

Policies

Subject Metro Transfer Stations Customer Ejection and Exclusion Policy

A. Policy regarding conduct at Metro transfer stations.

It is Metro policy to provide a safe and welcoming experience at Metro Central and Metro South transfer stations for our customers, employees and contract operators. Metro will not tolerate conduct that interferes with a safe and welcoming experience, and therefore Metro reserves the right to eject or exclude, as appropriate, individuals that violate the provisions of this policy.

B. Prohibited conduct at Metro transfer stations.

The following conduct is prohibited at Metro Central and Metro South Transfer Stations:

1. Destroying, damaging or attempting to remove any property;
2. Being on premises while intoxicated;
3. Failing to comply with official signs of a prohibitory or directory nature;
4. Actual or threatened physical harm directed at a Metro employee, transfer station customer or transfer station contracted employee;
5. Harassment, abusive language or any activity likely to interfere with the efficient and safe operation of the transfer station.
6. Egregiously unsafe conduct that threatens the welfare of a Metro employee, transfer station customer or transfer station contracted employee.

C. Ejection and Exclusion for violating prohibited conduct.

1. Any person engaging in prohibited conduct as described in Section B may be ejected from the premises of both Metro-owned transfer stations: Metro Central and Metro South.
2. In addition to being ejected from the premises of a Metro transfer station, any person engaging in egregious conduct or repeated prohibited conduct may also be excluded from the premises for up to one year.

D. Persons with authority to eject and exclude.

The following persons have authority to eject and exclude a person from Metro South and Metro Central as a result of a person engaging in prohibited conduct on site:

1. The Program Director of Solid Waste Operations, Site Superintendent, Facilities Manager, Scalehouse Supervisor, Traffic Supervisor, and Household Hazardous Waste Supervisor; and
2. Any state-certified peace officer.

E. Notice of Exclusion.

1. Metro will provide written notice of exclusion to any person excluded from the Metro transfer stations. If the excluded individual refuses to provide relevant contact information necessary for

Metro to complete the written notice, Metro may exclude the registered owner of the vehicle being used by the person engaging in prohibited conduct at the transfer station.

2. The written notice must specify:
 - i. The transfer station rule that the individual violated;
 - ii. That the individual has the right to appeal the exclusion within seven days of actual notice or within 10 days of the mailing of the notice;
 - iii. The process for an appeal request;
 - iv. The dates covered by the exclusion; and
 - v. The consequences of failing to comply with the exclusion.

F. Notice signage required.

No person may issue a notice of exclusion unless there is signage near the entrance of the transfer station that gives reasonable notice of the types of prohibited conduct described in Section B.

G. Length of Exclusion.

1. An initial exclusion is for 30 days.
2. If the person has been excluded from Metro's transfer stations within the previous two years, then the second exclusion is for 90 days.
3. If the person has been excluded twice from Metro's transfer stations within the previous two years, then the third exclusion is for 180 days.
4. Any subsequent exclusion after the third exclusion is for one year.

H. Appeal of Exclusion.

1. Any person that is issued a written notice of exclusion has the right to appeal that exclusion by filing a written appeal with the Director of Waste Prevention and Environmental Services within 10 days of Metro's mailing of the exclusion notice or within seven days of actual receipt of notice if the notice is issued on site. Although there is no specific form required for a written appeal, the written appeal should generally describe the reasons for the appeal and it should include a copy of the Exclusion Notice.
2. The Director of Waste Prevention and Environmental Services will issue a written decision on the appeal within 30 days of the date the Director received the written appeal request.
3. If the Director upholds the exclusion, the excluded person has 10 days from the Director's written decision in which to request a contested case hearing before a hearings officer.
4. Metro will conduct contested case hearings in accordance with the contested case procedures in Chapter 2.05 of the Metro Code.
5. An exclusion is stayed pending the outcome of any appeal. If the appeal is not successful, the exclusion takes effect within 10 days from the Director's decision and it takes effect immediately from a hearings officer's decision. The original exclusion termination date will be extended in an amount equal to the number of days from the date of the original exclusion start date until the date of the final appeal decision.
6. In a situation in which Metro issues an exclusion to the registered owner of a vehicle because the vehicle was being used by a person violating Metro's rules, the registered vehicle owner may challenge the exclusion on the basis that the owner was not the person in the vehicle violating Metro's rules.

I. Enforcement.

Any person that fails to comply with an exclusion notice may be liable for trespass.

J. Hardship Waiver

Any person that Metro has excluded from a transfer station may apply to the Director of Waste Prevention and Environmental Services for a hardship waiver at any time during the exclusion time period. The Director may grant a full or temporary waiver for good cause shown.