and plastic tubs, bottles and jars. Regular collection service shall consist of a minimum of monthly collection, using durable reusable containers sufficiently sized to accommodate customer needs. Those licensees who elect to collect recyclable materials in a commingled fashion shall keep glass bottles and jars separated from other recyclable materials for the entire period during which a licensee possesses recyclable materials generated by a commercial customer; and shall supply an additional container for the collection of glass bottles and jars. The service shall be provided to the following upon request:

(1) All commercial customers;

(2) Indoor or outdoor special events expected to attract over 100 individuals and where food will be served. Recycling collection services and containers shall be made available by the licensee for glass, tin and aluminum,

plastic containers, cardboard, scrap paper, and food discards. Preparation standards may be established by the licensee providing service to the event.

b. **Commercial Recycling Containers**. Recycling containers shall be clearly labeled with the name and telephone number of the licensee providing the collection service; shall be constructed of a durable material with a solid base and a minimum of four sides; reusable, and sized appropriately for the volumes generated; clearly labeled as a receptacle for the specific recyclable item; and shall be maintained in good working order, free of sharp edges, dents, or other aesthetic blemishes. Recycling containers for food waste and paper shall be of a color distinctly different from solid waste collection containers.

c. **Wet/Dry Separation.** In accordance with R-3.250-P., each licensee is required to report the total commercial tonnage collected within the City. Those licensees collecting more than 5 percent of the total commercial tonnage generated from accounts utilizing 10 cubic yard containers or smaller within the City on an annual basis will be notified by the City in writing by July 1 of each year of the requirement to develop a routing system that provides for the recovery of certain recyclable material from the waste stream.

Dry commercial solid waste accounts shall be grouped into such configuration as to constitute a route so that collected materials will be delivered to a material recovery facility designed for the recovery of at least 25 percent of the incoming waste stream that has been issued a license or permit to conduct that activity by the Oregon Department of Environmental Quality.

4. **Residential, Multi-family, and Commercial Recyclables Processing.** Licensees must dispose of recyclable materials at a recycling facility in compliance with regulations of the Oregon Department of Environmental Quality and/or other regulatory agencies with authority to monitor environmental, worker health, and recovery and quality standards. Licensees may not dispose of recyclable materials by any means other than recycling.

5. **Recyclable Material Preparation Requirements.** Licensees may make reasonable and industry accepted requirements for the preparation of materials for recycling, but may not otherwise discourage the use of curbside collection of recyclables by customers.

6. **Glass to Glass Recycling Priority.** Licensees will prioritize the delivery of curbside-collected glass to facilities specializing in the remanufacture of postconsumer glass into new glass. When the above-mentioned practice is shown to have substantial negative financial impacts on the city's Solid Waste Collection Rate Schedule, licensed haulers must request permission of the City Manager or designee to deliver material to a DEQ-approved site for reuse of postconsumer glass.

R-3.250-J. Licensee Requirements – Residential Organics Collection.

1. Service. Licensees providing residential service must provide biweekly (every other week) curbside organics collection to existing customers on the same day as solid waste collection.

2. Organics Containers. Licensees must provide residential customers, at no additional charge, with a roll cart having a capacity of approximately 65-gallons in a color that is different from the solid waste container, to be used for collection and disposal of organics. The organics container shall be clearly marked to indicate Organics Only or Yard Debris Only. If a licensee chooses to utilize containers marked Yard Debris Only as organics receptacles, the licensee shall provide its residential customers with informational literature informing the customers that containers marked Yard Debris Only may be used for both yard debris and food waste.

3. Organics Processing. Organics must be disposed of by licensees at a compost/mulch facility in compliance with regulations of the Oregon Department of Environmental Quality. Licensees shall maintain records of the tonnage of organics collected based upon the scaled load contained in each collection vehicle delivery to the compost/mulch facility. Weight records shall be provided to the City upon request.

4. Unacceptable material.

a. Paper products;

b. Offal and by-products from animal processing;

c. Yellow and brown grease in more than incidental amounts;

d. Plastic;

e. Compostable Plastic;

f. Dirt, rocks, metal, or other non-vegetative solid waste;

g. Pet waste/diapers.

5. Organics Exemptions. The following customers shall not be charged for, or receive, automatic organics collection service unless they request the service:

a. Residential customers with 21-gallon solid waste service;

b. Residential customers who subscribe to once-per-month 32-gallon solid waste service; and

c. Individual customers who are served under a single billing to the management of a mobile home park, condominium or apartment complex.

6. **Organics Notices.** On an annual basis, licensees must provide residential customers with a calendar indicating their weeks for organics collection.

R-3.250-K. **Licensee Requirements – Commercial Food Waste Collection.**

1. **Service**. Licensees providing commercial service shall provide commercial food waste collection upon customer request.

2. **Containers**.

a. Licensees may determine the container size best suited to a customer's specific need.

b. Containers shall be sealed and non-leaking in order to prevent run-off from entering the storm drains, complying with stormwater standards in the Land Use Code EC 9.6795 and the City of Eugene Stormwater Manual.

c. Containers shall be covered and locked.

3. **Food Waste Processing**. Food waste must be disposed of by licensees at a certified compost facility in compliance with the Oregon Department of Environmental Quality's Special Rules Pertaining to Composting in Oregon Administrative Rules, Division 96. Licensees shall maintain records of tonnage of food waste collected based upon the scaled load contained in each collection vehicle delivery to the certified compost facility. Weight records shall be provided to the City upon request.

4. **Collection trucks**. Collection trucks shall be equipped with seals adequate to prevent wet waste from leaking on to streets.

5. **Acceptable Material**.

a. All food waste except that described in subsection 6., below;

b. Floral waste.

6. **Unacceptable material**.

a. Paper coated with plastic or foil;

b. Offal and by-products from animal processing;

c. Yellow and brown grease, including, but not limited to cooking oil and other process liquids from restaurants, food service providers, food processors, and other food generators;

d. Plastic.

R-3.250-L. <u>Licensee Requirements - Vehicle and Equipment Standards</u>.

1. All licensee vehicles used to carry solid waste, recyclable materials, yard debris, organics, or commercial food waste shall be properly maintained according to manufacturer's specifications. Vehicles must be designed and maintained to prevent leakage. Complete maintenance records shall be kept and made available to the City Manager upon request. A licensee shall store the records for no less than three years.

2. All licensee vehicles used to carry solid waste, recyclable materials, yard debris, organics, or commercial food waste must be properly identified according to the following specifications:

a. Within 30 days after license approval, the transfer of a license, or acquisition of a new or used vehicle, the licensee must have painted, or display by attached decal, placard or sign, the name or duly adopted assumed business name of the licensee as listed on the license, on each side of the vehicle. No licensee may use a vehicle which does not display the business name of that licensee.

b. The display of name prescribed in this Rule shall be in letters and figures in sharp contrast to the background, and be of such size, shape and color as to be readily legible during daylight hours from a distance of 50 feet while the vehicle is not in motion, and such display shall be kept and maintained in such a manner as to remain so legible.

c. Vehicles used in the collection of solid waste, recyclable materials, yard debris, organics, or commercial food waste shall be painted, thoroughly washed, and thoroughly cleaned on a regular basis so as to present a clean appearance.

3. Each licensee shall comply with all applicable federal, state and local laws and regulations relating to driving, maintenance, and transportation.

4. Areas for parking, cleaning, storage, repair and maintenance of licensee's vehicles and equipment shall be located in compliance with applicable zoning ordinances and other local and state statutes, ordinances, rules and regulations.

R-3.250-M. <u>Licensee Requirements - Employee Standards</u>.

1. Each licensee shall furnish such qualified drivers, mechanical, supervisory, clerical, management and other personnel as may be necessary to provide the services required by their

license in a satisfactory, safe, economical and efficient manner. All drivers shall be trained and qualified in the operation of the vehicles they operate and must possess a valid license, of the appropriate class, issued by the Oregon Department of Motor Vehicles.

2. Each licensee shall provide its employees and subcontractors with identification for all individuals who may make face-to-face contact with residents or businesses within the City.

R-3.250-N. **Licensee Requirements - Annual License Fees.**

1. For the privilege of using the City's streets and other facilities, and for the purpose of defraying the City's regulatory expenses and expenses incurred in providing educational and business assistance programs to the public, solid waste collectors licensed under the provisions of the Eugene Code, 1971 shall pay an annual license fee. The required license fee shall be that described in a. or b., below, whichever is greater.

a. $1,000; or

b. The sum of the following:

(1) Two and one-half percent (2.5%) of the licensee's gross receipts earned in the previous calendar year for residential service provided within the City of Eugene; plus

(2) Six percent (6%) of the licensee's gross receipts earned in the previous calendar year for commercial service provided within the City of Eugene; plus

(3) Six percent (6%) of the licensee's gross receipts earned in the previous calendar year for drop box service provided within the City of Eugene, minus Lane County disposal fees and system benefit fees established pursuant to EC 3.250(2).

2. The annual license fee shall be calculated by June 30 of each year and paid by the licensee between July 1 and July 15 of each year. If an audit reflects the licensee has undercharged its customers, the annual license fee shall be recalculated based on the gross collection receipts that should have been charged by the licensee. Any deficiency between the annual license fee previously paid by the licensee and the amount determined due by the audit shall be paid by the licensee within thirty days of notification by the City of the amount due.

3. Deliberate or grossly negligent misrepresentation of gross collection receipts, tipping fees or Lane County system benefit fees by a licensee constitutes a knowing or intentional violation of these Rules and constitutes cause for revocation of the license.

4. License fees for transferred, terminated or forfeited licenses are non-refundable.

R-3.250-O. <u>Licensee Requirements - Records Maintained</u>.

1. Each licensee shall maintain records for each customer showing:

a. Address of service recipient;

b. Dates of service;

c. Types of service provided, including, but not limited to, solid waste collection, curbside recycling, yard debris collection, organics collection, commercial food waste collection and additional services, and the frequency of each collection service;

d. Rates charged for service;

e. Rebates, discounts or credits provided to customers; and

f. Donated services provided to customers.

2. Each licensee shall maintain records showing the basis for:

a. The rates charged and rebates, discounts, credits and donated service provided to its customers;

b. The license fees paid to the City;

c. Allocating expenses between the licensee's customer accounts inside the City limits and those outside the City limits;

d. Allocating expenses between the licensee's commercial and residential customer accounts; and

e. Allocating expenses between recycling and non-recycling customer accounts.

3. Each licensee shall maintain detailed account information separately for solid waste, recyclables, yard debris, commercial food waste, and organics collection including:

a. Number of single-family residential customers listed by service category (i.e., number and size of container);

b. Number of multi-family accounts billed and number of units served listed by service category (i.e., number and size of container(s) and collection frequency);

c. Number of commercial customers listed by service category (i.e., number and size of container(s) (cart or bin) and collection frequency);

d. Number of regular drop box customers listed by service category (i.e., container size and collection frequency);

e. Number of regular compactor customers listed by service category (i.e., container size and collection frequency);

f. Number of temporary drop boxes serviced annually listed by container size;

g. City facilities receiving service listed by name and service category (i.e., number and size of container(s) and collection frequency).

4. Each licensee shall maintain route maps for solid waste, recyclables, yard debris, commercial food waste, and organics collection showing daily routes.

5. Each licensee shall maintain monthly solid waste, recyclables, and organics tonnage information for single-family, multi-family, commercial, and drop box, including location of disposal site or processing site.

6. Each licensee shall store the records for not less than three years.

7. Each licensee shall make available for inspection by the City Manager at any time during normal work hours:

a. All records the licensee is required to maintain under Subsections 1-6 of this Section; and,

b. Any other records in the licensee's possession that the City Manager deems relevant to verify the accuracy of license fees paid to the City, to regulating rates, or to carrying out any responsibility that the City Manager has under these Rules.

R-3.250-P. <u>Licensee Requirements - Reporting</u>.

1. No later than April 15 of each year, each licensee shall submit to the City a financial and operational report verified by an officer or manager of the licensee in an electronic or other format approved by the City. Licensee's accounting records shall be kept in a manner consistent with the instructions provided by the City.

a. The reported financial data shall include:

(1) Total company expenses, including service within and outside the City of Eugene, by chart of accounts line item for the licensee's most recent fiscal year;

(2) Disposal and processing expenses by line of business (solid waste, recycling, yard debris, commercial food waste, and organics) for the licensee's most recent fiscal year;

(3) Disposal and processing per-ton or per-yard tip fees paid during the licensee's most recent fiscal year;

(4) Collection rates by size and type of container and frequency of service;

(5) Total company service revenues by line of business, both from within and outside the City of Eugene.

b. The reported operational data shall include:

(1) Number of accounts for each line of business by size and type of container and frequency of service as of the most recent January 1;

(2) Labor hours and route hours spent collecting materials in Eugene and outside Eugene;

(3) Number of stops per day and crew size by route for all routes as of the most recent January 1;

(4) Number of drop box vehicles, excluding spares, and drop box drivers as of the most recent January 1;

(5) Number of tons or yards disposed and processed by line of business.

2. Each licensee shall report to the City all enforcement actions by the Department of Environmental Quality within thirty days of occurrence.

R-3.250-Q. <u>Licensee Requirements - Public Education</u>.

1. <u>Recycling and Waste Prevention.</u> As part of a program to educate and inform customers with respect to reducing, reusing and recycling material, each licensee shall provide:

a. Recycling and organics notification and educational packets for all new residential customers specifying the materials collected, collection schedule, and materials preparation and recycling benefits;

b. Recycling and yard debris notification and educational packets for all new multi-family and commercial customers; specifying the materials collected, collection schedule, and materials preparation and recycling benefits;

c. Quarterly recycling and organics information to all residential customers that includes, at a minimum, the materials collected and the schedule for collection, and at least annually, includes additional information describing the procedure for preparing materials for collection;

d. Quarterly recycling and yard debris information to all multi-family and commercial customers that includes, at a minimum, the materials collected and the schedule for collection, and at least annually, includes additional information describing the procedure for preparing materials for collection; and,

e. Such additional information as the City Manager determines to be necessary or helpful to improve solid waste collection, residential organics collection, yard debris collection, commercial food waste collection, recycling services, and waste prevention education to customers.

2. **Cart and Container Placement.** On a quarterly basis, and at the time of initiation of service for new customers, licensees shall supply customers with information regarding the proper placement priority for carts and containers, as well as the appropriate hours for cart and can placement.

3. **City Review.** On a quarterly basis, licensees shall provide copies of their public education information to the City Manager for City review and comment.

R-3.250-R. **Licensee Requirements Customer Service.**

1. **Responsiveness.** Licensees shall have a local or toll free telephone number for communication with the public. The telephone number shall have an answering machine or voice-mail service in the event that a representative of licensee is not available to answer customers' calls. Licensees shall respond to messages left on the answering machine or voice-mail service within four business hours. The intent of this section is that licensees shall respond to messages received in the morning before the end of that work day, and messages received in the afternoon before noon of the next business day. Licensee's telephone and answering machine or voice-mail system shall be adequate to handle the volume of calls typically experienced on the busiest days.

2. **Contamination Notification.** A licensee is not required to collect commingled material if the licensee determines that there is a contaminant in the designated recycle, yard debris, or organics container. The first time that a licensee refuses to collect from a particular customer due to contamination, the licensee shall provide the customer with a written Notice of Contamination that explains the reason for non-collection and notifies the customer of the contamination fee identified in the adopted fee schedule that may be assessed for future instances of contamination.

3. **Complaint Documentation.**

a. **Complaint Log.** All service complaints received by the City shall be directed to the subject licensees. All written customer complaints and inquiries received and forwarded to the licensee by City shall be date-stamped when received. Licensees shall log all complaints received from the City and the log shall include the date and time the complaint was received, name, address and telephone number of the customer, description of the complaint, the employee recording the complaint, and the action taken by the licensee to respond to and remedy the complaint.

b. **Complaint Response.** Licensees shall provide at least an initial response to each complaint within one business day of receipt. Licensee shall log action taken by licensee to respond to and remedy the complaint.

c. **Complaint Record Retention.** Licensees' logs of complaints concerning collection of solid waste shall be retained for a minimum of twelve months and shall be available to City during business hours and at no cost. City shall, at any time during regular business hours, have access to licensee's customer service records to review licensee's response to customer complaints forwarded by the City.

R-3.250-S. Solid Waste Collection Rates.

1. All licensees shall charge at least the minimum collection rate(s) for the services provided as set out on the Solid Waste Collection Rate Schedule (attached hereto and incorporated herein by this reference) and shall charge no more than ten percent (10%) above that collection rate.

2. Rates for a given service must be added to the Solid Waste Collection Rate Schedule before a licensee may provide that service to customers.

3. Licensees shall not provide a rebate to commercial customers based on the amount or value, or both, of recyclable materials generated by the customer and sorted for recovery at a materials recovery facility if this "value sharing" rebate would result in a net collection rate that is below the established minimum collection rate.

4. Accounts for noncontiguous properties, regardless of ownership, shall not be aggregated and must be billed separately. For purposes of this provision, mobile home parks, condominiums and apartment complexes shall be considered a single property or contiguous properties.

R-3.250-T. Solid Waste Collection Rates Review Process.

1. The City Manager, or designee, will review rates on an annual basis. As part of the rate review process, the City's objective is to ensure that:

a. Rates are calculated on a cost-plus basis to provide a minimum rate sufficient to allow an 11% pre-tax return based on the hauler with the largest number of commercial and residential accounts.

b. Disposal fee expenses are excluded from the licensee expenses when determining profit.

c. Non-allowable expenses are income taxes, amortization expense, political and charitable expenses, and interest expenses with the exception of actual interest on capital equipment used for collection operations over $50,000. The allowable interest would be on actual interest incurred after September 1, 2010.

d. Residential and commercial financial results of operations are combined to set rates.

e. Each licensee will report on a standard chart of accounts. Licensees may provide a cross reference to show the relationship of a licensees' customized chart of accounts to the standardized chart of accounts in the reporting model.

2. In determining the need for a service rate adjustment, the City Manager may consider at least the following criteria:

a. Reasonableness of the proposed rate adjustment.

b. Rates charged for collection services in other cities in Oregon.

c. The most recent Consumer Price Index (CPI-W) for Portland, Oregon.

d. Costs and revenues associated with providing curbside recycling service and the ability of a rate structure to encourage recycling.

e. The anticipated change in the cost of providing this service.

f. The need for equipment replacement and the need for additional equipment to meet service needs and to be in compliance with federal, state and local law.

R-3.250-U. <u>Customer Responsibilities</u>.

1. <u>Payment Responsibility</u>.

a. Any person who contracts for service from a licensee shall be responsible for payment for the service.

b. A customer may not deduct from the customer's service bills the cost of past, unreported missed collections.

c. A customer may request a vacation credit to stop all services for a minimum period of two consecutive weeks and must give at least 48 hours advance notice to the licensee of the request for vacation service suspension.

2. **Notification.** A customer shall promptly notify the licensee of a missed collection or billing error.

3. **Location of Receptacles.**

a. The customer shall place receptacles at the curbside in a location that allows for sufficient vertical clearance for receptacle(s) to be picked up by automated collection vehicles, and in a manner that does not obstruct mailboxes, water meters, the sidewalk, fire hydrants, driveways, or impede traffic flow or on-street parking. Receptacle placement is prohibited in a sunken or in-ground location, on a sidewalk unless at least a three feet width of the paved area of the sidewalk remains unobstructed, within a designated bicycle lane, or onto a street with a designated bicycle lane immediately adjacent to the curb. Collection containers shall be placed by the customer in the following order of preference:

(1) Within a planting strip.

(2) On a sidewalk, so long as at least a three feet width of the paved area of the sidewalk remains unobstructed.

(3) Within the apron of the customer's driveway.

(4) At the edge of a street, if there is no bicycle lane immediately adjacent to the curb.

b. Residential solid waste, recyclable materials and organics carts, cans and bins must be placed curbside, unless the customer subscribes to pack out service at the approved pack out service rate. An alternative arrangement to curbside collection may be made with the licensee when curbside placement is impractical due to interfering structures, culverts, vegetation or terrain. Special placement arrangements for physically impaired customers may be made by agreement between a customer and the licensee.

c. Multi-family solid waste, recyclable materials and yard debris receptacles shall be placed at a location that is readily accessible and safe to empty and load.

d. Commercial customers shall place solid waste, recyclable materials, commercial food waste, and yard debris receptacles at a location that is readily accessible and safe to empty and load.

e. Drop boxes shall be placed in locations that are readily accessible and safe to empty and load. Unless a customer has obtained a city permit in accordance with section 7.290 of this code, drop boxes shall not be placed on any public right-of-way or any city property.

f. Compactor customers shall place compactors at a location that is readily accessible and safe to empty and load.

g. Residential customers shall, on non-collection days, store containers no less than ten feet from any travel lane adjacent to the property associated with the account. Where compliance is impracticable due to interfering structures, culverts, vegetation or terrain, containers may be stored ten feet or less from the travel lane if (1) containers are stored as far from the travel lane as possible, and (2) containers are screened from view to the greatest extent possible.

h. If a customer and licensee are unable to agree on a placement location that is readily accessible and safe to empty and load as required in the subparagraphs of this subsection, the licensee may discontinue service to the customer, and the customer may contract with a different licensee for the services. Alternative arrangements to those described in subparagraphs a. – f. may be made as provided at R-3.250-G.1.

4. **Time of Receptacle Placement.** The customer is responsible for proper placement of solid waste, recyclable materials, yard debris, and organics receptacles at the curbside no earlier than 7:00 p.m. on the day prior to the customer's regularly scheduled collection and for removal of the empty receptacle(s) from curbside no later than midnight on the day of collection.

5. **Receptacle Loading Requirements.** The customer shall:

a. Place solid waste, recyclable materials, yard debris, and organics safely and securely in the appropriate receptacles to prevent lightweight materials from blowing away prior to and while being placed into the collection vehicle;

b. Load the contents of a receptacle in such a manner that they fall freely from the receptacle while being emptied by the licensee. A licensee shall not be responsible for digging the contents out of a receptacle;

c. Not overfill a receptacle so that the lid cannot be securely closed or, for a drop box, that a tarp cannot be securely fastened. The customer is responsible for closing the receptacle as securely as possible to prevent the lid or materials from blowing away or rain from getting into the receptacle. If a drop box is overfilled, the customer shall be responsible for removing the excess material to another drop box so that a tarp cover can be securely fastened on both drop boxes;

d. Bag cold ashes, animal wastes, kitty litter and other fine materials separately from other solid waste before disposing of these materials in the solid waste receptacle.

6. **Weight of Receptacles.**

a. Residential customers shall limit the weight of a receptacle and its contents to the following maximum weights:

Cart Capacity	Maximum Weight
21-gallon	35 lbs.
35-gallon	60 lbs.
65-gallon	120 lbs.
95-gallon	145 lbs.

b. The weight of material put into a multi-family or commercial receptacle or drop box, whether compacted or not, shall not exceed the lifting capacity of the licensee's equipment, nor shall the weight of a loaded drop box put the licensee over the weight limit for the loaded vehicle. The licensee shall furnish the customer with information concerning limitations on its equipment, upon request. A licensee is not required to collect receptacles exceeding 300 pounds gross loaded contents per cubic yard. However, if the licensee collects an overweight receptacle, the licensee may charge the customer for disposal costs on the excess over 300 pounds per cubic yard. If drop boxes are overloaded to exceed the weight limit for a loaded vehicle, the customer shall be responsible for payment of any fine resulting from an overweight ticket.

c. If the contents of a drop box or container are compacted, either manually or mechanically, the customer shall pay the city-approved compactor rate.

7. **Putrescible Materials.** The customer shall store putrescible materials in a manner that does not constitute a nuisance as defined by section 6.050 of this code.

8. **Drop Box Collection Frequency.** The collection frequency for drop boxes shall be determined between the licensee and the customer based on:

a. The waste composition;

b. The weight of the material and receptacle;

c. The ability of the licensee to transport the loaded receptacle to a disposal facility without being in violation of the highway weight regulations; and

d. The proper maintenance of the receptacle by the customer to prevent leakage.

9. **Recyclable Material Preparation.** The customer shall prepare recyclable materials for collection in accordance with city-approved instructions provided by the licensee.

10. **Yard Debris Preparation.** The customer shall place yard debris in the container supplied by the licensee, and shall include only the materials that meet the definition of yard debris in EC 3.005.

11. **Organics Preparation.** The customer shall place organics in the 65-gallon organics carts supplied by the licensee and shall include only the materials that meet the definition of organics in R-3.250-A. Definitions. The customer shall not include any of the materials prohibited by Rule R-3.250-J.4. Unacceptable Materials.

12. **Medical and Infectious Wastes.** The customer shall place medical and infectious wastes in appropriate containers. The customer shall not place medical and infectious waste materials in a receptacle for collection with solid waste, recyclable materials, yard debris, organics, or commercial food waste materials. The customer should contact the licensee for information on proper disposal options. The customer is responsible to prepare other wastes as agreed upon with the licensee.

13. **Unacceptable Materials.** The customer shall not place unacceptable materials in solid waste, recyclable materials, yard debris, commercial food waste, or organics receptacles. If a customer places unacceptable materials in a receptacle furnished by a licensee and that receptacle is damaged as a result, the customer shall be responsible for paying the cost of repair or replacement of that receptacle. The customer should contact the licensee for information on proper disposal options for these materials. Customers who contaminate material separated to be recycled or disposed of as yard debris, commercial food waste, or organics may be subject to a fine by the licensee as outlined in the Solid Waste Collection Rate Schedule.

14. **Recycling and Solid Waste Collection Areas.** Multi-family dwellings constructed after August 1, 2001 shall meet small recycling collection facility standards, and provide screening for outdoor recycling and solid waste collection areas as more particularly described in Chapter 9 of the Eugene Code, 1971 and these Rules.

15. **Multi-family Outreach and Educational Requirements.** Owners of multifamily complexes shall distribute to all tenants at least once a year, information about how to use the onsite recycling system. Owners shall provide tenants with this information within 30 days of move-in and annually thereafter.

R-3.250-V. **Enforcement.**

1. Consistent with Section 2.018 of the Eugene Code, 1971, the City may impose administrative civil penalties on responsible persons (licensees or customers) for violation of any provision of Sections 3.245 through 3.270 of the Eugene Code, 1971, or of these Rules.

2. Each day a violation occurs or continues constitutes a separate violation. Each customer account for which a violation occurs constitutes a separate violation. In cases of charging outside the rate structure authorized by the Solid Waste Collection Rate Schedule, each container

for which there is an under-charge or over-charge constitutes a separate violation and each time a service is provided with an over-charge or undercharge constitutes a separate violation.

3. Notwithstanding the guidelines contained in this section for civil penalties, if a civil penalty is deemed by the City Manager or designee to be excessive in relationship to the nature of the violation, the City may reduce the fine based on consideration of the following criteria:

a. Whether the violation results in benefits to the responsible party, economic or otherwise;

b. Whether the violation was isolated and temporary or repeated and continuous;

c. The length of time from prior violations;

d. The magnitude and seriousness of the violation;

e. The costs of investigation of the violation;

f. Other relevant, applicable evidence bearing on the nature of seriousness of the violation.

4. In addition to the considerations described at Section 2.018(5) of the Eugene Code, 1971, the imposition of penalties for any violation described in this section R-3.250-V shall be based on a formula that calculates the dollar amount of the penalty per day by multiplying the amount of the BASE (subsection a) by the MULTIPLIER (subsection b) and then multiplying that by $20.00 for a licensee or by $10.00 for a customer. Notwithstanding this formula, the maximum assessment for a violation per day shall be $2,000.

a. The BASE is the sum of "E" plus "P" plus "C" plus "T" where:

(1) "E" is the effort made by the responsible person in taking all feasible steps or procedures necessary or appropriate to correct the violation. The value of "E" shall be:

(a) 0, if the responsible person has made an active attempt to correct the violation.

(b) 1, if this is a first violation of the Solid Waste Collection Rate Schedule.

(c) 2, if the responsible person took little or no action whatsoever to correct the violation, or if the violation was so severe as to require immediate civil penalties, or if this was a subsequent violation of the Solid Waste Collection Rate Schedule.

(2) "P" is the frequency of prior violations of ordinances, rules, orders, or permits. The value of "P" is based on prior similar violations for which the city sought voluntary correction or issued an order to correct or a notice of civil violation, regardless of whether enforcement action was taken. The value of "P" shall be:

(a) 1, if the present violation is the first violation by the responsible person.

(b) 2, if the responsible person has had previous violations but none similar to the present violation within the past two years.

(c) 3, if the person responsible has had only one violation similar to the present violation within the past two years.

(d) 4, if the person responsible has had two or more violations similar to the present violation within the past two years.

(3) "C" is whether the cause of the violation was an unavoidable accident, negligence, or a reckless or intentional act. The value of "C" shall be:

(a) 1, if the violation was caused by an unavoidable accident or was caused by others. This category applies when the civil penalty is assessed either (i) against a person who caused the violation but could not have reasonably foreseen that a violation would occur; or (ii) against a person who is responsible for the property, such as an owner or landlord, but who was not physically in charge of the property when the violation occurred.

(b) 2, if the violation was caused by a responsible person's negligence. Negligence is the failure to exercise the care that a prudent person would exercise under the circumstances. This category applies where a person caused a violation by carelessness.

(c) 5, if the violation was caused by a responsible person's reckless or intentional acts. A reckless act is marked by a lack of proper caution or disregard for consequences. An intentional act is an act done knowingly or willfully. A failure to charge a rate consistent with the Solid Waste Collection Rate Schedule or the charging of a rate that is inconsistent with that Schedule shall be considered knowing and intentional.

(4) "T" is the type of violation. The value of "T" shall be:

(a) 1, for customer violations of R-3.250-U, for licensee failure to timely file a report as required by these Rules, or for obvious bookkeeping errors.

(b) 2, for licensee violations of EC Chapter 3 or R-3.250-F through R-3.250-R, except as provided in a, above;

(c) 5, for licensee violations of R-3.250-S.

b. The MULTIPLIER is equal to "K" where "K" is the knowledge the responsible person had at the time of the violation about the legality of his/her action, based on prior notice, order or enforcement action, experience and expertise relating to the circumstances of the violation. The value of "K" shall be:

(1) 1, if the responsible person had not been informed and could not reasonably be expected to be aware that the action constituted a violation.

(2) 2, if the responsible person reasonably should have known the action constituted a violation.

(3) 3, if through a previous attempt by the city to obtain voluntary correction or issuance of an order to correct or a notice of civil violation, enforcement actions, permitting, licensing, or other means, the responsible person had been informed that the action constituted a violation or if the violation was otherwise knowing or intentional.

5. A person against whom a penalty has been imposed may appeal the decision according to the procedures described in Section 2.018 of the Eugene Code, 1971.

6. A person against whom a penalty has been assessed must pay the penalty within fifteen days of notice from the City. After the fifteenth day, interest will accrue on unpaid amounts.

7. Failure to pay penalties imposed by the City for violations of these Rules is grounds for revocation of a license.

8. In addition to the enforcement measures listed here, the City may revoke a license as outlined in Eugene City Code Section 3.050.

Dated and effective this 6TH day of September, 2019.

Jon R. Ruiz, City Manager