

CHAPTER 5.06

SOLID WASTE COMMUNITY ENHANCEMENT PROGRAM¹

- 5.06.010 Policy and Purpose
- 5.06.020 Authority and Jurisdiction
- 5.06.030 Amount of Enhancement Fee
- 5.06.040 Enhancement Fee Requirements and Exemptions for Solid Waste Facilities
- 5.06.050 Establishment and Administration of a Solid Waste Community Enhancement Program
- 5.06.060 Solid Waste Community Enhancement Program Advisory Committee
- 5.06.070 Eligibility Criteria for Solid Waste Community Enhancement Projects
- 5.06.080 Goals for Solid Waste Community Enhancement Projects
- 5.06.090 Compliance and Dispute Resolution

Repealed

- 5.06.100 Administrative Procedures
[Repealed Ord. 19-1441]

¹ Formerly "Community Enhancement Programs"; Ord. 14-1344, Sec. 1.

5.06.010 Policy and Purpose

It is the policy of Metro to establish and implement a solid waste community enhancement program at all eligible solid waste facilities in the Metro region. The purpose of the program is to rehabilitate and enhance the area around the facility from which the fees are collected. [Ord. 14-1344.]

5.06.020 Authority and Jurisdiction

Metro's solid waste authority, including the authority to collect an enhancement fee and establish and implement a solid waste community enhancement program, is established under the Oregon Constitution, ORS Chapters 268 and 459, and the Metro Charter. [Ord. 14-1344.]

5.06.030 Amount of Enhancement Fee

Solid waste facilities subject to this chapter shall collect an amount not exceeding \$1.00 on each ton of putrescible solid waste delivered to the facility and remit the funds to Metro for use as a solid waste community enhancement fee. Eligible solid waste facilities may also collect an amount not exceeding \$1.00 on each ton of non-putrescible waste delivered to the facility when the Metro Chief Operating Officer and facility owner determines it is in the public interest. The Metro Council will set the enhancement fee amount for any solid waste facility subject to the fee. [Ord. 14-1344; Ord. 19-1439.]

5.06.040 Enhancement Fee Requirements and Exemptions for Solid Waste Facilities

- (a) Solid waste facilities that operate all or in part as disposal sites, transfer stations, reload facilities, compost facilities, and energy recovery facilities, as defined by Chapter 5.00, shall collect and remit an enhancement fee under this Chapter.
- (b) Where only a portion of a solid waste facility's operations qualify for collection of a fee under subsection (a), the facility shall collect and remit an enhancement fee only on the solid waste it accepts as an eligible facility.
- (c) Notwithstanding section (a) above, yard debris reload and yard debris composting facilities are not subject to the requirements of this Chapter. [Ord. 14-1344.]

5.06.050 Establishment of a Solid Waste Community Enhancement Program

- (a) Upon approval of a license or franchise application, the Metro Chief Operating Officer will inform a solid waste facility of the requirement to collect a solid waste community enhancement fee. The Metro Chief Operating Officer will require collection of the fee in the facility license or franchise.
- (b) The Metro Chief Operating Officer will inform the local government where the facility is located that a solid waste community enhancement fee will be collected by the facility and remitted to Metro.

- (c) The solid waste community enhancement program will be administered by (1) Metro directly or through a contract; or (2) the local government where the facility is located, so long as Metro and the local government agree on the terms of an intergovernmental agreement.
- (d) The Metro Councilor for the district where the facility is located shall be eligible to participate in the solid waste community enhancement program, including without limitation participation as a co-chair and voting member of the community enhancement committee, regardless of whether Metro or the local government, through an intergovernmental agreement, administers the program.
- (e) The Metro Chief Operating Officer will establish a timeline for implementation of a solid waste community enhancement program.
- (f) The funds collected and remitted to Metro shall be used for solid waste community enhancement projects chosen by a community enhancement committee and may include administrative costs in an amount set by the Metro Chief Operating Officer. [Ord. 14-1344.]

5.06.060 Solid Waste Community Enhancement Program Advisory Committee

A solid waste community enhancement program established under this section shall have a solid waste community enhancement committee. The committee is responsible for implementation of the program, including without limitation:

- (a) Establishment of the enhancement area boundary.
- (b) Creation of committee bylaws.
- (c) Development of a process for soliciting and selecting solid waste community enhancement projects.
- (d) Compliance with the eligibility criteria set forth in Section 5.06.070 and the goals set forth in Section 5.06.080 and creation of additional criteria and goals where needed.
- (e) Annually review enhancement program revenue estimates provided by Metro staff and propose how these funds will be allocated for the upcoming fiscal year or funding cycle.
- (f) Presentation of an annual report to the Metro Council on all projects approved for funding.
- (g) Maintenance of complete and accurate records related to the administration of the program, submitted to Metro annually. [Ord. 14-1344.]

5.06.070 Eligibility Criteria for Solid Waste Community Enhancement Projects

A solid waste community enhancement project must meet the following criteria to be eligible for funding. A solid waste community enhancement committee may apply more restrictive eligibility criteria:

- (a) The project must be located in the solid waste community enhancement area boundary as specified by the solid waste community enhancement committee or the project must benefit individuals or programs located inside the solid waste community enhancement area boundary.
- (b) The project applicant must be:
 - (1) A non-profit organization, including without limitation a neighborhood association or charitable organization with 501(c)(3) status under the Internal Revenue Service; or
 - (2) A school or institution of higher learning; or
 - (3) A local government, local government advisory committee, department or special district provided that they include documented support from the local government executive officer.
- (c) The project must not be used to replace any other readily available source of federal, state, local or regional funds.
- (d) The project must not promote or inhibit religion.
- (e) The project must not discriminate based on race, ethnicity, age, gender, or sexual orientation.
- (f) If the project is located on private land, the project application must establish a clear public benefit and must document landowner permission. [Ord. 14-1344.]

5.06.080 Goals for Solid Waste Community Enhancement Projects

Projects shall meet one or more of the following goals and solid waste community enhancement committees shall give priority to projects that best meet with goals. A solid waste community enhancement committee may adopt additional funding goals. The project will:

- (a) Improve the appearance or environmental quality of the community.
- (b) Reduce the amount or toxicity of waste.
- (c) Increase reuse and recycling opportunities.
- (d) Result in rehabilitation or upgrade of real or personal property owned or operated by a nonprofit organization having 501(c)(3) status under the Internal Revenue Code.

- (e) Result in the preservation or enhancement of wildlife, riparian zones, wetlands, forest lands and marine areas, and/or improve the public awareness and the opportunities to enjoy them.
- (f) Result in improvement to, or an increase in, recreational areas and programs.
- (g) Result in improvement in safety.
- (h) Benefit youth, seniors, low income persons or underserved populations. [Ord. 14-1344.]

5.06.090 Compliance and Dispute Resolution

The Metro Chief Operating Office is responsible for ensuring compliance with this Chapter.
[Ord. 14-1344.]

5.06.100 [Repealed Ord. 19-1441; Effective February 19, 2020]