

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 19-1438
CODE CHAPTER 5.00 TO UPDATE CERTAIN	)	
TERMS AND DEFINITIONS	)	Introduced by Acting Chief Operating Officer
	)	Andrew Scott in concurrence with Council
	)	President Lynn Peterson

WHEREAS, the Metro solid waste code is set forth in Title V of the Metro Code; and

WHEREAS, Metro Code Chapter 5.00 contains the definitions for the solid waste code; and

WHEREAS, updating Metro Code Chapter 5.00 with various housekeeping changes will improve clarity, consistency and make the code easier to understand by the public; and

WHEREAS, the various amendments to this chapter include revising the definitions of “rate” and “regional system fee” to clarify the terms; and

WHEREAS, staff solicited input from the public on the proposed changes to Metro Code Chapter 5.00 by providing a 30-day public comment period during August and September 2019 and hosting a public informational meeting on September 9, 2019; and

WHEREAS, following the close of the 30-day comment period, a regulated entity noted that the term “available regional tonnage” in Metro Code Section 5.01.195 (tonnage allocation process) was not defined in code and was ambiguous because that term could refer to either the *region’s* total tonnage or to the amount of the region’s tonnage *remaining* after Metro had reserved at least 40 percent for the Metro transfer stations; and

WHEREAS, the various amendments add a definition for “available regional tonnage” to remove any ambiguity and clarify that the term means the amount of the region’s tonnage *remaining* for allocation to privately owned transfer stations after Metro has first reserved at least 40 percent for the Metro transfer stations; and

WHEREAS, the Chief Operating Officer recommends that the Metro Council adopt these amendments to Metro Code Chapter 5.00 to improve clarity and consistency and to conform with other updates and improvements proposed under companion Ordinance Nos. 19-1439 and 19-1440; and

WHEREAS, the Metro Council finds that the amendments to Metro Code Chapter 5.00 provide greater clarity for the public and further the goals of the agency; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Chapter 5.00 is amended as set forth in the attached Exhibit A.

ADOPTED by the Metro Council this 21<sup>st</sup> day of November 2019.

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Lynn Peterson, Council President

Attest:

Approved as to Form:

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Sara Farrokhzadian, Recording Secretary

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Carrie MacLaren, Metro Attorney