

## DRAFT ZERO WASTE ORDINANCE

January 21, 2015

*All proposals are draft in nature and subject to modification based on attorney review*

### **I. Requirements for Property Owners**

1. Section [6-3-3\(b\)](#) could be modified 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 one or more haulers providing for the removal of accumulated trash, recycling and composting from the property, which contracts shall provide for sufficient trash, recycling, and composting hauling to accommodate the regular accumulation of trash, recyclables and compostables from the property.

- This is part of section 6-3-3 that addresses the accumulation of trash, recyclables and compostables.

### **II. Requirements for Businesses**

1. All businesses that prepare, serve or sell food (subject to phase-in period and exemptions listed below) and that provide trash containers for employees' use, must also provide on-site compost containers for employees' use. Businesses that prepare, serve or sell food (subject to phase-in period and exemptions listed below) and that provide trash containers for customers' use, must also provide on-site compost containers for customers' use inside the business and in outside eating areas. Containers must be conveniently located and of adequate size and number to prevent compostables from being mixed with trash.

- "Businesses that prepare, serve or sell food" may be defined differently. It is intended to include restaurants, grocery stores, food serving establishments, food stores, hospital and health care facility feeding operations and group home and congregate care facilities that prepare, serve or sell food. It is not intended to include convenience stores that sell pre-packaged food that is typically not consumed on site.

2. All businesses that provide landscaping services 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.
  - This is intended to include florists, garden centers and marijuana growers (subject to state product destruction requirements).
3. 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. To 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. To all employees or tenants not later than the thirtieth day after a substantive change in the compost service offered at the premises
4. All affected businesses must provide Spanish and English or picture-only signs [in accordance with rules issued by the City Manager] at each compost container.
5. Businesses that prepare, serve or sell food are encouraged to investigate donating edible food waste prior to composting it.
  - Looking into the best way to encourage this.  
In Austin, TX, the Universal Recycling Ordinance language reads:

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“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:

- feeding hungry people;
- feeding animals;
- providing for industrial uses; and
- composting.

6. All businesses (subject to phase-in period and exemptions listed below) that provide trash containers to employees or customers, must also provide on-site recycling containers for employees and customers' use. Containers must be conveniently located and of adequate size and number to prevent recyclables from being mixed with trash.
  - Need to look for an existing definition of a business...intended to include schools, institutions, charitable organizations, medical facilities, offices, retail, warehouse, hotels, lodging, grocery stores, etc.
7. All 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. To 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. To all employees or tenants not later than the thirtieth day after a substantive change in the recycling service offered at the premises
8. All affected businesses must provide Spanish and English or picture-only signs [in accordance with rules issued by the City Manager] at each recycling container.
9. No sooner than 3 years after the effective date of this ordinance, the City Manager may issue rules to require all businesses that provide trash containers to also provide compost containers for employees' and customers' use. Containers must be conveniently located and of adequate size and number to prevent compostables from being mixed with trash.

### Other requirements

10. All special events in the City of Boulder must be zero waste in compliance with Special Event Permit requirements.
11. Modify [Section 6-3-9. Special Trash Service Requirements on Certain Residential Rental Properties at Certain Times](#)
  - During the “Six Day Review” period of move-in/move-out period with excessive trash and cardboard quantities, recycling containers must also be checked at least two times per week and collected if full.

**Exemptions:** Exemptions may be listed in the Regulation or in City Manager's rules.

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### **Proposed Exemptions:**

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

- Home-based businesses
- Extreme financial hardship (*will be defined in the City Manger's rules; need more research to define the threshold*)
- Businesses that generate less than a minimum volume of trash, recyclables or compostables (*will be defined by City Manger's rules; need more research to define the threshold; likely approx. 32 gallons/week*)
- If compliance would require the business to violate other municipal codes or regulations.
- A businesses that hauls its own trash, 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 (Section II, 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
- 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
- Households that actively compost all vegetative waste on-site and haul their own trash and recycling may be exempt from the requirement to subscribe to trash service. Households agree to comply with provisions of the code prohibiting the accumulation of trash, recyclables and compostables.

### **OPTIONAL RECOMMENDED EXEMPTION:**

- Property owners of multi-family complexes comprised primarily of rental dwelling units may apply annually for an exemption from the requirement to maintain in effect a valid contract providing for the removal of accumulated compostables from the property.

### **Phase-in period**

- Ordinance adoption: Qtr 2, 2015
- Property owner compliance required by [one year from final ordinance adoption].
- Business recycling compliance required by [15 months from final ordinance adoption].
- Food- and vegetative waste-generating businesses compost compliance required by [15 months from final ordinance adoption].
- All other businesses compost collection for employees and customers by [three years from final ordinance adoption].
- 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
- May 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.