

DRAFT ZERO WASTE ORDINANCE
January 2, 2015

“Base” proposed ordinance requirements included in numbered list.
Optional proposed ordinance modifications listed in red.
All proposals are draft in nature and subject to modification based on attorney review

Requirements for Property owners

1. Modify the existing requirement as follows (subject to exemptions and phase-in periods, below):
No owner of any property ~~containing one or more rental dwelling units~~ shall fail to maintain in effect a current and valid contract with a hauler providing for the removal of accumulated trash, recycling and composting from the property, which contract shall provide for sufficient trash, recycling, and composting hauling to accommodate the regular accumulation of trash, recycling and composting from the property. For properties containing one or more rental dwelling units [or business tenants], trash collection shall be no less frequently than on a biweekly basis
- This provision should reference the language prohibiting the accumulation of trash recycling or composting.

Comment [KFM1]: Sheila: Do you know the origin of this frequency requirement? Should we change this to weekly?

Requirements for businesses

(Need to define the responsible party here; we can require a person to do this, but it may be hard to require a “business” to do something)

2. All businesses (subject to phase-in period and exemptions listed below) must provide on-site recycling containers for employees and customers to use inside the business.
3. During the regular course of business, employees of affected businesses must separate recyclables from trash
4. All affected businesses must provide recycling information and instructions [in accordance with rules issued by the City Manager?]
 - a. Annually to all tenants and employees of the premise
 - b. A new employee or tenant no later than the thirtieth day after the tenant occupies or the employee begins work at the premises; and
 - c. All employees or tenants not later than the thirtieth day after a substantive change in the recycling service offered at the premises
5. All affected businesses must provide multi-lingual or picture-only signs at each on-site recycling container.
6. ALTERNATIVE RECOMMENDATION:
No sooner than 3 years after the effective date of this ordinance, the City Manager may issue rules to require businesses to also provide on-site compost containers for employees and customers to use inside the business
7. All businesses that prepare, serve or sell food (subject to phase-in period and exemptions listed below) must provide on-site compost containers for employees and customers to use inside the business and in outside eating areas.
8. During the regular course of business, employees of affected businesses must separate compostable material from the trash
9. All businesses that provide landscaping services, perform their own landscaping or generate significant vegetative waste on a regular basis (subject to phase-in period and exemptions below) must separate compostable organic material from the trash.

Comment [KFM2]: Should this include a provision: containers must be of adequate size and number to prevent recyclables from being mixed with the trash?

Comment [KFM3]: ? do we need this?

Comment [KFM4]: Investigating the best way to define this

Comment [KFM5]: ? do we need this?

Comment [KFM6]: Need more work on this definition. Intended to include florists, garden centers and marijuana growers – subject to state product destruction requirements

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10. All affected businesses must provide composting information and instructions [in accordance with rules issued by the City Manager?]
 - a. Annually to all tenants and employees of the premise
 - b. A new employee or tenant no later than the thirtieth day after the tenant occupies or the employee begins work at the premises; and
 - c. All employees or tenants not later than the thirtieth day after a substantive change in the compost service offered at the premises
11. All affected businesses must provide multi-lingual or picture-only signs at each on-site compost container.
12. Businesses that prepare, serve or sell food must investigate donating edible food waste prior to composting it.

Other requirements

13. All special events in the City of Boulder must be zero waste in compliance with Special Event Permit requirements.
14. Can we require volume-based pricing (“pay as you throw”) for commercial trash service?

Exemptions: Exemptions must be applied for on an annual basis. City staff will review exemption applications and work with the applicants to bring them into compliance.

- Home-based businesses
- Extreme financial hardship (*how should we define/enforce?*)
- Businesses that generate less than a certain amount of trash, recyclables or compostables (*define*)
- If compliance would require the business to violate other municipal codes or regulations
- A businesses that haul its own [trash]¹ recyclables or compostables or composts on site
- Property owners that share collection service are exempt from the requirement to provide service, but businesses must still comply with the provisions that apply to the businesses (#2 - #5, above)
- Property owners whose tenants or lessees contract for their own recycling or composting collection service can be exempt from providing service for those tenants
- Severely space-constrained properties
- Businesses that sort recyclable or compostable materials in the “back of the house” can be exempt from the container requirements
- “Convenience stores” can be exempt from the requirement to provide compost containers for customers.
- Innovation exemption - a business or property owner can apply for an exemption if they are reusing or repurposing a significant portion of their waste stream

Comment [KFM7]: Looking into the best way to encourage this. In Austin, TX language reads:

“In accordance with the requirements of the Good Faith Donor Act set forth in Chapter 76 of the Texas Civil Practice and Remedies Code, the department shall by rule encourage the responsible party for affected premises to follow the hierarchy of beneficial use of scrap food which, beginning with the most beneficial, is:
(1) feeding hungry people;
(2) feeding animals;
(3) providing for industrial uses; and
(4) composting.”

Comment [KFM8]: Is this already covered by the provision that the property owner must contract for service adequate to serve the “regular accumulation of trash, recyclables and compostables”...? So if the tenants are already contracting for its collection, then the property owner’s responsibility is only the remaining portion of what is regularly accumulated

Comment [KFM9]: may be able to capture this exemption in the definition of a food-generating business

¹ “trash” included here if regulation includes a provision requiring trash collection service contracts

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ALTERNATIVE RECOMMENDED EXEMPTION:

- Property owners of multi-family complexes comprised primarily of rental dwelling units, may be issued an annual exemption from maintaining in effect a valid contract providing for the removal of accumulated composting from the property.

Comment [KFM10]: check on the best way to define this

Phase-in period

- Ordinance adoption: Qtr 2, 2015
- Property owner compliance required by Sept. 30, 2016
- Business compliance required by Jan. 1, 2017
- Technical assistance and zero waste advising services will be provided beyond the compliance dates for exemptions, warnings, and for businesses that request it
- 3 written warnings delivered in person will be issued prior to any fines being assessed
 - Each warning will be accompanied by technical assistance, free signage, and education
- Exemptions will be accompanied by technical assistance to bring into compliance
 - Exemptions can be applied for beginning March 1, 2016
- Need a provision to allow existing contracts to expire (without encouraging a last-minute rush of new contracts prior to adoption)

Work Plan should include looking for longer-term solutions for space-constrained business districts.