



# **Commercial Waste Collection Evaluation Study**

Prepared for the  
**City of Minneapolis, Minnesota**

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## **ACKNOWLEDGEMENTS**

This study was led by Burns & McDonnell staff with the City's steering team (Steering Team) composed of various City representatives providing review and input into the report. The Steering Team included the following City staff:

- David Herberholz – Solid Waste and Recycling Division
- Kellie Kish – Solid Waste and Recycling Division
- Laura Horner – Solid Waste and Recycling Division
- Gayle Prest – Sustainability Office
- Robin Garwood – City Council Policy Aide
- Stephanie Zawistowski – (formerly) Mayor's Office Policy Aide

## 1.0 EXECUTIVE SUMMARY

### 1.1 Background

In June 2015, the City of Minneapolis has established zero waste goals to recycle and compost 50% of its overall waste stream by 2020 and 80% by 2030. Increasing diversion of commercial, industrial, and multifamily (CIM) waste materials has been identified as a critical strategy to achieving these goals, as well as to reduce greenhouse gas emissions.

With this background, the City of Minneapolis (City) received a Minnesota Pollution Control Agency (MPCA) grant to support conducting a City of Minneapolis commercial waste evaluation (Study). The primary objective of this Study was to detail possible pathways to increase diversion of CIM waste using alternative commercial collection strategies and programs.

This Study included the following primary tasks:

- Characterize existing conditions for the CIM collection program
- Research best practices from other peer cities
- Identify and evaluate alternative strategies and options
- Formulate the findings, gather stakeholder feedback and next steps

### 1.2 Characterize Existing Conditions

The City of Minneapolis Division of Solid Waste & Recycling (Division) provides curbside collection of refuse, commingled recyclable materials, large bulky items, yard waste, and organic materials (food scraps, food-soiled paper and other compostable items) to approximately 106,000 residential dwellings up to four units and select City-owned facilities. Residential collection services are provided by City of Minneapolis crews and via contract by a consortium of private garbage haulers, Minneapolis Refuse Incorporated (MRI).

The City has an open competitive collection system for servicing CIM generators. There are approximately 70 commercial haulers licensed to collect solid waste within the City. Via the licensing process, haulers are only required to provide general business information, evidence of a certificate of insurance, and specific hauler vehicle information. No specific information addressing the quantities or types of materials collected is required as part of the licensing process. A set of commercial and multi-unit recycling ordinances are in place, however no direct funding mechanism exists to provide programming support and active enforcement.

To attempt to gather additional information on the CIM program, the project team administered a written survey of a set of randomly selected businesses located in the City of Minneapolis. The key findings included the following:

- Rates for solid waste and recycling services vary considerably
- Key barriers to additional materials recovery include lack of storage space for recyclable materials and lack of understanding of the recycling program
- Commercial generators are interested in financial incentives as a method to increase waste diversion

Gathering additional information and data from a larger number of respondents is recommended before drawing definitive conclusions that apply to the various types of CIM generators.

### **1.3 Research Best Practices**

As part of this analysis, benchmarking commercial waste diversion programs of peer communities was completed to gather an understanding of the breadth of the range of options and lessons learned.

Provided below is a table summarizing the benchmarking outcomes.

Benchmarking Summary Matrix																
Background			Policy Tools								Program Funding				Potential Lessons Learned	
City	Population <sup>2</sup>	Commercial Diversion Rate	Targeted Outreach and Assistance to Generators	Program Standards via Ordinances and Rules	Mandatory Recycling	Complaint Driven Enforcement	Hauler Licensing	Non-Exclusive Franchise	Exclusive Franchise	Material Disposal Bans	Licensing Fees	Franchise Fees	Hauler Recycling Fee (AB939)	Tonnage Surcharges	Generator Fees	
Austin	913,000	NA	√	◆	√	√	√			√	√				√	Responsibility for compliance needs to be shared with haulers; One program size does not fit all generator types.
Los Angeles	3,930,000	70%	√	√	√	√	√		◆ <sup>4</sup>	√	√	√				Lengthy lead time needed; Requires large staffing resources commitment to outreach and enforcement.
Miami	430,000	NA		√	√	√	√	◆			√	√				Provides a framework for generating program revenues and gathering applicable hauler data. Hauler gross receipts and per account fees can be levied to fund program.
Portland	620,000	65%	√	√	√	√	◆			√			√			Disposal economics impact diversion success - high tip fees; Generators should share in the responsibility for compliance.
San Jose	1,016,000	78% <sup>1</sup>	√	√	√	√	√		◆ <sup>3</sup>	√	√	√				Multiple year planning process needed; Fair and independent RFP process provides higher likelihood of success.
Minneapolis	407,000	NA		√	√	√	√			√	√					

◆ = Primary Policy Tool Focus

NA – Not available

<sup>1</sup> Estimated commercial recycling rate of 47% without organics diversion.

<sup>2</sup> U.S. Census Bureau, 2014.

<sup>3</sup> One city-wide exclusive hauler.

<sup>4</sup> Multiple City-defined zones with one exclusive hauler per zone.

Key findings include the following:

- Select communities are considering and, in some instances, implementing alternative commercial collection programs with various strategies and combinations of strategies to increase commercial waste diversion including, but not limited to the following:
  - Outreach and assistance to generators
  - Mandatory recycling
  - Program standards via ordinances and rules
  - Complaint driven enforcement
  - Hauler licensing
  - Franchising (e.g. exclusive and non-exclusive)
  - Material disposal bans
- Commercial diversion, including recycling rates, are likely to increase with the allocation of additional resources to support the implementation of new policy and program options.
- Typically, program funding for commercial diversion varies from community to community but may include the following:
  - Licensing fees
  - Hauler franchise and recycling fees
  - Disposal tonnage surcharges
  - Generator fees
- Communities typically levy licensing fees and a second fee mechanism to generate program revenues for commercial diversion programs.

#### **1.4 Identify and Evaluate Alternative Strategies and Options**

To evaluate a range of options, the Steering Team identified combinations of strategies that logically fit together and were organized by estimated projected incremental growth in diversion from low to high. The agreed upon criteria was applied to each of the options and the options were evaluated. The results are characterized below.



**Option A – Targeted Outreach**

Commercial Collection Strategy	Legal Feasibility	Projected Growth in Diversion	Hauler Reporting and Rate Transparency	Transportation Benefits and GHG Reductions	Difficulty of Implementation	Implementation Activities	Capacity to Raise Revenues for Implementation	Costs to City
Targeted Generator Outreach and Assistance	Yes	Low/Medium	Low	Low	Low	*Procure staffing resources *Train staff (if needed) *Coordinate assistance with Hennepin County	Low	Low

**Option B – Targeted Outreach and Enhanced Enforcement**

Commercial Collection Strategy	Legal Feasibility	Projected Growth in Diversion	Hauler Reporting and Rate Transparency	Transportation Benefits and GHG Reductions	Difficulty of Implementation	Implementation Activities	Capacity to Raise Revenues for Implementation	Costs to City
Targeted Generator Outreach and Assistance	Yes	Low/Medium	Low	Low	Low	*Procure staffing resources *Train staff (if needed) *Coordinate assistance with Hennepin County	Low	Low
Enhanced Enforcement of Existing City Ordinances	Yes	Medium	Low	Low	Low/Medium	*Secure additional funding for enforcement	Low	Low/Medium

**Option C - Targeted Outreach, Enhanced Enforcement and Expand Hauler Licensing**

Commercial Collection Strategy	Legal Feasibility	Projected Growth in Diversion	Hauler Reporting and Rate Transparency	Transportation Benefits and GHG Reductions	Difficulty of Implementation	Implementation Activities	Capacity to Raise Revenues for Implementation	Costs to City
Targeted Generator Outreach and Assistance	Yes	Low/Medium	Low	Low	Low	*Procure staffing resources *Train staff (if needed) *Coordinate assistance with Hennepin County	Low	Low
Enhanced Enforcement of Existing City Ordinances	Yes	Medium	Low	Low	Low/Medium	*Secure additional funding for enforcement *Train staff	Low	Low/Medium
Expand Hauler Licensing Requirements and Establish Minimum Service Standards	Feasible if regulations do not explicitly exclude haulers	Medium	Medium	Low	Medium	*Revise ordinance to expand licensing, increase fees, and establish standards *Provide additional resources for enforcement *Reporting	Medium	Medium

**Option D - Targeted Outreach, Expand Hauler Licensing and Mandatory Recycling**

Commercial Collection Strategy	Legal Feasibility	Projected Growth in Diversion	Hauler Reporting and Rate Transparency	Transportation Benefits and GHG Reductions	Difficulty of Implementation	Implementation Activities	Capacity to Raise Revenues for Implementation	Costs to City
Targeted Generator Outreach and Assistance	Yes	Low/Medium	Low	Low	Low	*Procure staffing resources *Train staff (if needed) *Coordinate assistance with Hennepin County	Low	Low
Expand Hauler Licensing Requirements and Establish Minimum Service Standards	Feasible if regulations do not explicitly exclude haulers	Medium	Medium	Low	Medium	*Revise ordinance to expand licensing, increase fees, and establish standards *Provide additional resources for enforcement *Reporting	Medium	Medium
Mandatory Generator Recycling Plans Coupled with Material Disposal Bans of Recyclable Materials	Feasible if tied to compliance	Medium/High	Medium	Low	Medium/High	*Procure software to establish database of businesses *Develop detailed programmatic requirements *Add staff to review plans and provide technical assistance *Revise ordinance	Low	Medium/High

**Option E - Targeted Outreach, Mandatory Recycling and Non-Exclusive Franchise**

Commercial Collection Strategy	Legal Feasibility	Projected Growth in Diversion	Hauler Reporting and Rate Transparency	Transportation Benefits and GHG Reductions	Difficulty of Implementation	Implementation Activities	Capacity to Raise Revenues for Implementation	Costs to City
Targeted Generator Outreach and Assistance	Yes	Low/Medium	Low	Low	Low	*Procure staffing resources *Train staff (if needed) *Coordinate assistance with Hennepin County	Low	Low
Mandatory Generator Recycling Plans Coupled with Material Disposal Bans of Recyclable Materials	Feasible if tied to compliance	Medium/High	Medium	Low	Medium/High	*Procure software to establish database of businesses *Develop detailed programmatic requirements *Add staff to review plans and provide technical assistance *Revise ordinance	Low	Medium/High
Transition to Non-Exclusive Franchise	Potentially requires following organized collection statute	Medium	Medium	Low/Medium	Medium/High	*Confirm applicability of organized collection requirements	Medium	Medium/High

**Option F - Targeted Outreach, Mandatory Recycling and Organized Collection**

Commercial Collection Strategy	Legal Feasibility	Projected Growth in Diversion	Hauler Reporting and Rate Transparency	Transportation Benefits and GHG Reductions	Difficulty of Implementation	Implementation Activities	Capacity to Raise Revenues for Implementation	Costs to City
Targeted Generator Outreach and Assistance	Yes	Low/Medium	Low	Low	Low	*Procure staffing resources *Train staff (if needed) *Coordinate assistance with Hennepin County	Low	Low
Mandatory Generator Recycling Plans Coupled with Material Disposal Bans of Recyclable Materials	Feasible if tied to compliance	Medium/High	Medium	Low	Medium/High	*Procure software to establish database of businesses *Develop detailed programmatic requirements *Add staff to review plans and provide technical assistance *Revise ordinance	Low	Medium/High
Organized Collection	Requires following organized collection statute	High	High	High	High	*Provide adequate notice *Create study committee *Gather hauler input and allocate market share *Contract with preferred service providers	Medium/High	Medium/High

**Option G - Targeted Outreach and Municipalization of Collection**

Commercial Collection Strategy	Legal Feasibility	Projected Growth in Diversion	Hauler Reporting and Rate Transparency	Transportation Benefits and GHG Reductions	Difficulty of Implementation	Implementation Activities	Capacity to Raise Revenues for Implementation	Costs to City
Targeted Generator Outreach and Assistance	Yes	Low/Medium	Low	Low	Low	*Procure staffing resources *Train staff (if needed) *Coordinate assistance with Hennepin County	Low	Low
Municipalization of Collection	Requires following organized collection statute	High	High	High	High	*Meet organized collection requirements *Procure necessary staffing and equipment *Develop cost-of-service based rates	High	Very High

## 1.5 Findings, Stakeholder Feedback and Recommended Next Steps

The key findings of the Study include the following:

- A number of potential program options foster increased diversion of commercial materials from disposal, however their respective feasibility varies based on a number of key factors including, but not limited to the following:
  - generating adequate program funding
  - extent of customer and hauler stakeholder support
  - community acceptability of selected policy approaches
  - level of commercial diversion attempting to achieve
- All program options described in section 1.4 include additional program costs requiring increased program funding.
- Other communities attempting to achieve similar goals have levied fees, in addition to licensing fees, on both the haulers and/or generators to raise additional revenues to address additional program costs.

On Thursday March 23, 2017, the Steering Team hosted two stakeholder meetings where a summary of the Study was presented and feedback was gathered. The stakeholders attending the meetings represented the City of Minneapolis business community, multi-housing association, and commercial waste haulers. A summary of the stakeholder feedback received at these meetings is provided in Appendix H.

Understanding that targeted outreach and assistance to generators is not an adequate strategy by itself to achieve the City's goals, the Steering Team recommends the following:

- Establish an internal City working group with broad representation to assess preferred options to further define the benefits and drawbacks of implementation.
- Gather additional input from commercial haulers and CIM generators to identify both opportunities and barriers to program implementation.
- Evaluate, monitor and provide feedback to MPCA regarding the licensed hauler data (quantities of refuse and recyclable materials collected, generator-type and county of origin) submitted annually beginning in 2017 (e.g. 2016 data) in response to the new Minnesota statutory reporting requirements.
- Identify the appropriate Department for enforcement of applicable existing ordinances and for program compliance associated with any new options for consideration.
- Select and implement a preferred CIM strategies/option to make incremental progress towards achieving the 80% diversion goal by 2030.

## 2.0 INTRODUCTION

The City of Minneapolis has a goal of increasing the diversion of CIM waste to move towards zero waste and reduce the scope of the greenhouse gas emissions resulting from its solid waste management system. The City's goal is to recycle and compost 50% of its overall waste stream by 2020 and 80% by 2030. The City's existing residential diversion program can be characterized as both comprehensive and mature with the collection of commingled recyclable materials, yard waste, large items, and the recent implementation of the curbside collection of organic materials (food scraps, food-soiled paper and other compostable items). In 2016, the City had recycled or composted more than 36% of the total residential waste generated. Contrastingly, the City's existing CIM program can be characterized as an open competitive system for commercial haulers with minimal program oversight and a lack of service information and material quantities data. There are commercial and multi-unit recycling ordinances in place, however no direct funding mechanism exists to provide commercial programming and active enforcement. As a result, the City chose to explore CIM program alternatives.

The City of Minneapolis received an MPCA grant to support conducting a Study. The primary outcome of this Study was to detail possible pathways to increase diversion of CIM waste using alternative commercial strategies and programs. This Study included the following primary tasks:

- Survey of the existing conditions for the CIM collection program
- Research of best practices from other peer cities
- Identify alternative strategies and options
- Apply an agreed upon set of evaluative criteria
- Formulate the findings, gather stakeholder feedback, and provide recommendations

The results include a foundation for implementing an alternative that increases CIM waste diversion and achieves the City's other program objectives.



### 3.0 EXISTING PROGRAM CONDITIONS

#### 3.1 Description of Existing Commercial Collection Program

The purpose of this section is to characterize the City's CIM recycling program (excludes C&D and special wastes). The elements that are addressed include the following:

- Commercial hauler licensing
- Applicable ordinances, including commercial generator required recycling
- Collection services
- Other relevant information

The current conditions are characterized using data and information available from the City, research and analysis of such information, and results from a limited survey of a stratified set of CIM generators (e.g. office buildings, restaurants, educational institutions, health care, professional businesses and multifamily dwelling owners). The survey information was used to address information gaps.

##### 3.1.1 Overview

The Division provides residential collection of refuse, single stream recyclable materials, yard waste, and organics to approximately 106,000 dwelling units. Residential collection services are provided by City of Minneapolis crews and via contract by a consortium of private garbage haulers, Minneapolis Refuse Incorporated (MRI). Residential buildings up to four units are required by City ordinance to have service from the Division and buildings with five or more units may choose to contract directly with the City for solid waste services. The Division also provides collection for many City-owned buildings and containers at residential parks, bus shelters and stops throughout the City.

The City has an open competitive collection system for the servicing of CIM generators. The City licenses commercial haulers of solid waste collecting materials within the city for disposal. Licenses are processed by customer service and the revenues are managed as part of the overall City licensing program. The present licensing requirements include hauling such items as refuse, building debris and yard waste, but excludes recyclable materials. There are presently approximately 70 haulers licensed to collect solid waste within the City. The 2017 licensing fees are as follows:

- Base Fee - \$186
- Each additional vehicle - \$98
- Decals for vehicle transfer - \$15

Based on data provided by the Community Planning and Economic Development Department (CPED), a total 379 collection vehicles were registered in 2015 and the licensing fees generated approximately \$45,300. The present licensing information requirements are very limited. Haulers are only required to provide general business information, evidence of a certificate of insurance, and specific hauler vehicle information. No specific information addressing the quantities or types of materials collected is required as part of the licensing process.

The hauler licensing program is administered by the Licensing and Consumer Services Division of CPED. Per interview with staff, it is estimated, on average, about 20% of one full-time employee (FTE) is allocated to addressing solid waste licensing and handling complaints. The licensing process requires verifying that the information is correct on the form, ensuring adequate insurance, DOT inspection for each vehicle and then approving the license. Once approved, decals are sent in the mail, one for each vehicle as identification.

Complaints are received from the 311 system and the majority are haulers operating outside of approved collection hours (early morning pickup). Occasionally complaints will be received from building inspectors for a dumpster on the street that they do not recognize and City staff follow up with the specific building owner. If it is a first time complaint, staff work with the company to come into compliance; however, if they have received multiple complaints it will move to the violation/citation phase. Data was unavailable on the number of repeat offenders.

### **3.1.2 Applicable City of Minneapolis Ordinances**

The City has enacted a set of ordinances that address recycling for CIM generators (e.g. businesses and multifamily dwellings).

[City ordinance Chapter 174.435](#) requires the following commercial recycling service requirements:

- Provide adequate recycling containers in convenient locations for those recyclable materials generated by the respective businesses in the buildings being offered service;
- Provide collection of recyclable materials at least twice a month;
- Distribute written information to each business or commercial use located in the building on at least an annual basis describing the recycling service being provided; and

- Provide a recycling plan that describes the recycling services offered upon request of the Fire Marshal.

The above requirements for commercial buildings are to be enforced by the City Fire Marshal and the Fire Marshal's authorized representatives and designees.

In addition, [City Ordinance Chapter 225.780](#) requires the following for buildings with two or more dwelling units:

#### **Building Owner**

- Provide adequate containers in convenient locations for all recyclable materials collected
- Provide for collection and delivery to a recycling facility
- Distribute information to tenants on the recycling program (at least at time of leasing and annually)

#### **Licensed Hauler**

- Provide adequate containers for all recyclable materials collected
- Provide written information, on an annual basis, regarding the established recycling program, for building owners or operators to distribute to tenants

#### **Owner and Licensed Hauler Reporting Requirements**

- Address of buildings being provided recycling service
- Total quantities of recyclable materials collected by material type
- Materials processing facilities or end markets used

The above requirements are to be enforced by the City Engineer and Engineer's authorized representative.

#### **Summary**

Overall, the City's ordinance language specifies recycling service requirements for CIM generators. Enforcement of the commercial recycling ordinance has been delegated to other City Departments outside of the Solid Waste and Recycling Division (Division) without targeted program funding. While the Division is responsible for enforcing the multi-unit recycling ordinance, there is no dedicated funding to support the enforcement efforts. Effective enforcement requires providing more direct influence and oversight for the Division because of its mission to provide for the environmentally prudent, cost-effective management of solid waste. Moreover, additional funding and staff resources are needed to cover program costs. Appendix A includes the applicable commercial and multifamily recycling ordinances.

### 3.1.3 Applicable State Laws

In 2014, the Minnesota Legislature amended Minnesota Statute section 115A.151 expanding recycling requirements to include commercial buildings. Property owners with buildings in the seven-county metro area that contract for four cubic yards or more of trash collection per week were required to recycle at least three materials beginning January 1, 2016. Multifamily housing, such as apartments and condos, are included in these recycling requirements. Single stream collection meets the commercial recycling requirement as long as three or more materials are collected and recycled.

In the early 1980s, the state of Minnesota began implementing landfill disposal bans of specific materials to protect the human health and environment as reflected in the list below. These items have been banned from disposal to support preferred management methods, such as recycling and composting. Minnesota Statute, Section 115A includes landfill disposal bans for the following materials:

- Mercury-containing products (1984)
- Tires (1985)
- Motor vehicle fluids and filters (1987)
- Lead acid batteries (1987)
- White goods (1987)
- Yard waste (1988)
- Telephone directories (1992)
- Electronics, containing cathode-ray tubes (2003)

These Minnesota statutes, in addition to the applicable City ordinances, help create the policy framework for the City's existing commercial program.

### 3.2 Survey of Commercial Collection Generators

To attempt to gather additional information on the CIM program, the project team administered a survey of a select set of businesses.

The first step in the survey process was to select a stratified set of commercial generators to survey. This process included gathering data on the number and types of businesses in the City of Minneapolis. This information was gathered from the business and industry data available from the Minnesota Department of Employment and Economic Development (MDEED) for calendar year 2014 and 2015. The available data, included in Appendix D, reflected that there were approximately 311,400 business establishments in Minneapolis. The largest business segments by employment included the following:

- Health Care and Social Assistance – 18%
- Professional, Scientific, and Technical Services -11%
- Educational Services – 10%
- Finance and Insurance – 9%
- Accommodation and Food Services – 8%
- Management of Companies and Enterprises – 6%

Assuming an overall total of 50 surveys would be distributed for response, a select number of companies to survey were identified proportional to the MDEED segments characterized above.

In parallel, the City Steering Team worked to develop a written survey (See Appendix F) that could be completed on-line by the targeted commercial generators. The survey included questions requesting the following:

- General organization information
- Types of hauling services used
- Waste and recoverable materials hauling data (quantities and costs)
- Hauler provided educational support and financial incentives
- Barriers to additional materials recovery and preferred city's role

Next, the City Steering Team gathered data sets of Minneapolis businesses with contact information (address and/or e-mail) that may fit the targeted MDEED business segments. The primary data sets included business data from both the Licenses and Consumer Services Division and Regulatory Services Division primarily from the following segments:

- Food and accommodations
- Schools, churches, institutions
- Health care
- Mixed commercial, including residential multifamily
- Office
- Retail

Businesses to survey were randomly selected within each of these targeted MDEED business segments to minimize bias. E-mail addresses were confirmed for only 19 candidate respondents. The team determined

much of the contact information for the other targeted generators was either incomplete or inaccurate. However, the survey was forwarded to the 19 candidate respondents with e-mail addresses.

At the recommendation of City Solid Waste and Recycling Division staff, the Hennepin County Property Tax online tool was used to match business names and addresses to increase the number of businesses with accurate contact information for the remainder of the targeted CIM generators. As a result, an additional 15 surveys were forwarded via mail to targeted businesses with a link to the online survey.

Lastly, to supplement our available set of information, the Hennepin County Environmental staff were contacted to gather a list of business partners targeted for outreach and technical assistance located in the City of Minneapolis. The Steering Team received a list of business partners and related solid waste and recycling practices gathered through the program and followed up with the Hennepin County Environmental staff to confirm the information. Then, the business types for each potential Hennepin County business partner were identified and compared to our preferred stratified mix of businesses to identify additional businesses to target for the survey. Based upon this process, the team requested approval from Hennepin County to survey 18 of its business partners.

As a result of the process described above, a total of 52 Minneapolis CIM generators were contacted to complete the survey within the targeted business segments. Follow-up including e-mails, phone calls, and additional letters where applicable were completed within two weeks of each of the three sets of surveys being forwarded to the targeted generators. Unfortunately, only eight complete responses were received. To maintain confidentiality, the results are summarized in the table below without identifying the specific businesses responding to the survey.

Response No.	Category	Annual Cost	Recycling	Composting	Contract/Service Agreement	County Grant Recipient	Key Barriers	Suggested City's Role in Encouraging Recycling and Composting
1	Finance & Insurance	\$ 8,000	Y	Y	Y	N	Lack of Understanding	Make it a law, give companies a price break with vendors
2	Health Care & Social Assistance	\$ 7,200	Y	N	Y	Y	Lack of Understanding	Expand composting services to more than just single family homes
3	Management of Companies & Enterprises	\$ 4,000	Y	N	Y	N	Lack of Storage Space	Don't know
4	Educational Services	\$ 400	Y	N	Y	N	Lack of Storage Space	Financial incentives
5	Health Care & Social Assistance	\$ 150,000	Y	Y	Y	N	Lack of Storage Space & Understanding	Additional incentives for recycling such as rebates, money for bins/lids. Potential swap event - we'll give you our extra trash cans in exchange for free recycling bins!
6	Health Care & Social Assistance	-	Y	N	Y	N	Other	Recognition and financial incentives would be one way to encourage other business to come on board!
7	Professional, Scientific, & Technical Services*	-	-	-	-	N	-	-
8	Health Care & Social Assistance*	-	-	-	-	Y	-	-

\*Incomplete Survey

Based on the limited number of survey responses, the findings are described below:

- Costs for solid waste and recycling services may vary considerably
- Use of a contract/service agreement for providing solid waste and recycling services is normal practice for CIM generators
- Some key barriers to additional materials recovery include lack of storage space for recyclable materials and lack of understanding of the recycling program
- Commercial generators are interested in financial incentives as a method to increase waste diversion

Gathering additional information from a larger number of respondents is recommended before drawing conclusions that apply to the various types of CIM generators.

### 3.3 Summary

The available data and information on the current conditions of the commercial collection program are limited. The program framework includes an open competitive collection system where haulers of solid waste must be licensed, as well as offer recycling services to both commercial and multifamily waste generators via City ordinance. Interestingly, the existing City's licensing program does not require licensing of haulers of recyclable materials. Licensing recyclable materials haulers would create an opportunity to establish reporting mechanisms to gather detailed service information and types and quantities of recyclable materials and organics collected for recovery. Gathering quantitative data would provide an opportunity to evaluate progress towards the City's recycling and composting goals. Moreover, more detailed program data would provide a better opportunity to measure program effectiveness and identify where to target program enhancements, such as targeted assistance. Overall, the existing City ordinances prescribe general service requirements for CIM generators, but do not provide an adequate framework to measure program effectiveness or necessary resources for enforcement.



## 4.0 EVALUATION OF PROGRAM OPTIONS

The next step in the Study was to evaluate program strategies and options.

### 4.1 Characterize Program Strategies

Based on discussions with the City's Steering Team and benchmarking of other cities' programs, a set of program strategies were identified and listed below. Each of these strategies represents a policy tool where the application of the respective strategy will increase diversion. The strategies were developed based on the team's experience and discussions with other cities as part of the benchmarking task.

Strategy Description
1) Targeted outreach and assistance to generators
2) Enhanced Enforcement of existing City ordinances
3) Expand hauler licensing and establish minimum service standards
4) Mandatory generator recycling plans coupled with material disposal bans
5) Transitioning to a non-exclusive franchise to haul within the jurisdiction of the City
6) Establishing organized commercial collection within the City for collection of solid waste and recyclable materials
7) Municipalization of commercial collection through use of City staff and equipment to provide non-residential recyclable materials collection

Provided below is a description of the strategies from the projected least to the greatest impact.

- Strategy 1: Targeted outreach and assistance to generators** – Hennepin County provides technical assistance to select commercial generators within the County, including generators in the City of Minneapolis, through its business recycling program. This technical assistance may include awarding of a business recycling grant. Funding is provided with the understanding that the generator will work with the County to implement the project, including providing written information describing the types and level of service and quantities of materials generated and recycled.

This strategy includes the City implementing a more targeted outreach and technical assistance program to foster additional recycling and organics recovery similar to Hennepin County's business recycling program. Staff would identify CIM generators offering the greatest opportunity for additional materials recovery. These generators would be offered technical assistance and the potential to receive grants to increase materials recovery.

- **Strategy 2: Enhanced Enforcement of Existing City Ordinances (e.g. Recycling at commercial buildings and multifamily residences)** – The applicable existing recycling ordinances place the responsibility of compliance with the City’s Fire Marshall for the commercial buildings and the City’s Engineer for the multifamily dwelling units. This strategy includes revising the ordinances to create a viable framework for coordinated enforcement. This strategy could potentially move the responsibility for compliance to Regulatory Services/Housing Inspections and/or the Solid Waste and Recycling Division. Moreover, this strategy would result in allocating additional resources for enforcement.
- **Strategy 3: Expand hauler licensing and establish minimum service standards** – The City does not presently license haulers of recyclable materials. This strategy includes requiring haulers of recyclable materials to have a license. Licensed haulers would be required to meet a set of minimum requirements, including reporting the types and quantities of recyclable materials collected and distribution of written recycling materials and other information. In addition, licensing fees would be increased to a level to generate, at minimum, adequate revenues to cover the costs of administering the licensing program.

Lastly, the present ordinances requires a minimum service standard to provide adequate sized containers to collect the recyclable materials generated by the CIM generators. However, it does not identify specific material types or offer a definition for adequate sized containers. This strategy includes revising the City ordinances to identifying the specific types of materials to be collected based on the grouping of the generators and more detailed performance standards.

- **Strategy 4: Mandatory generator recycling plans coupled with material disposal bans** – This strategy creates a comprehensive planning program for all CIM generators. The existing ordinance does provide the Fire Marshal’s Office with the discretion to require a limited recycling plan for businesses only. A program would be created phasing in recycling planning requirements for various groups of CIM generators over a three to five year time frame. Each generator would be required to document quantities and types of materials generated and recycled to establish a baseline for measuring progress. Based on established waste generation baseline for the various generator types, each plan would need to identify specific implementation strategies and programs to achieve at least a 75% waste reduction and recycling goal. Solid Waste & Recycling Division and/or Business Licensing staff would be given the responsibility for administering the program including technical assistance, monitoring, and oversight.
- **Strategy 5: Transitioning to a non-exclusive franchise to haul within the jurisdiction of the City** – This strategy represents a policy tool whereby the City builds upon the existing licensing

program to provide non-exclusive franchises to private solid waste, recycling and organics collection service providers. Similar to a licensing program, haulers would need to apply for a non-exclusive franchise from the City to haul solid waste and recyclable materials within the City. The City would establish a set of information and reporting requirements for franchisees, but not preclude any hauler that meets these requirements from receiving a non-exclusive franchise. The information and reporting requirements may include number of customers, list of number and types of collection vehicles, quantities and types of materials collected, and levying of fees proportional to the breadth of the hauling services provided within the City (e.g. percent of gross revenues). The levying of fees based on percent of hauler gross revenues would generate substantially greater revenues than licensing fees. Specifically, the fees must be related to the actual costs to administer the licensing and franchise program. This option does not include regulating the rates being offered by service providers, but will result in an increase in program funding and available reported program information.

- **Strategy 6: Establishing organized commercial collection within the City for collection of solid waste and recyclable materials** – Organized collection represents a formal method to “organize” haulers to collect solid waste and recyclable materials. Organized collection usually includes a comprehensive process of designating hauler(s) to provide defined service(s) in specific geographic zones or areas. The benefits may include improved collection efficiencies, more uniform services, less and wear and tear on roads, and reduced air emissions.

As previously mentioned, the present commercial collection program is an open competitive system. Haulers contract directly with customers regardless of their location within the City. For the City to establish an organized collection system, it would need to follow a well-defined process as specified in Minnesota law.

[Minnesota Statute, 115A.94](#) provides a prescriptive process for local governments implementing a “system for collecting solid waste in which a specified collector, or member of an organization of collectors, is authorized to collect from a defined geographic area or areas.” Per this statute, the City of Minneapolis would be required to complete the following:

- Provide notification to residents and licensed haulers that the City is considering organizing collection.
- Provide a 60 day period for the opportunity to negotiate with existing licensed haulers to agree on a proposal where interested licensed haulers provide collection service to designated areas within the City.

- Establish a committee to evaluate various alternative methods of organized collection if the outcome of the process described above does not result in a negotiated agreement.
- Seek input from a range of stakeholders including, at minimum, licensed haulers, customers, City Council, and Division staff as part of issuing a report with findings and recommendations.
- Hold at least one public hearing prior to deciding whether to implement organized collection.

Minnesota Statute, 115A.94 (3) (b) does state that a “local government unit may not establish or administer organized collection in a manner that impairs the preservation and development of recycling and markets for recyclable materials.” It further states that the “local government shall exempt recyclable materials” if the generator or collector of the materials can show the materials will be recycled. This standard appears to suggest an opportunity for haulers and generators to preclude the organizing of collection of recyclable materials. However, no legal case law exists clearly defining this standard.

- **Strategy 7: Municipalization of commercial collection through use of City staff and equipment to provide non-residential recyclable materials collection** – This strategy represents the most comprehensive method to facilitating additional materials recovery. Under this option the City would expand its present collection program from its existing residential and select non-residential customers to include all non-residential customers. The City would procure the staffing and equipment needed to provide additional service. As part of this option, the City could expand its non-residential collection service via contract using MRI, the existing consortium of haulers providing residential collection service or create a new framework with existing commercial haulers.

This option is also likely subject to the Minnesota Statute, 115A.94 as described above requiring a prescriptive process for local governments implementing a “system for collecting solid waste in which a specified collector, or member of an organization of collectors, is authorized to collect from a defined geographic area or areas.” The City would be required to complete the process before moving forward with the procurement of needed staff and equipment. Implementation would not only include procurement of staff and equipment but would require developing an inventory of customers, determining rates, and addressing other issues. Therefore, selection of this option would result in the need for extensive lead time.

## 4.2 Benchmarking of Commercial Collection Programs

As part of this analysis, benchmarking commercial waste diversion programs of peer communities provides a beneficial perspective on the breadth of the range of options and lessons learned.

### 4.2.1 Methodology

The first step in this process involved identifying the communities to benchmark. Based on its industry experience, Burns & McDonnell provided an initial list of 10 communities for the Steering Team to consider. At minimum, criteria for the selection of these communities included the following:

- Population equal to or greater than the City of Minneapolis
- Geographic locational diversity
- Commercial diversion programs representing at least one of the strategy options for consideration

Upon presenting the list of potential communities to benchmark, the Steering Team selected the following five communities to benchmark commercial diversion programs:

- Austin, Texas
- Los Angeles, California
- Portland, Oregon
- San Jose, California
- Miami, Florida

The next step included drafting questions to pose to designated City representatives for each of the selected programs. After discussions by the team, the following questions were agreed upon for the program benchmarking process.

1. Describe your commercial diversion program. What is your estimated commercial recycling rate? How is it measured? Is there a statutory goal? What is your level of confidence in the data (e.g. estimates vs. actuals)?
2. Does the City license its commercial haulers for the collection of refuse? What are the fees? If not, does your County or other public entity?
3. Does the City license recyclable materials haulers? What are the fees? If not, does your County or other public entity?
4. Does the City use exclusive franchises for commercial collection? Does this include commercial collection franchise fees? If so, what are the fees (e.g. percentage of revenues)? If not, do you require non-exclusive franchises? Any fees associated with non-exclusive franchises?

5. Are there any hauler reporting requirements?
6. Does the City have any ordinances that address recycling for commercial businesses and/or multifamily buildings? If so, can you provide?
7. Does the City have mandatory recycling for businesses? Require diversion plans? If yes in either instance, what approach to enforcement is used?
8. Has the City or state legislated material disposal bans? If so, which curbside collected recyclable materials?
9. Are source separated organics collected from businesses for recovery? Any ordinances supporting this program?
10. Is there technical assistance available to owners of commercial businesses or multifamily buildings to assist in developing recycling programs? If so, what kind of assistance and who provides this assistance?
11. How would you assess the overall success of your program? What improvements could be made? What are the lessons learned?
12. What is the source of funding supporting your staff that are managing/fostering/monitoring the commercial recycling program?
13. What are the haulers' attitudes toward the commercial recycling program? Businesses' attitudes? Favorable? Unfavorable? Any lawsuits?

These questions were forwarded to the designated City program representatives via e-mail and then a follow-up phone interview was conducted to ask clarifying questions and address any information and data gaps. Based on this process, the results of the benchmarking are summarized below for each of the five communities.

## **4.2.2 Results**

### **4.2.2.1 City of Austin Commercial Waste Diversion Summary**

#### **Commercial Program Background**

The City of Austin provides residential collection services to single-family homes up to four units (approximately 200,000 homes) and has an open competitive market for commercial collection services. Residential collection consists of collecting trash, recycling, bulky, yard waste, dead animals and limited organics (food scraps and yard waste) collection. It is estimated that twenty-five percent of the City's waste is collected by City services (cart based collection only), while the remainder is collected via the open market haulers. There are approximately 24 licensed haulers for commercial and multifamily collection in Austin.

Haulers must be licensed in order to collect refuse, recycling, construction and demolition, or organics. Licensing is based on a sliding scale where refuse collection is charged both a \$100 per vehicle solid waste fee (annually), as well as a \$3 per container per month fee (collected quarterly). Recycling and organics collection licensees pay the vehicle registration fee but are exempt from the container fee. Haulers are required to report the previous year's weights collected when they renew their license and the City uses this information for their analysis and reporting.

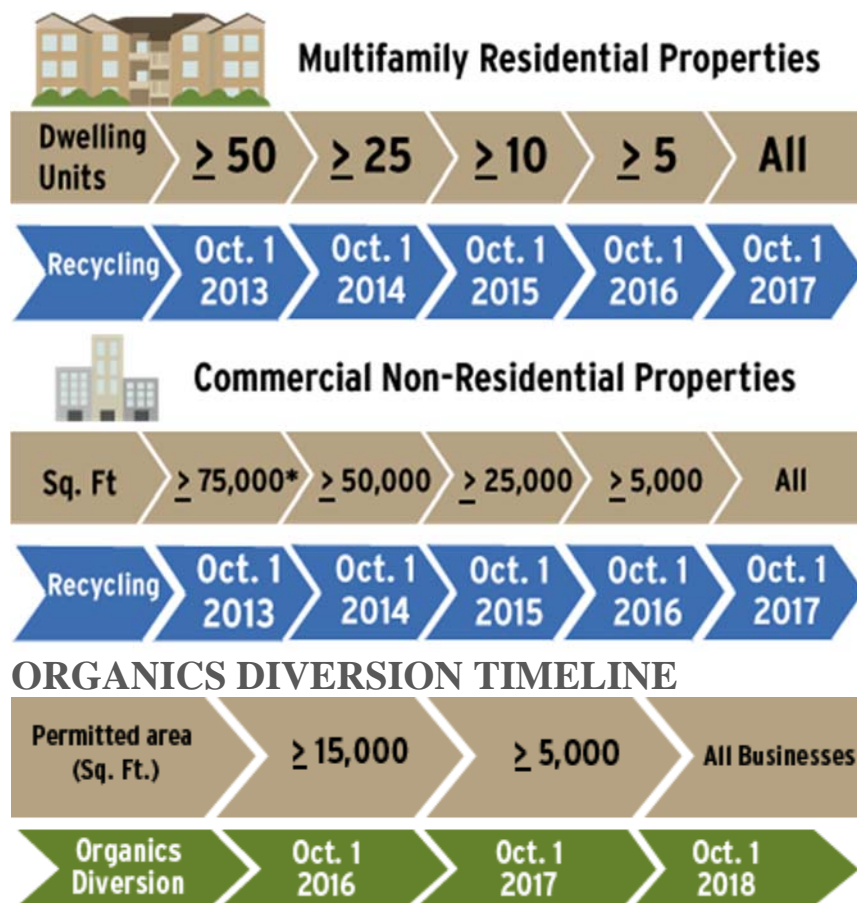
The City has a stated goal of 90% diversion (waste-to-energy does not count towards diversion) by 2040. The City commissioned a Community Waste Diversion Study that was completed in April 2016. The key findings included the following:

- 42% diversion rate
- Businesses and apartments generated more than 85% of all discards
- More than 80% of the discards are recyclable or compostable

The City regulates recycling by policy through the [Universal Recycling Ordinance \(URO\)](#). The key elements of the URO are as follows:

1. Recycle certain materials (plastics #1 and #2, paper, cardboard, glass and aluminum)
2. Ensure capacity and convenient location (6.4 gallon per unit per week or 1:1 ratio capacity with waste on weekly basis; recycling container within 25 feet of trash)
3. Identifies education requirements (signs must use graphic illustrations and be in both English and Spanish; educate new employees and tenants within 30 days of hire or move in and annually thereafter)
4. Details annual reporting requirements for property owners (submit online between Oct 1 and Feb 1 each year)

The URO is being rolled out in phases, with the largest businesses having to comply first and the phasing in of more businesses each year. In 2016, businesses also have to comply with Phase II of the URO, which includes source separated organics. The figure below is provided to indicate the timing of rollout of Phase II of the URO.



**Figure 1 – Phase 2 Rollout**

Enforcement is handled through outside reports as well as internal non-compliance (i.e., not submitting the annual report). A site visit is completed and the first letter is sent to notify the business of the URO. The second letter still attempts to work with the business but also outlines the fines. The third letter is the notice of sending the issue to code enforcement. Enforcement is considered a Class C misdemeanor and fines can vary from \$200 to \$2,000 per day per occurrence; however, the City has yet to issue these fines as their focus is on helping businesses. Twenty-five cases have been forwarded to code enforcement, but they have been resolved prior to fines. Austin Resource Recovery Department (ARR) has 2.5 to 3 FTEs dedicated to compliance.

**Organics Collection Program**

The first phase of organics collection was rolled out in October 2016 with the businesses that have food service permits (grocers, farmers markets, and food and beverage industry) that are larger than 15,000 square feet (with the remainder of businesses being phased in subsequent years).



**Program Funding**

The ARR consists of approximately 450 employees, of which 350 provide collection services, and the remaining 100 provide administrative and general services. There are three divisions that address the strategic initiatives: 1) marketing and public information, 2) policy development and 3) business outreach. The business outreach department has the capacity for 10 full time employees (FTEs), although is currently staffed at nine FTEs and has an annual operating budget of \$2.5 million. ARR is an enterprise fund; however, there is a “Clean Community Fee” that funds code compliance (two-thirds) and zero waste initiatives (one-third). The Clean Community Fee is a monthly fee assessed to both residents and business. The residential rate is \$7.65 per month (including single-family homes, apartments and condos) and the commercial property rate is \$21.45 per month.

**Hauler and Generator Program Attitudes**

The general consensus with the program is that approximately ten percent prefer the program, ten percent dislike the program and the remainder will comply with assistance. The City’s goal is to work with the businesses to get them into compliance as quickly as possible.

**Overall Assessment of Program and Lessons Learned**

Education is a major component of an effective program. Lessons/recommendations:

- First year was spent assisting customers meet the program requirements. It is important to engage all stakeholders.
- Static minimum standards do not work for all generators. The City is working on providing a result based requirement with the next roll out (organics) to make the requirements more flexible. Instead of enforcing a static rule structure for all business, the requirements will be based more on the end goal (results). The City also has a waiver request in the annual report for businesses that just cannot meet the requirements.
- The majority of the responsibility is on the businesses, and a lesson learned is that more responsibility should be on the haulers as well. The haulers should not be allowed to knowingly provide services to non-compliant businesses and should also have education requirements.
- Recommend using graphics designer for educational publications.

Overall, the City is extremely proud of the business community response thus far; however, the smallest commercial businesses have yet to be pulled into the URO, and they will be challenging due to the smaller size businesses and apartment complexes that likely do not have a key person on staff to work towards compliance.

#### 4.2.2.2 City of Los Angeles Commercial Waste Diversion Summary

##### Commercial Program Background

The City of Los Angeles' current program is an open market commercial hauling where the City issues permits to collect commercial waste from over 70,000 commercial accounts including large multifamily dwellings and commercial establishments. Approximately 45 permitted haulers currently serve the commercial and multifamily accounts and the remaining permitted haulers provide construction and demolition services. The current program is a commercial hauler licensing program where haulers fill out an application, sending in reports and pay fees. Commercial businesses and multifamily dwellings of 5 units or less are required to recycle via California [AB341](#). However, compliance is consistent.

The City is in the process of moving towards exclusive franchising for commercial collection (trash, recycling and organics) and are currently in the process of negotiating contracts. Contracts were awarded at the end of 2016. The start of a two year transition and implementation period will begin in the summer of 2017. The process of moving to exclusive franchising has been a several year iterative process; however, the City is interested to target commercial sector to achieve its zero waste goals.

In order to get public engagement on moving towards the exclusive commercial franchise system, the City held over 25 public stakeholder workshops, a workshop solely for zone development, 10 council committee meetings, 5 city council meetings, multiple board of Public Works meetings, and also mailed and had online stakeholder surveys. The process began in July 2006 when City Council approved a 7-year notice to modify collection at multifamily properties. In December 2011, a 5-year notice was provided to haulers of commercial businesses. The City Council approved the franchise implementation plan in April 2013, the Final Environmental Impact Report and accompanying city ordinance in April 2014, and issued an RFP in June 2014 for the Zero Waste LA Franchise system.

The ordinance in place establishes the framework for an exclusive franchising system. With the new exclusive franchise system, the City will be divided into 11 zones, which will provide more efficiency in routing and reduce greenhouse gas emissions. The haulers will be required to have routing efficiencies, late model low emission clean fuel vehicles, and monitor vehicle miles traveled. Every commercial and multifamily account will have recycling collection. The addition of food scraps and yard trimmings collection will be phased in over several years as infrastructure comes online. The City will provide certification of all facilities used by haulers. The haulers will be required to submit reports on the materials collected. In addition, haulers will be responsible for education as well as completing waste audits. The City will provide the first line of customer service contact.

The franchise agreements will be ten year contracts with two, five year optional renewals. Cost of living increases will be capped and a uniform rate structure across the City and consistent customer experience is the objective.

The City will continue to use licensing moving forward for commercial and demolition debris haulers and contractors that haul their own wastes (commercial and demolition debris waste is not included in the franchising). The City does not have a separate license for recyclable materials haulers as the permits are based on tonnage (over 1,000 tons per year needs a permit).

The State of California has a goal of 75% recycling and Los Angeles has a goal of 90% reduction by 2025. In addition, the City of Los Angeles requires recycling services to be provided for all commercial establishments within the City's Solid Waste Collection Ordinance (Article 6). The estimated diversion rate now is 70% (source reduction and recycling).

#### **Organics Collection Program**

[State of California AB1826](#) requires mandatory commercial organics programs. The new franchise system requires organics collection; however, the City does not currently have the infrastructure to handle the increase in organics collection currently. They plan to do a phased roll out of organics collection in the next 3-4 years. Once the infrastructure has been established, the City will pass an ordinance requiring the organics collection. The commercial food recycling program currently serves approximately 850 accounts; whereas there are over 10,000 food service establishments.

#### **Program Funding**

Administration of the new franchise system will require significant new resources to provide customer service and oversight of franchise contracts (both through reporting and at customer sites). The City has added several staff for inspectors for contract compliance (24 inspectors). Fees for staff support are generated through hauler fees (currently) plus franchise fees.

#### **Hauler and Generator Program Attitudes**

There was initial opposition to the exclusive franchise program as many haulers and businesses did not recycle and exclusive franchising eliminated the businesses' opportunity to receive competitive bids; however, the City was aggressive in getting the public on board with the transition. It is problematic to determine how the franchise costs compare to the current open system for commercial customers, so it is unknown how business will react to new rates.

### **Overall Assessment of Program and Lessons Learned**

The City has undergone a several year process to move towards exclusive franchising for commercial collection. The process began in July 2006 and the two-year customer transition period will start in summer of 2017. It is too soon to tell how successful the program will be; however, due to the extensive public engagement, it is anticipated that it will be successful.

### **4.2.2.3 City of Portland Commercial Waste Diversion Summary**

#### **Commercial Program Background**

City of Portland has 15 franchised haulers providing residential collection services within exclusive service areas. Commercial collection (and five units and greater) is provided in an open, competitive market. The City has approximately 37 licensed haulers, plus a number of independent recyclers. It is estimated that 73% of solid waste is generated by the commercial sector.

Haulers are required to pay an annual fee of \$350 for license renewal and a commercial tonnage fee of \$8.30 per ton for every commercial ton collected. The haulers are required to report tonnages quarterly (and also remit the per ton fee at this time). Reporting tonnages can also be matched against the Metro authority that operates the areas two transfer stations. Tip fees at the transfer station are \$95 per ton (excludes governmental fees). Allocation of origin of tonnage from inside or outside of Portland and whether the tonnage was residential or commercial can be difficult without more detailed reporting requirements. The costs associated with the City's fee (passed on to businesses) are estimated to dwarf the collections costs.

By code, businesses are required to recycle 50% of their waste. The businesses are not monitored for participation in the mandatory program and success is viewed on a macro level, as their overall recycling/diversion rate has been very favorable (calculated at 65% for commercial market without diversion credits which equate to 6%). Credits have been set up by state law; however, will be calculated differently moving forward. The "Portland Recycles!" plan set a diversion goal of 75% in 2008 (including credits). The "Portland Recycles!" plan is described in more detail below.

Oregon state law also requires that haulers cannot charge more for recycling than for trash; however, generally, this does not pose compliance issues with the relatively high tipping rates in the area.

Penalties are levied against companies on a complaint basis; however, very few complaints are reportedly received on a commercial basis. The staff goals focus on education and outreach. If complaints are received that a business is not complying with the recycling code, both the business and the hauler could

be held responsible. A business has 30 days to come into compliance after a complaint is received, otherwise a penalty of up to \$600 will be assessed; however, the City has rarely issued these fines. Haulers could be held responsible for knowingly collecting noncompliant waste and would be at risk to lose their license.

### **Portland Recycles!**

“[Portland Recycles!](#) A New Waste Prevention and Recycling Plan for Portland” plan was developed in 2006 and established four main goals for the City of Portland:

1. Increase the recovery rate to 75% by 2015
2. Reduce toxics and greenhouse gases
3. Have zero growth in the waste stream
4. Make the system as a whole more sustainable

New recycling requirements for businesses were implemented including recycling target materials (with a focus on food scraps, paper, and construction materials) while maintaining the competitive system for waste hauling services. Waste haulers are required to offer their business customers these services, including collection of the materials subject to mandatory recycling. The commercial changes were approved in April 2015. Phase One includes mandatory food scrap diversion for the businesses that generate the most food scraps.

Phase Two of the Portland Recycles! Plan (2009-2015) incorporates mandatory food scrap diversion, expanding to include all food scrap generators above specified level or size.

### **Organics Collection Program**

Source separated organics collection is outlined in the “[Portland Recycles!](#)” program; however, the City has yet to formally hold generators responsible for compliance. It is anticipated that this requirement will be enforced starting in the 3rd quarter of 2017 as more processing infrastructure becomes available; however, there are already more than 1,000 businesses participating in the program.

### **Program Funding**

There are seven FTEs in the Sustainability at Work department (mission includes assisting businesses). Staff provide outreach and technical assistance and are supported through the commercial collection fee, which is an \$8.30 per ton fee assessed on every commercial ton collected within the City.

**Hauler and Generator Program Attitudes**

The City received much negative feedback with discussion surrounding the franchising commercial collection services. As a result, the City chose not to franchise because of the City's extensive reporting and service requirements, as well as its ability to direct materials within the existing solid waste system. Although commercial collection services remains an open competitive collection system, the haulers are highly regulated by the current City codes, except for rate setting. All material collected is delivered to a Portland "Metro" transfer station. Metro is the regional government that oversees the planning and regulation for regional transfer and disposal infrastructure. The City is able to cross check reports from Metro with the haulers quarterly reports to determine the scope of the commercial tonnage collected and the associated fees.

**Overall Assessment of Program and Lessons Learned**

Some of the lessons learned include the need to assert strong leadership in establishing requirements for haulers and adequate lead time for program implementation. Commercial recycling success is certainly impacted by the higher disposal tipping fees (\$95/ton).

**4.2.2.4 City of San Jose Commercial Waste Diversion Summary****Commercial Program Background**

The City of San Jose is the 10<sup>th</sup> largest City in the United States with more than 1 million residents. The City estimates that it generates more than 250,000 tons per year of commercial solid waste. Prior to 2012, the City operated a non-exclusive franchise system for commercial collection that included approximately 25 licensed haulers. The estimated commercial diversion rate in FY 2010-11 was 26% with 18% representing the commercial recycling rate.

In 2005, the City initiated a planning process to create an exclusive franchise system with one hauler. The drivers for transitioning to an exclusive franchise collection program included the goal of fostering more commercial diversion and creating waste assurance to support development of processing infrastructure – recycling and organics. The planning process included a number of meetings and discussions with various stakeholders, including licensed haulers.

An RFP to provide wet/dry collection for the entire City was released in 2010. The City awarded an exclusive commercial collection franchise to Republic Services for a term of up to 15 years to begin in 2012. The wet/dry collection system is very unique with the use of two containers for all of the recyclable materials, organics and non-recoverable materials. The dry materials container is for the

collection of recyclable materials, clean wood, and reusable items. The wet system is for the collection of the remaining materials including the recoverable organics.

The City entered into two separate materials processing agreements to process the materials collected. Where feasible, the non-recoverable materials are removed from the wet stream and the remaining organic materials are processed at an anaerobic digestion facility. The dry stream also is processed to remove the contaminants and then prepared for market as recovered recyclable materials. Based on data provided by the City staff, the commercial recycling rate increased from 18% in FY 2010 -11 to 38% 2013 and to 47% in 2014 (excluding organics diversion). The FY 2017 commercial recycling rate is reported to exceed 70% (including organics diversion).

#### **Organics Collection Program**

The transition to the wet/dry collection system was implemented to maximize the quantities of organics collected for diversion and recovery. Without the need to source separate the organics from the non-organics, it was anticipated that the participation rate and quantities set-out would increase. The quantities of commercial organics collected through source separation in FY 2010-11 were approximately 20,000 tons. The City estimates that more than 65,000 tons per year of organics were diverted and processed for recovery in 2013 and 2014. This increase in organics diverted includes a number of challenges, including but not limited to high levels of contamination and the need to modify the wet stream processing line at the materials recovery facility.

#### **Program Funding**

The commercial program is funded through the franchise fee paid by the exclusive franchisee and the [AB 939](#) or Source Reduction and Recycling Fee.

#### **Hauler and Generator Program Attitudes**

The extensive planning process was beneficial to educate the various commercial generators on the collection program change. The exclusive franchisee is contractually responsible for conducting outreach, providing containers and addressing customer concerns. The City staff monitor contract compliance to meet the specified performance requirements. Transition to the wet/dry commercial collection program included a number of challenges such as timely change of customer containers and adequate service levels. As for hauler attitudes, no litigation occurred as a result of the transition from a non-exclusive to an exclusive franchise collection program.

### **Overall Assessment of Program and Lessons Learned**

The program has achieved its objective of substantially increasing the commercial diversion rate. The extensive planning process helped mitigate some of the hauler and commercial generator concerns. However, additional targeted outreach to specific types of generators is recommended prior to and during the transition because of the varying customer needs. Lastly, the RFP process should be undertaken with adequate time to draft, review, negotiate, and award the franchise. Such an approach conveys a fair and independent approach to assist in managing stakeholder perceptions.

#### **4.2.2.5 City of Miami Commercial Waste Diversion Summary**

##### **Commercial Program Background**

Per the U.S Census, the City of Miami had an estimated population of nearly 430,000 in 2015. The number of households were estimated at approximately 152,500 with more than 70% of the residents composing these households of Hispanic origin. The number of business establishments was estimated at approximately 98,000 in 2012.

The City of Miami's municipal crews collect refuse from single family residents and multifamily dwelling with three (3) or fewer units. The City offers twice a week refuse collection, once a week bulky collection (including yard waste) and every other week collection of commingled recyclable materials. Multifamily dwellings of four (4) or more units, commercial businesses and industry are serviced by licensed commercial haulers.

All commercial haulers engaged in collecting and disposing of solid waste within the corporate limits of the City of Miami are required to have a franchise granted to it by the City of Miami. Article II, Section 22-46 of the City of Miami Code states:

- “The city commission is authorized, from time to time, to grant one or more franchise(s) granting the right and privilege to operate a commercial garbage and trash collection and disposal system in, upon, over and across the present and future streets, alleys, easements and other public places of the city for the purpose of collecting all solid waste from commercial and multifamily establishments as defined in this chapter.”

As reflected above, the City provides non-exclusive commercial solid waste franchise to commercial haulers to serve commercial properties and apartment buildings of four (4) or more units within the City of Miami. The length of the term of the franchise agreement is for five (5) years with three (3) one (1) year option periods to be renewed through at the discretion of the City of Miami. As of 2016, there were



eleven (11) commercial haulers that have been granted non-exclusive franchises to collect refuse within the City of Miami.

In 2015, the City of Miami enacted revisions to their solid waste ordinance requiring the following information to be submitted by all commercial franchisees:

1. Annually, an "annual recycling plan" that describes recycling activities and services available to commercial and residential establishments in the city that are offered by the franchisee.
2. Annually, an "annual recycling report" that describes resources and money of the franchisee utilized in connection with the recycling program, a list of recycling accounts, and a list of accounts that do not avail themselves of the franchisee's recycling opportunities.
3. Quarterly, a report describing recycling and diversion goals and recycling/diversion accomplishments.
4. Annually, copies of literature provided to each customer in English, Spanish, and Creole describing the franchisee's recycling programs and services available.

Moreover, there are a number of other requirements addressing the operations of the franchisees' within the City of Miami. All of these requirements are described in the City's ordinance which is provided in Appendix G for reference.

#### **Organics Collection Program**

In addition to the above requirements addressing recycling and diversion, the 2015 ordinance revisions addressed organics collection and management. These requirements are provided below.

“Any franchisee servicing an address that engages in the sale of produce located within the produce market shall, no later than October 1, 2016, offer an organic waste recycling program. Said program shall utilize composting and/or any other organic waste recycling program which diverts organic waste from a disposal site to a city waste-to-energy facility.”

No additional information surrounding organics management by franchisees was available.

#### **Program Funding**

As a condition of receiving a non-exclusive franchise, commercial haulers must pay a franchise fee of 24% of gross receipts to the City of Miami on a monthly basis. Within 90 days of the end of the City's fiscal year, each franchisee must deliver a certified statement of its annual gross receipts and charge-offs generated from accounts within the city prepared by an independent certified public accountant ("CPA"). Payment of the franchise fee may be enforced through the denial of a business license and/or the

revocation of the franchise. The second primary source of program revenue is a \$75 fee per active commercial account payable by each franchisee to the City of Miami by October 1 of each year. No information was available on the total revenues generated via these fees at this time.

**Hauler and Generator Program Attitudes**

No information was available addressing hauler and generator attitudes at this time.

**Overall Assessment of Program and Lessons Learned**

The City of Miami's commercial refuse and recycling program offers a unique framework. The use of the application of non-exclusive franchises as a means to hold haulers accountable, gather program data and generate revenues appears to achieve multiple program objectives. However, unavailable implementation data including revenues generated, quantities of materials collected for recycling, and other program data precludes a thorough evaluation of the effectiveness of this program approach.

**4.2.2.6 Summary Matrix**

Provided below is a table summarizing the benchmarking outcomes.

Benchmarking Summary Matrix																
Background			Policy Tools								Program Funding				Potential Lessons Learned	
City	Population <sup>2</sup>	Commercial Diversion Rate	Targeted Outreach and Assistance to Generators	Program Standards via Ordinances and Rules	Mandatory Recycling	Complaint Driven Enforcement	Hauler Licensing	Non-Exclusive Franchise	Exclusive Franchise	Material Disposal Bans	Licensing Fees	Franchise Fees	Hauler Recycling Fee (AB939)	Tonnage Surcharges	Generator Fees	
Austin	913,000	NA	√	◆	√	√	√			√	√				√	Responsibility for compliance needs to be shared with haulers; One program size does not fit all generator types;
Los Angeles	3,930,000	70%	√	√	√	√	√		◆ <sup>4</sup>	√	√	√				Lengthy lead time needed; Requires large staffing resources commitment to outreach and enforcement
Miami	430,000	NA		√	√	√	√	◆			√	√				Provides a framework for generating program revenues and gathering applicable hauler data. Hauler gross receipts and per account fees can be levied to fund program.
Portland	620,000	65%	√	√	√	√	◆			√			√			Disposal economics impact diversion success - high tip fees; Generators should share in the responsibility for compliance.
San Jose	1,016,000	78% <sup>1</sup>	√	√	√	√	√		◆ <sup>3</sup>	√	√	√				Multiple year planning process needed; Fair and independent RFP process provides higher likelihood of success
Minneapolis	407,000	NA		√	√	√	√			√	√					

◆ = Primary Policy Tool Focus

NA – Not available

<sup>1</sup> Estimated commercial recycling rate of 47% without organics diversion.

<sup>2</sup> U.S. Census Bureau, 2014.

<sup>3</sup> One city- wide exclusive hauler

<sup>4</sup> Multiple City-defined zones with one exclusive hauler per zone

#### 4.2.2.7 Findings

Notwithstanding the specific type of commercial collection program, a similar set of policy and program tools are used by communities to foster more commercial waste diversion including, but not limited to the following:

- Outreach and assistance to generators
- Mandatory recycling
- Program standards via ordinances and rules
- Complaint driven enforcement
- Hauler licensing
- Material disposal bans

The level of emphasis and scope of the resources allocated to each policy and program varies from community to community. See Appendix G for additional community benchmarking program information.

Commercial diversion and recycling rates are likely to increase with the allocation of additional resources to the application of alternative policy and program options.

Select communities are considering and, in some instances, implementing alternative commercial collection programs to an open competitive system for private haulers to increase commercial diversion.

The implementation of alternative commercial collection programs creating collection zones and/or awarding exclusive franchises requires a deliberate planning process over a multiple year time frame with extensive stakeholder engagement that includes a comprehensive, competitive procurement process.

Typically, program funding varies from community to community and may include the following:

- Licensing fees
- Hauler franchise and recycling fees
- Disposal tonnage surcharges
- Generator fees

In addition, communities typically include licensing fees and a second fee mechanism to generate program revenues.

### 4.3 Identify Evaluation Criteria

Provided below is a description of the evaluation criteria applied to a set of program options for consideration. The program options represent a combination of strategies and are described in detail in Section 4.4.

#### 4.3.1 Legal Feasibility

This criterion represents the City's need for program options to be consistent with the applicable legal framework. To assess the legal feasibility of the above options, an assessment of applicable legal opinions and the City's present legislative framework was developed with input from the City Attorney's Office. The following was reviewed:

- City Code of Ordinances, Under Article IV, Commercial Building Registration Requirements, Chapter 174.435 establishes recycling requirements for commercial buildings (Appendix A)
- City Code of Ordinances, Chapter 225, Garbage and Refuse, Article VI establishing recycling requirements for buildings with two or more dwelling units (Appendix A)
- City Hauler License Requirements and Fees (Appendix E)
- Regional Hauler License Requirements and Fees (Appendix E)
- Minneapolis Refuse, Inc. vs. City of Minneapolis, Order Granting Temporary Injunction, (2006) (Appendix C)
- Minneapolis Refuse, Inc. vs. City of Minneapolis, Denying Supplemental Temporary Injunction (2007) (Appendix C)
- Minnesota Statute 115A.94 Organized Collection (Appendix B)

Per discussions with the City Attorney's Office, provided below is a summary of the outcomes:

- The City currently licenses solid waste haulers and there is precedent for licensing and regulating businesses in the City of Minneapolis. This approach has historically been supported as a viable enforcement tool (e.g. regulatory services). Expanding the licensing requirements to include commercial collectors of recyclable materials appears to be legally feasible.
  - The licensing fees must be cost based. Cost-based has been broadly interpreted that the fees generated must be directly linked to promoting compliance. Therefore, increasing the licensing fees to generate funding to address educational and enforcement related activities for compliance with the commercial recycling requirements may be a feasible pathway. Revenue generated from hauler licensing fees and/or generator based fees could be potentially used to fund the resources needed to promote hauler/generator compliance.

Supplementing hauler licensing with the requirement of mandatory recycling plans for commercial generators should be further explored.

- Material disposal bans could be enacted by the City of Minneapolis to foster increased recycling as long as no federal or state statutes pre-empt the enactment of such ordinance. Supplementing disposal bans with a regulatory scheme requiring recycling plans from businesses may be an effective combination of methods to foster increased commercial diversion.
- Historically, the City Council has been supportive of broadening enforcement authority to gain compliance and address broader policy objectives. For example, revisions were enacted in 2014 to Minneapolis City Ordinance, Section 225, requiring every commercial business to designate a solid waste collection point (SWCP) and delegate enforcement to other departments. This approach could be applied to commercial recycling requirements to transition enforcement authority to the Solid Waste and Recycling Division.
- The 2006 MRI U.S. District Court decision concluded the City of Minneapolis as a home rule charter City must comply with the state's organized collection statute requirements.
- Based on the City Attorney's legal interpretation of the Minneapolis Refuse, Inc. vs. City of Minneapolis (2006 and 2007) court opinion's (see Appendix C), the organized collection statute applies broadly to implementation of options to organize commercial collection. Alternatives that exclude any commercial haulers (e.g. exclusive or non-exclusive franchise, contract(s) for services, municipalization) are likely subject to the organized collection state statute and its process requirements.
- Minnesota statute 115A.94, Organized Collection, appears to apply to both residential and commercial collection even though it does not explicitly identify collection for both types of generators.
- An attempt by the City of Minneapolis to limit the number of commercial haulers collecting commercial waste would likely be considered organized collection per the state statutes.
- Minnesota Statute 115A.94 explicitly mentions franchising as an option for local governments in the context of organized collection. Thus, the process of franchising appears to be recognized as a viable option in the solid waste arena. However, because it is explicitly included in the Minnesota organized collection statute the organized collection process requirements likely apply.
- Establishing geographic zones/districts and contracting with a hauler (s) to serve the respective zones is likely to be considered a form of organized collection requiring compliance with the organized collection statutes.

- Municipalization of commercial collection through the deployment of City staff and equipment to provide CIM generator collection will likely be considered a form of organized collection.
- More legal research is necessary to determine if the City has the authority to regulate refuse and recycling rates charged by commercial haulers to City of Minneapolis commercial customers. A specific written request from City staff to the Legal Department is recommended for this research to be undertaken.
- The implementation of residential organized collection by the Cities of Bloomington, Maplewood, Falcon Heights, and others may offer additional perspective on the application of organized collection requirements. Most recently, the City of St. Paul has initiated an evaluation of organized collection options including but, not limited to, establishing collection districts with designated haulers to collect in specified geographic areas.

#### **4.3.2 Projected Growth in Diversion**

This criterion represents the most critical program goal of successfully fostering new materials recovery and diversion of materials from disposal. This incremental increase can be measured upon agreeing on the baseline of materials presently being recovered and then establishing a reporting method to monitor increased recovery going forward.

#### **4.3.3 Hauler Reporting and Rate Transparency**

This criterion represents the City's need to gather more information and data characterizing the present CIM collection program. Very little data exists on the quantities of commercially generated materials being disposed or recycled. The various options create different opportunities for this information and data to be collected.

#### **4.3.4 Transportation Benefits and GHG Reductions**

This criterion represents the objective of reducing the impacts on local roadways through reducing the number of vehicle trips needed to provide collection services. In addition, an increase in vehicle trips increases emissions and the quantities of greenhouse gases generated. Reducing the number of vehicle trips and converting to cleaner fuels such as natural gas will reduce GHGs.

#### **4.3.5 Difficulty of Implementation**

This criterion represents the level of challenges associated with program implementation. The challenges may include enactment of new ordinances, implementation of new programs fees, or undertaking the prescriptive process specified in the Minnesota organized collection statute.

#### **4.3.6 Implementation Activities**

This criterion represents start-up activities for each of the program options as defined below. These activities may include but are not limited to procurement of resources, revising of ordinances, and coordination with other entities. The activities associated with long term program management are excluded.

#### **4.3.7 Capacity to Raise Revenues for Implementation**

This criterion represents an order of magnitude characterization of each of the program options to raise revenues to cover increased program costs. For example, enhanced enforcement of existing ordinances as an activity by itself does not offer an opportunity to increase revenues for implementation. However, coupling this option with expanding the licensing requirements to haulers of recyclable materials provides an increased capacity to raise revenues. This criterion is critical when assessing the cost-benefits of the various options.

#### **4.3.8 Costs to City**

This criterion represents an order of magnitude characterization of the start-up costs for each of the program options. For example, enhanced enforcement of existing ordinances has low incremental costs as compared to the municipalization of the City's commercial collection program. This option will require the need to procure staff and equipment which will have high incremental costs to the City.



### 4.4 Apply Evaluation Criteria to Program Options

To evaluate a range of options, we identified combinations of strategies detailed in Section 4.1 that logically fit together as options and are organized by estimated projected incremental growth in diversion from low to high. These combinations of strategies represent options for consideration by the City. We then applied the criteria to each of the options and characterized the results below.

**Option A – Targeted Outreach**

Commercial Collection Strategy	Legal Feasibility	Projected Growth in Diversion	Hauler Reporting and Rate Transparency	Transportation Benefits and GHG Reductions	Difficulty of Implementation	Implementation Activities	Capacity to Raise Revenues for Implementation	Costs to City
Targeted Generator Outreach and Assistance	Yes	Low/Medium	Low	Low	Low	*Procure staffing resources *Train staff (if needed) *Coordinate assistance with Hennepin County	Low	Low

This program option represents the commitment of limited increased resources to educate generators on the benefits of fostering additional waste reduction and recycling. No change in regulatory requirements or levying of fees cover additional resource allocation is included in this option. Increased program funding would be provided through the general fund.

**Option B – Targeted Outreach and Enhanced Enforcement**

Commercial Collection Strategy	Legal Feasibility	Projected Growth in Diversion	Hauler Reporting and Rate Transparency	Transportation Benefits and GHG Reductions	Difficulty of Implementation	Implementation Activities	Capacity to Raise Revenues for Implementation	Costs to City
Targeted Generator Outreach and Assistance	Yes	Low/Medium	Low	Low	Low	*Procure staffing resources *Train staff (if needed) *Coordinate assistance with Hennepin County	Low	Low
Enhanced Enforcement of Existing City Ordinances	Yes	Medium	Low	Low	Low/Medium	* Secure additional funding for enforcement	Low	Low/Medium

This program option represents the commitment of limited increased resources to educate generators on the benefits of fostering additional waste reduction and recycling and enforce existing City recycling ordinances for CIM generators. Increased program funding must be provided through the general fund.

**Option C - Targeted Outreach, Enhanced Enforcement and Expand Hauler Licensing**

Commercial Collection Strategy	Legal Feasibility	Projected Growth in Diversion	Hauler Reporting and Rate Transparency	Transportation Benefits and GHG Reductions	Difficulty of Implementation	Implementation Activities	Capacity to Raise Revenues for Implementation	Costs to City
Targeted Generator Outreach and Assistance	Yes	Low/Medium	Low	Low	Low	*Procure staffing resources *Train staff (if needed) *Coordinate assistance with Hennepin County	Low	Low
Enhanced Enforcement of Existing City Ordinances	Yes	Medium	Low	Low	Low/Medium	* Secure additional funding for enforcement *Train staff	Low	Low/Medium
Expand Hauler Licensing Requirements and Establish Minimum Service Standards	Feasible if regulations do not explicitly exclude haulers	Medium	Medium	Low	Medium	*Revise ordinance to expand licensing, increase fees, and establish standards *Provide additional resources for enforcement *Reporting	Medium	Medium

This program option represents the commitment of limited increased resources to educate generators on the benefits of fostering additional waste reduction and recycling and enforce existing City recycling ordinances for CIM generators. In addition, regulatory changes are implemented that include licensing all haulers of recyclable materials and establishing detailed performance based service standards. Increased program funding would be provided through licensing fees.

**Option D - Targeted Outreach, Expand Hauler Licensing and Mandatory Recycling**

Commercial Collection Strategy	Legal Feasibility	Projected Growth in Diversion	Hauler Reporting and Rate Transparency	Transportation Benefits and GHG Reductions	Difficulty of Implementation	Implementation Activities	Capacity to Raise Revenues for Implementation	Costs to City
Targeted Generator Outreach and Assistance	Yes	Low/Medium	Low	Low	Low	*Procure staffing resources *Train staff (if needed) *Coordinate assistance with Hennepin County	Low	Low
Expand Hauler Licensing Requirements and Establish Minimum Service Standards	Feasible if regulations do not explicitly exclude haulers	Medium	Medium	Low	Medium	*Revise ordinance to expand licensing, increase fees, and establish standards *Provide additional resources for enforcement *Reporting	Medium	Medium
Mandatory Generator Recycling Plans Coupled with Material Disposal Bans of Recyclable Materials	Feasible if tied to compliance	Medium/High	Medium	Low	Medium/High	*Procure software to establish database of businesses *Develop detailed programmatic requirements *Add staff to review plans and provide technical assistance *Revise ordinance	Low	Medium/High

This program option represents the commitment of limited increased resources to educate generators on the benefits of fostering additional waste reduction and recycling. This program option also includes implementing regulatory changes that place the shared burden on both the haulers and generators of recyclable materials including licensing all haulers of recyclable materials, establishing detailed performance based service standards, and requiring recycling plans for generators. Lastly, to supplement the existing ordinances, this program option includes requiring recycling by non-residential generators and select recyclable materials are banned from disposal. Increased program funding would be provided through licensing fees and, potentially, generator based fees.

**Option E - Targeted Outreach, Mandatory Recycling and Non-Exclusive Franchise**

Commercial Collection Strategy	Legal Feasibility	Projected Growth in Diversion	Hauler Reporting and Rate Transparency	Transportation Benefits and GHG Reductions	Difficulty of Implementation	Implementation Activities	Capacity to Raise Revenues for Implementation	Costs to City
Targeted Generator Outreach and Assistance	Yes	Low/Medium	Low	Low	Low	*Procure staffing resources *Train staff (if needed) *Coordinate assistance with Hennepin County	Low	Low
Mandatory Generator Recycling Plans Coupled with Material Disposal Bans of Recyclable Materials	Feasible if tied to compliance	Medium/High	Medium	Low	Medium/High	*Procure software to establish database of businesses *Develop detailed programmatic requirements *Add staff to review plans and provide technical assistance *Revise ordinance	Low	Medium/High
Transition to Non-Exclusive Franchise	Potentially requires following organized collection statute	Medium	Medium	Low/Medium	Medium/High	*Confirm applicability of organized collection requirements	Medium	Medium/High

This program option represents the commitment of limited increased resources to educate generators on the benefits of fostering additional waste reduction and recycling. In addition, additional burden is placed on the CIM generators by requiring development of recycling plans and banning the disposal of select recyclable materials. Lastly, the City will issue non-exclusive franchises to select haulers of recyclable materials through the enactment of a set of new collection ordinances. Increased program funding would be provided through hauler franchise fees and, potentially, generator based fees.

**Option F - Targeted Outreach, Mandatory Recycling and Organized Collection**

Commercial Collection Strategy	Legal Feasibility	Projected Growth in Diversion	Hauler Reporting and Rate Transparency	Transportation Benefits and GHG Reductions	Difficulty of Implementation	Implementation Activities	Capacity to Raise Revenues for Implementation	Costs to City
Targeted Generator Outreach and Assistance	Yes	Low/Medium	Low	Low	Low	*Procure staffing resources *Train staff (if needed) *Coordinate assistance with Hennepin County	Low	Low
Mandatory Generator Recycling Plans Coupled with Material Disposal Bans of Recyclable Materials	Feasible if tied to compliance	Medium/High	Medium	Low	Medium/High	*Procure software to establish database of businesses *Develop detailed programmatic requirements *Procure staffing resources to review plans and provide technical assistance *Revise ordinance	Low	Medium/High
Organized Collection	Requires following organized collection statute	High	High	High	High	*Provide adequate notice *Create study committee *Gather hauler input and allocate market share *Contract with preferred service providers	Medium/High	Medium/High

This program option represents the commitment of limited increased resources to educate generators on the benefits of fostering additional waste reduction and recycling. In addition, additional burden is placed on the CIM generators by requiring development of recycling plans and banning the disposal of select recyclable materials. Lastly, the City will undertake the prescriptive process associated with implementing organized collection where the outcome includes contracting with a set number of hauler(s) assigned to provide collection of refuse and recyclable materials for designated geographic zones in the City. Increased program funding would be provided through hauler franchise fees and, potentially, generator based fees.

**Option G - Targeted Outreach and Municipalization of Collection**

Commercial Collection Strategy	Legal Feasibility	Projected Growth in Diversion	Hauler Reporting and Rate Transparency	Transportation Benefits and GHG Reductions	Difficulty of Implementation	Implementation Activities	Capacity to Raise Revenues for Implementation	Costs to City
Targeted Generator Outreach and Assistance	Yes	Low/Medium	Low	Low	Low	*Procure staffing resources *Train staff (if needed) *Coordinate assistance with Hennepin County	Low	Low
Municipalization of Collection	Requires following organized collection statute	High	High	High	High	*Meet organized collection requirements *Procure necessary staffing and equipment *Develop cost-of-service based rates	High	Very High

This program option represents the commitment of limited increased resources to educate generators on the benefits of fostering additional waste reduction and recycling. In addition, the City will undertake the prescriptive process associated with implementing organized collection where the outcome will result in City crews providing citywide refuse and recyclable materials CIM collection. Increased program funding would be provided through the City enterprise fund.

## 4.5 Potential Program Funding

The estimated costs for implementation of the various options described above will vary considerably for the City. Generally, to achieve greater incremental growth in diversion requires additional financial investment which includes higher program costs. For example, the transition to a non-exclusive franchise is projected to result in “medium” growth in diversion with “medium/high” costs to the City. With the City’s existing commercial program generating very limited revenues through its hauler licensing program, the City will need to increase its capacity to raise revenues to achieve greater diversion. Expanding capacity to raise revenues requires implementation of a new funding mechanism or, in the alternative, a greater commitment of funding through the general fund. Typically, commercial program funding mechanisms that have been successful address the following:

- Total revenues generated clearly align with estimated program costs,
- Levied fees impact both haulers and generators, and
- Financially sustainable approach is tied to a long term program commitment.

Without adequate funding, program implementation of any of the options is unlikely to be successful. The City will need to increase program funding to improve data collection from the CIM sector and make progress towards its recycling and composting goals.



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## 5.0 FINDINGS, STAKEHOLDER FEEDBACK, AND RECOMMENDATIONS

### 5.1 Characterize Findings

There are a number of potential program options which will foster increased diversion of commercial materials from disposal. At minimum, their respective feasibility varies depending on generating adequate program funding, preferred public policy regulatory approaches, stakeholder support, and the level of increased commercial recycling the City is attempting to achieve.

Per discussions with the City's Steering Team, all alternative program options will require additional funding to address incremental increases in program costs. The benchmarking process illustrated that other communities used both targeted outreach to foster increased diversion and implemented fees on the haulers and/or generators to raise additional revenues to address program costs. In all five communities that were benchmarked, licensing fees levied on haulers were not the sole source of program funding. For example, the City of Austin implemented a "Clean Community Fee" on both residents and businesses to assist in funding their staff program activities. The City of Miami levied hauler franchise fees based on a percentage of gross receipts on a monthly basis, along with a base fee per active commercial account. Similarly, the City of Minneapolis should consider implementation of new or increased fees on the haulers and/or generators to cover program costs, unless it chooses to fund new programs through the general fund or another external funding source. If haulers are concerned about proprietary information surrounding new fees and reporting requirements, the City should consider using a third party to collect the data for new program requirements.

### 5.2 Stakeholder Feedback

On Thursday March 23, 2017, the Steering Team hosted two stakeholder meetings where a summary of the Study was presented and feedback was gathered. The stakeholders attending the meetings represented the City of Minneapolis business community, multi-housing association, and commercial waste haulers. A summary of the stakeholder feedback received at these meetings is provided in Appendix H.

### 5.3 Recommended Next Steps

Understanding that targeted outreach and assistance to generators is not an adequate strategy by itself to achieve the City's goals, the Steering Team recommends the following:

- Establish an internal working group with broad representation to assess preferred options to further define the benefits and drawbacks for the City.

- Gather additional input from commercial haulers and CIM generators to identify both opportunities and barriers to program implementation.
- Evaluate, monitor and provide feedback to MPCA regarding the licensed hauler data (quantities of refuse and recyclable materials collected, generator-type and county of origin) submitted annually beginning in 2017 (e.g. 2016 data) in response to the new Minnesota statutory reporting requirements.
- Identify the appropriate Department for enforcement of applicable existing ordinances and for program compliance associated with any new options for consideration.
- Select and implement a preferred CIM strategies/option to make incremental progress towards achieving the 80% diversion goal by 2030.

**APPENDIX A - APPLICABLE CITY OF  
MINNEAPOLIS ORDINANCES  
AND STATE LAWS**

## APPENDIX A - APPLICABLE ORDINANCES

City does have specific requirements related to recycling for CIM generators.

Under Article IV, Commercial Building Registration Requirements establishes commercial building recycling requirements as follows:

### Chapter 174.435 - Recycling at Commercial Buildings

(a) *Service required.* Beginning September 1, 2011, every person required to provide or who otherwise provides containers for the collection of solid waste at any commercial building or use shall do the following to facilitate recycling activity in each such commercial building or use:

- (1) Provide, by contract with a licensed private collection vendor, adequate containers for the recycling of at least those materials that are generated at the building and designated as recyclable materials pursuant to section 225.05 and Article VI of Chapter 225. Persons who provide their own collection and delivery of recyclable materials to a recycling facility may provide containers at their own cost. Containers shall be stored on the premises of the building in locations that are convenient for the deposit and collection of recyclable materials. A commercial building that houses multiple tenants, uses or occupants may have such containers located in an accessible and shared location or locations. Recycling services provided pursuant to this section may be shared by multiple locations provided that adequate containers are reasonably available and accessible from each location.
- (2) Provide for the collection and delivery of recyclable materials to a recycling facility by self-hauling or by contract with a licensed private collection vendor, at a regular frequency of at least twice monthly.
- (3) Distribute written information and instructions describing the recycling program. The owner or operator of any commercial building that contracts for or otherwise offers or is required to offer recycling services pursuant to this section shall distribute such written information to each business or commercial use located in the building on at least an annual basis that describes the types of materials accepted for recycling, the locations of the containers and any other information necessary for a building tenant or occupant to access and utilize the recycling services.

(4) Provide, upon the occurrence of the periodic inspection required by this article or upon the order of the fire marshal, a written recycling plan describing the recycling services offered at the commercial building or use and addressing any other issues deemed relevant by the fire marshal.

(5) Provide, upon the order of the fire marshal, any documentation, receipts or contracts requested to establish compliance with this section.

(b) Enforcement and penalties. The fire marshal and authorized representatives and designees shall enforce the provisions of this section. If it is determined that a person required to provide commercial recycling services subject to this section fails to meet any requirement of this section, the fire marshal shall mail a warning notice to the person. The notice shall specify the reasons why the commercial building or use fails to meet the recycling standards set forth in this section. The notice shall indicate that the person has ten (10) business days to comply with the ordinance. Any person who fails, omits, neglects, or refuses to comply with the provisions of this section after the period of compliance provided for in the required warning notice shall be subject to an administrative penalty pursuant to Chapter 2 and the schedule of civil fines adopted by the city council. The provisions of Chapter 2 shall govern the appeal and hearing rights afforded to any such person. Additionally, failure to comply with this section may constitute good cause for the denial, suspension, revocation or refusal to issue the certificate of commercial building registration provided for pursuant to this article. (2011-Or-053, § 4, 6-17-11).

### **Recycling at Multi-Family Buildings**

The City also has specific requirements related to recycling for buildings with two or more dwelling units. Under Chapter 225, Garbage and Refuse, Article VI establishes recycling requirements for buildings with two or more dwelling units including the following:

#### **225.780. - Separation and Collection of Recyclable Materials**

(a) Every owner of a building containing two (2) or more dwelling units, except owners providing for collection and recycling pursuant to section 225.600 of this Code, shall do the following to facilitate recycling activity in each such building:

(1) Provide, by contract with a licensed private collection vendor, adequate containers for all recyclable materials collected. Owners that provide their own collection and delivery of recyclable materials to a recycling facility may provide containers at their own cost. Containers shall be stored on the premises in a location that is convenient for the deposit and collection of recyclables.

- (2) Provide for the separation of all recyclable materials from the solid waste in their building. Provide for the collection and delivery of these materials to a recycling facility by self-hauling or by contract with a licensed private collection vendor.
- (3) Distribute written information to building tenants, at the time of leasing and at least annually thereafter, regarding the established recycling program.

(b) Each city licensed private refuse hauler that provides recycling services to buildings with two (2) or more dwelling units shall do the following to facilitate recycling in each such building:

- (1) Provide adequate containers for all recyclable materials collected.
- (2) Provide written information, on an annual basis, regarding the established recycling program, for building owners or operators to distribute to tenants. Such information shall include, but need not be limited to, information about reasons to reduce, reuse, and recycle, which materials are collected, how to prepare materials in order to meet recycling requirements, how to properly dispose of household hazardous waste, collection methods or sites, including the sites' locations and hours of operation, and a contact person or business that includes a name, address, and telephone number. (91-Or-128, § 1, 6-28-91; 94-Or-172, § 2, 11-23-94)

### **225.790. - Reporting**

On January 1, 1995, and semiannually thereafter, each city licensed private refuse hauler that provides recycling services, and each building owner that self-provides their own recycling services to buildings with two (2) or more dwelling units, shall file with the city engineer reports with the following information:

- (1) Each address that is being provided with recycling collection;
- (2) The weight of materials collected at Minneapolis buildings and recycled during the reporting period by type of material. This report shall be an aggregate figure reflecting the total weight for all Minneapolis buildings serviced by the owner or vendor;
- (3) The recycling materials processing center or market for sale utilized for the recyclable materials. (91-Or-128, § 1, 6-28-91; 94-Or-172, § 3, 11-23-94; 2010-Or-042, § 1, 4-15-10)

**225.800. - Enforcement**

(a) The city engineer and the engineer's authorized representatives shall enforce the provisions of this article.

(b) If the city engineer determines that a building owner fails to meet the requirements set forth in section 225.780 and 225.790, the city engineer shall mail notice to the building owner or operator. The notice shall specify the reasons why the building fails to meet the recycling standards set forth in this section. The notice shall indicate that the owner or operator has ten (10) business days to comply with the ordinance.

(c) If the city engineer determines that a licensed private refuse hauler, that provides recycling collection to a building with two (2) or more dwelling units, fails to meet the requirements of section 225.780(b) or 225.790, the city engineer shall mail notice to the hauler. The notice shall specify the reasons why the refuse hauler fails to meet the standards set forth in section 225.780(b) or 225.790. The notice shall indicate that the hauler has ten (10) business days to comply with the ordinance, after which the city council may take action to deny, refuse to renew, revoke, or suspend the hauler's license to operate in the city. (91-Or-128, § 1, 6-28-91; 94-Or-172, § 4, 11-23-94; 2010-Or-042, § 2, 4-15-10)

**225.810. - Penalty**

Any building owner or operator who fails, omits, neglects, or refuses to comply with the provisions of section 225.780 or 225.790 after any period of compliance provided for in the notice required by section 225.800(b), shall be subject to a fine of one hundred dollars (\$100.00) for a first offense within twelve (12) months and a fine of two hundred dollars (\$200.00) for a second offense within twelve (12) months. A third offense within twelve (12) months shall subject the party to a fine of four hundred fifty dollars (\$450.00) and a seven hundred dollar (\$700.00) fine shall be imposed for the fourth and any subsequent violation within any twelve-month period. Any and all violations in each calendar month shall constitute one separate offense. Any building owner or operator charged a fine for a violation of the requirements of this article shall be notified of their appeal rights as provided in sections 509.920 and 509.930. Fines which are collected by the city treasurer for noncompliance with any and all provisions of this article shall be designated for use by the department of public works for the purposes of promoting recycling awareness, education, and the improvement of services. (94-Or-172, § 5, 11-23-94; 98-Or-132, § 10, 11-13-98; 2010-Or-042, § 3, 4-15-10)

**APPENDIX B - STATE OF MINNESOTA  
ORGANIZED COLLECTION STATUTE**



**115A.94 ORGANIZED COLLECTION.**

Subdivision 1. **Definition.** "Organized collection" means a system for collecting solid waste in which a specified collector, or a member of an organization of collectors, is authorized to collect from a defined geographic service area or areas some or all of the solid waste that is released by generators for collection.

Subd. 2. **Local authority.** A city or town may organize collection, after public notification and hearing as required in subdivisions 4a to 4d. A county may organize collection as provided in subdivision 5. A city or town that has organized collection as of May 1, 2013, is exempt from subdivisions 4a to 4d.

Subd. 3. **General provisions.** (a) The local government unit may organize collection as a municipal service or by ordinance, franchise, license, negotiated or bidded contract, or other means, using one or more collectors or an organization of collectors.

(b) The local government unit may not establish or administer organized collection in a manner that impairs the preservation and development of recycling and markets for recyclable materials. The local government unit shall exempt recyclable materials from organized collection upon a showing by the generator or collector that the materials are or will be separated from mixed municipal solid waste by the generator, separately collected, and delivered for reuse in their original form or for use in a manufacturing process.

(c) The local government unit shall invite and employ the assistance of interested persons, including persons licensed to operate solid waste collection services in the local government unit, in developing plans and proposals for organized collection and in establishing the organized collection system.

(d) Organized collection accomplished by contract or as a municipal service may include a requirement that all or any portion of the solid waste, except (1) recyclable materials and (2) materials that are processed at a resource recovery facility at the capacity in operation at the time that the requirement is imposed, be delivered to a waste facility identified by the local government unit. In a district or county where a resource recovery facility has been designated by ordinance under section 115A.86, organized collection must conform to the requirements of the designation ordinance.

Subd. 4. [Repealed, 2013 c 45 s 7]

Subd. 4a. **Committee establishment.** (a) Before implementing an ordinance, franchise, license, contract, or other means of organizing collection, a city or town, by resolution of the governing body, must establish an organized collection options committee to identify, examine, and evaluate various methods of organized collection. The governing body shall appoint the committee members.

(b) The organized collection options committee is subject to chapter 13D.

Subd. 4b. **Committee duties.** The committee established under subdivision 4a shall:

(1) determine which methods of organized collection to examine, which must include:

(i) a system in which a single collector collects solid waste from all sections of a city or town; and

(ii) a system in which multiple collectors, either singly or as members of an organization of collectors, collect solid waste from different sections of a city or town;

(2) establish a list of criteria on which the organized collection methods selected for examination will be evaluated, which may include: costs to residential subscribers, miles driven by collection vehicles on city streets and alleys, initial and operating costs to the city of implementing the organized collection system,

providing incentives for waste reduction, impacts on solid waste collectors, and other physical, economic, fiscal, social, environmental, and aesthetic impacts;

(3) collect information regarding the operation and efficacy of existing methods of organized collection in other cities and towns;

(4) seek input from, at a minimum:

(i) the governing body of the city or town;

(ii) the local official of the city or town responsible for solid waste issues;

(iii) persons currently licensed to operate solid waste collection and recycling services in the city or town; and

(iv) residents of the city or town who currently pay for residential solid waste collection services; and

(5) issue a report on the committee's research, findings, and any recommendations to the governing body of the city or town.

**Subd. 4c. Governing body; implementation.** The governing body of the city or town shall consider the report and recommendations of the organized collection options committee. The governing body must provide public notice and hold at least one public hearing before deciding whether to implement organized collection. Organized collection may begin no sooner than six months after the effective date of the decision of the governing body of the city or town to implement organized collection.

**Subd. 4d. Participating collectors proposal requirement.** Prior to establishing a committee under subdivision 4a to consider organizing residential solid waste collection, a city or town with more than one licensed collector must notify the public and all licensed collectors in the community. The city or town must provide a 60-day period in which meetings and negotiations shall occur exclusively between licensed collectors and the city or town to develop a proposal in which interested licensed collectors, as members of an organization of collectors, collect solid waste from designated sections of the city or town. The proposal shall include identified city or town priorities, including issues related to zone creation, traffic, safety, environmental performance, service provided, and price, and shall reflect existing haulers maintaining their respective market share of business as determined by each hauler's average customer count during the six months prior to the commencement of the 60-day negotiation period. If an existing hauler opts to be excluded from the proposal, the city may allocate their customers proportionally based on market share to the participating collectors who choose to negotiate. The initial organized collection agreement executed under this subdivision must be for a period of three to seven years. Upon execution of an agreement between the participating licensed collectors and city or town, the city or town shall establish organized collection through appropriate local controls and is not required to fulfill the requirements of subdivisions 4a, 4b, and 4c, except that the governing body must provide the public notification and hearing required under subdivision 4c.

**Subd. 5. County organized collection.** (a) A county may by ordinance require cities and towns within the county to organize collection. Organized collection ordinances of counties may:

(1) require cities and towns to require the separation and separate collection of recyclable materials;

(2) specify the material to be separated; and

(3) require cities and towns to meet any performance standards for source separation that are contained in the county solid waste plan.

(b) A county may itself organize collection under subdivisions 4a to 4d in any city or town that does not comply with a county organized collection ordinance adopted under this subdivision, and the county may implement, as part of its organized collection, the source separation program and performance standards required by its organized collection ordinance.

**Subd. 6. Organized collection not required or prevented.** (a) The authority granted in this section to organize solid waste collection is optional and is in addition to authority to govern solid waste collection granted by other law.

(b) Except as provided in subdivision 5, a city, town, or county is not:

(1) required to organize collection; or

(2) prevented from organizing collection of solid waste or recyclable material.

(c) Except as provided in subdivision 5, a city, town, or county may exercise any authority granted by any other law, including a home rule charter, to govern collection of solid waste.

**Subd. 7. Anticompetitive conduct.** (a) A political subdivision that organizes collection under this section is authorized to engage in anticompetitive conduct to the extent necessary to plan and implement its chosen organized collection system and is immune from liability under state laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce.

(b) An organization of solid waste collectors, an individual collector, and their officers, members, employees, and agents who cooperate with a political subdivision that organizes collection under this section are authorized to engage in anticompetitive conduct to the extent necessary to plan and implement the organized collection system, provided that the political subdivision actively supervises the participation of each entity. An organization, entity, or person covered by this paragraph is immune from liability under state law relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce.

**History:** 1987 c 348 s 27; 1989 c 325 s 26,27; 1990 c 600 s 1,2; 1991 c 337 s 46; 1993 c 249 s 20,21; 2013 c 45 s 1-6

**APPENDIX C - CITY OF MINNEAPOLIS  
ORGANIZED COLLECTION LEGAL OPINIONS**

Minneapolis Refuse, Inc., BY \_\_\_\_\_ DEPUTY  
HENN CO. DISTRICT  
COURT ADMINISTRATOR  
Plaintiff,

**ORDER GRANTING  
A TEMPORARY INJUNCTION**

vs.

Court File No. 27-CV-06-05520

City of Minneapolis,

Defendant.

The above-entitled action came before the Honorable William R. Howard, Judge of District Court, on June 20, 2006. At issue were cross motions of the parties; Plaintiff Minneapolis Refuse, Inc. (MRI), moved for temporary injunction to enjoin action by the City, and the City moved to dismiss the action. After a review of the arguments presented and the entire file herein, the Court finds the following:

**FINDINGS OF FACT AND PROCEDURAL HISTORY**

1. Solid waste collection in the City of Minneapolis is divided: in some portions of the city, waste collection is done by municipal workers. In others, waste collection is organized for private collection. Currently, and since 1971, the contract for the organized portion of the city has been with MRI, a consortium of 14 different hauling entities. Each contract has been for a term of five years, and has been continually renewed.
2. On or about February 10, 2006, the city council of Minneapolis voted to proceed with a Request for Proposals (RFP) process under which the City would seek competitive bids for the solid waste collection in the organized portions of the city. The RFP process approved on that date did not meet the procedural mandates and time requirements of Minn. Stat. §115A.94.
3. In 1989, an attorney for the city, Paul Ostrow, co-authored a report commissioned for the Legislative Commission on Waste Management. The report was entitled "A Study of Compensation for Solid Waste Haulers Displaced by Organized Collection." Ostrow is now a member of the Minneapolis City Council. The Commission was chaired by former State Senator Gene Merriam, who subsequently authored the Minnesota Organized Collection Act, codified at Minn. Stat. §115A.94. See Merriam Affidavit.

4. Minnesota Statutes §115A.94, was enacted in 1987 and amended in 1990 and 1993. The law mandates that there must be a 180 day period for interested parties to participate in the creation of the request for proposals. Subd. 6 of that statute says that cities may participate in the 180 day process but that cities may also govern waste collection using any other applicable governing document. Senator Merriam was also the chief author of the 1990 amendments to the Act.

5. Minneapolis adopted its home rule charter on November 2, 1920. The city charter contains provisions by which the city governs its waste collection. *See Minneapolis City Charter, Chapter 4.*

6. MRI filed suit in Hennepin County District Court, and sought a temporary restraining order to prevent the city from moving forward with the RFP process, arguing that the city council's vote violated Minn. Stat. 115A.94.

7. At the temporary restraining order hearing, the city clarified that its intent was to extend MRI's contract with the city to June 30, 2007. The contract extension was entered into on March 20, 2006, and a copy of the signed extension was provided to the court. At that same hearing, the City informed the Court that it is operating under Minn. Stat. §115A.94 as it organizes collection for certain commercial areas of downtown Minneapolis. *See Court Transcript, p. 28, March 23, 2006.*

8. On March 23, 2006, the court denied the temporary restraining order because upon the city's extension of the current contract, immediate action was not necessary to prevent loss to MRI. *See Court Transcript, March 23, 2006.* The court then scheduled the hearing on the cross motions of the parties.

9. On June 16, 2006, the parties filed an agreement in which they stipulated to all but one of the *Dahlberg* factors, used to evaluate temporary restraining orders and injunction, for the court's consideration. The only remaining issue is the likelihood that one party or the other will prevail on the merits. *See Stipulation on Motion for Temporary Injunction, June 16, 2006.*

#### CONCLUSIONS OF LAW

1. Minn.Stat. §115A.94 governs the process of organization of waste collection; the Minneapolis city charter covers the regulations regarding waste collection and the

mechanics of waste collection in the city. Thus the statute applies to the City and its actions regarding the RFP for organization of solid waste collection.

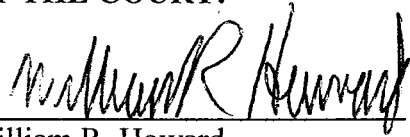
2. Because the statute covers the organization and not the regulation of waste collection in the City, MRI is likely to prevail on the merits. And because the likelihood of prevailing on the merits is in this case the sole consideration before the court in granting the temporary injunction, the injunction is proper.

### ORDER

1. Minneapolis Refuse Inc.'s Motion for Temporary Injunction is **Granted**.
2. The following Memorandum is incorporated herein.

DATED: 9/15/06

BY THE COURT:

  
\_\_\_\_\_  
William R. Howard  
Judge of District Court

### MEMORANDUM

#### I. Factors for Temporary Injunction

In Dahlberg Bros., Inc. v. Ford Motor Co., 137 N.W.2d 314 (1965), the Minnesota Supreme Court laid out the five factors a court considers when reviewing a case for temporary injunction. The court must look at: 1) The nature and background of the relationship between the parties preexisting the dispute giving rise to the request for relief; 2) The harm to be suffered by plaintiff if the temporary restraint is denied as compared to that inflicted on defendant if the injunction issues pending trial; 3) The likelihood that one party or the other will prevail on the merits when the fact situation is viewed in light of established precedents fixing the limits of equitable relief; 4) The aspects of the fact situation, if any, which permit or require consideration of public policy expressed in the statutes, State and Federal; 5) The administrative burdens involved in judicial supervision and enforcement of the temporary decree. Id. at 321-22.

As stated, the parties have stipulated to all but the third factor. There is no dispute concerning the background of the relationship between the parties; the parties agree that MRI incurs the greater balance of harm than the City if the injunction is not issued; and

public policy generally favors the position of MRI. Finally, as regards the fifth factor, the parties stipulated to the fact that if the court granted the injunction, the City must abide by the statute. With regard to the third factor, the likelihood of prevailing on the merits, the issue turns on interpretation of the statute and whether or not the statute applies to the action of the city. In the June 16 stipulation, the City agreed and stipulated that "if the Court determines that Minnesota Statutes section 115A.94 applies to the city in this case, that a temporary injunction to enjoin the RFP process is appropriate." Therefore, the court's decision on the third factor is dispositive: if the court finds that the statute applies, MRI will likely prevail on the merits, the injunction shall be granted and the city will abide by the order and proceed accordingly.

## **II. Prevailing Fact Issue**

In order to determine which party prevails on the merits of the facts, the court must conduct an analysis of the statutes and charter provisions at issue here.

A. The relevant portions of the statute in question read as follows:

### **115A.94 Organized Collection**

**Subdivision 1. Definition.** "Organized collection" means a system for collecting solid waste in which a specified collector, or a member of an organization of collectors, is authorized to collect from a defined geographic service area or areas some or all of the solid waste that is released by generators for collection.

**Subd. 3. General provisions.** (a) The local government unit may organize collection as a municipal service or by ordinance, franchise, license, negotiated or bidded contract, or other means, using one or more collectors or an organization of collectors.

(c) The local government unit shall invite and employ the assistance of interested persons, including persons licensed to operate solid waste collection services in the local government unit, in developing plans and proposals for organized collection and in establishing the organized collection system.

**Subd. 4. Cities and towns; notice; planning.** (a) At least 180 days before implementing an ordinance, franchise, license, contract or other means of organizing collection, a city or town, by resolution of the governing body, shall announce its intent to organize collection and invite the participation of interested persons, including persons licensed to operate solid waste collection services, in planning and establishing the organized collection system.

(b) The resolution of intent must be adopted after a public hearing. The hearing must be held at least two weeks after public notice and mailed notice to persons known by the city or town to be operating solid waste collection services in the city or town. The failure to



give mailed notice to persons or defect in the notice does not invalidate the proceedings, provided a bona fide effort to comply with notice requirements has been made.

(c) During a 90-day period following the resolution of intent, the city or town shall develop or supervise the development of plans or proposals for organized collection. During this 90-day planning period, the city or town shall invite and employ the assistance of persons licensed as of the date of the resolution of intent to operate solid waste collection services in the city or town. Failure of a licensed collector to participate in the 90-day planning period, when the city or town has made a bona fide effort to provide the person the opportunity to participate, does not invalidate the planning process.

(d) For 90 days after the date ending the planning period required under paragraph (c), the city or town shall discuss possible organized collection arrangements with all licensed collectors operating in the city or town who have expressed interest. If the city or town is unable to agree on an organized collection arrangement with a majority of the licensed collectors who have expressed interest, or upon expiration of the 90 days, the city or town may propose implementation of an alternate method of organizing collection as authorized in subdivision 3.

(e) The city or town shall make specific findings that:

- (1) describe in detail the procedures it used to plan and to attempt implementation of organized collection through an arrangement with collectors who expressed interest; and
- (2) evaluate the proposed organized collection method in light of at least the following standards: achieving the stated organized collection goals of the city or town; minimizing displacement of collectors; ensuring participation of all interested parties in the decision-making process; and maximizing efficiency in solid waste collection.

(f) Upon request, the city or town shall provide mailed notice of all proceedings on the organization of collection in the city or town.

(g) If the city or town and all the persons licensed to operate mixed municipal solid waste collection services and doing business in the city or town agree on the plan, the city or town may implement the plan without regard to the 180-day period specified in paragraph (a).

**Subd. 6. Organized collection not required or prevented.** (a) The authority granted in this section to organize solid waste collection is optional and is in addition to authority to govern solid waste collection granted by other law.

(b) Except as provided in subdivision 5, a city, town, or county is not:

- (1) required to organize collection; or
- (2) prevented from organizing collection of solid waste or recyclable material.

(c) Except as provided in subdivision 5, a city, town, or county may exercise any authority granted by any other law, including a home rule charter, to govern collection of

solid waste.

M.S.A. §115A.94 (2005). Importantly for the case at bar, the language above reflects two amendments. The first, in 1990, changed subd. 3(c) from “The local government unit *may* invite and employ the assistance of interested persons...” to “The local government unit *shall* invite and employ the assistance of interested persons...” The 1990 amendment also added the language to subd. 4 regarding the two 90-day periods, mandating one 90-day period to invite and employ the assistance of interested persons, and one 90-day period for discussing the proposed arrangements. Finally, the 1990 amendment created subd. 4(e), requiring the city or town to make specific findings concerning the process that was followed and the manner in which any decision was made.

The 1993 amendment added the language of subd. 6(a) and (c), providing that “the authority granted in this section to organize solid waste is optional and is in addition to authority to govern solid waste, and providing that a city may exercise any authority granted by other law, including a home rule charter, to govern collection of solid waste.

**B.** The charter of the City of Minneapolis, in relevant part, reads as follows:

*Thirty-eighth.*-- To require and provide for the removal throughout the city, or in such districts or on such streets and avenues and in such manner as the council may direct of any or all swill, offal, garbage, ashes, barnyard litter, manure, rubbish, yard cleanings and the contents of any toilet or restroom, vault, cesspool or sink, dead animals or any other foul or unhealthy stuff or material, with the authority to assess the expense of removal upon the property from which such above named matter or things shall be taken; and said council is hereby authorized and empowered to make and enter into a contract or contracts with any persons, corporation or corporations, for such removal of said material and substances or any of the same, on such terms and conditions as it may deem best, for any time not to exceed five (5) years.

Minneapolis City Charter, Chapter 4, §5, 38<sup>th</sup> enumerated power. This enumerated power, then, is actually two powers granted by the charter to the governing body of the city: the first is to provide for waste collection, and the second is to enter into contracts, “on such terms and conditions as it may deem best,” for waste collection, not to exceed five years.

**C. Analysis.** The first question is whether or not the Minn. Stat. §115A.94 applies to charter cities, those that have established a home rule charter. The plaintiff correctly

points out that the definitions section of Minn. Stat. §115A.03, the Waste Management Act, provides that “Cities means statutory and home rule charter cities.” Minn. Stat. §115A.03, subd. 4. Minn. Stat. §115A.94 is covered by the Waste Management Act and its definitions, and thus Minneapolis, as a home rule charter city, is governed by the statute. The statute cannot be read to mandate organized collection: the plain language of Subd. 3(a) states that “[t]he local government unit *may* organize collection as a municipal service or by ordinance, franchise, license, negotiated or bidded contract, or other means, using one or more collectors or an organization of collectors.” (*emphasis added*). The City has chosen to organize at least part of its’ waste collection; they did so in 1971 and the arguments presented in this case show that the City intends to continue with organization in some form. Thus the City has exercised the option granted to it by Subd. 3(a).

The City argues that Subd. 6 (“Organized Collection Not Required or Prevented”) of the statute makes the otherwise mandatory requirements of Subd. 3(c) optional for cities whose home rule charter provides for governance of the collection of solid waste. But once the City chose to organize parts of its collection, it exercised its authority under the home rule charter as allowed by the option granted in Subdivision 6(a), which states that “[t]he authority granted in this section *to organize* solid waste collection is optional and is in addition to authority to govern solid waste collection granted by other law.” (*emphasis added*).<sup>1</sup> In other words, the optional part of Minn.Stat. §115A.94 is whether or not to organize; once the decision to organize has been made, the “shall” language of Subd. 3(c) makes clear, as demonstrated by the 1990 amendments, that cities are mandated to abide by Subd. 3(c) and the procedures of Subd. 4. Indeed, when the City admitted in court that it was operating under the statute for initial organization of commercial areas of downtown Minneapolis, the city made an “affirmative election” to organize collection for those areas and to abide by the statutory procedures in doing so. Court Transcript, p. 28. The City’s RFP process chosen by the council on February 10 does not comply by the statutory requirements, and the City’s argument that it is not required because this is not an initial organization but a re-organization is erroneous

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<sup>1</sup> This is not to say that the choice made by the City in 1971 governs in perpetuity; but again, the arguments presented in this case show that the City intends at this time to continue organized collection in parts of the city.

because a re-organization significantly changes the structure of collection, which is exactly what the Organized Collection Act aimed to control.

Former State Senator Merriam testified by affidavit that he authored the 1990 amendments to the Organized Collection Act after chairing the Legislative Commission on Waste Management, which commissioned the Ostrow report. The findings of the Ostrow report are consistent with the language of the amendments requiring cities to abide by the provisions of Subds. 3 and 4. There is no evidence in the report or the legislative history that the Legislature intended to exempt charter cities from the procedural requirements.

The City argues that the thirty-eighth enumerated power of the charter controls in this instance because it is not inconsistent with the statute. A charter “may embrace all appropriate subjects of municipal legislation, and constitute an effective municipal code, of equal force as a charter granted by a direct act of the Legislature.” But limitations on the adoption of charter provisions do not “forbid the adoption of charter provisions as to any subject appropriate to the orderly conduct municipal affairs, although they may differ in details from those of existing general laws.” Grant v. Berrisford, 101 N.W.2d 940, 942 (Minn. 1904). In that case, the Court held that “if the provisions of the charter...are germane to any proper subject for municipal legislation, they supersede the provision of the general law on the subject. Id.”

In contrast, MRI argues that the charter conflicts with the statute, and charter provisions conflicting with state law are invalid. “A city governed by a home rule charter enjoys as to local matters all the powers of the state, except when those powers have been expressly or impliedly withheld.” Nordmarken v. City of Richfield, 641 N.W.2d 343, 347 (Minn.App. 2002), *citing* A.C.E. Equip. Co. v. Erickson, 152 N.W.2d 739, 741 (Minn. 1967). In Nordmarken, the Court concluded that as a result, any charter provision that conflicts with state public policy is invalid. Id. This court agrees with the City that the powers in the charter do not conflict with the statute, thus they are not automatically invalid; however, that does not mean the charter prevails over the statute. The charter merely acts in concert with the statute to allow the city flexibility while protecting the rights of the haulers and other interested parties.

As stated earlier, the charter contains two enumerated powers—the power to provide removal throughout the city, and the power to enter into contracts for that removal. Neither of those powers concern the process by which organization of waste collection is done. That process is the specific subject matter of Minn. Stat. §115A.94. As stated in Nordmarken, “[t]he doctrine of preemption is premised on the right of the state to so extensively and intensively occupy a particular field or subject with state laws that there is no reason for municipal regulation.” Further, [i]f preemption has occurred, a local law purporting to govern, regulate, or control an aspect of the preempted field will be void, even if the local law is not in conflict with the state law.” 641 N.W.2d at 348. Here, it is clear from the mandatory language of the statute that the state Legislature intended to craft a specific law concerning the procedures to be followed when a local government sets up its chosen form of organized waste collection. The statute was intended to cover all cities, including charter cities, and is intended to occupy the field of the procedures for waste collection organization.

Subd. 3 of the statute does not conflict with either the City’s power to choose organization granted by the charter. Nor does the any part of the statute conflict with the City’s power to enter into contracts “under such terms and conditions as it may deem best.” The statute, as laid out in Subd. 4, mandates that the city announce its intent to organize, invite and employ the participation of interested parties in planning and establishing the organization system, abide by the two 90 day periods for participation and discussion, and make its findings regarding any decision in writing. It does not impede the City’s power make any choice it decides is best for the City, nor does it impede the City’s power to enter into any contract or contracts that result from those choices. Those powers are the specific subject matter of the 38<sup>th</sup> enumeration of the Charter.

Therefore, because Minn.Stat. §115A.94 and the 38<sup>th</sup> enumerated power of the City Charter are not in conflict, both remain in force and apply to the actions of the City. And because the city has chosen organization and the statute controls the process of organization, MRI is likely to prevail on the merits. Thus, per the stipulation filed with the Court, the temporary injunction is granted.

WRH/EJT

WRH 9/15/06

STATE OF MINNESOTA

**FILED**

DISTRICT COURT

COUNTY OF HENNEPIN

07 MAR 12 AM 11:07

FOURTH JUDICIAL DISTRICT

Minneapolis Refuse, Inc.,

BY \_\_\_\_\_ DEPUTY  
HENN CO. DISTRICT  
COURT ADMINISTRATOR

Plaintiff,

vs.

City of Minneapolis,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
ORDER & MEMORANDUM  
DENYING SUPPLEMENTAL  
TEMPORARY INJUNCTION**

Court File No. 27-CV-06-5520

This matter came before the Honorable William R. Howard on February 23, 2007 at 1:15 P.M. in Courtroom 1353 of the Hennepin County Government Center, on Plaintiff's motion for a supplemental Temporary Injunction. The Plaintiff was represented by Michael Rothman and Aimee Dayhoff, of Winthrop and Weinstine. The Defendant was represented by James Moore and Lisa Needham, of the City Attorney's Office. The parties both submitted Memoranda in support of their arguments. After a review of the arguments presented and the entire file herein, this court hereby makes the following:

**FINDINGS OF FACT and PROCEDURAL HISTORY**

1. On June 7, 2006, Plaintiffs filed for a Temporary Injunction, seeking to prevent the City of Minneapolis from proceeding with a planned request for proposals (RFP) process with regard to its system of garbage collection and hauling in certain sections of the city.
2. This Court granted the Injunction on September 15, 2006, pursuant to a Stipulation between the parties that they were in agreement that the only issue in the case was the single *Dahlberg* factor of whether or not MRI was likely to prevail on the merits—whether or not Minn. Stat. 115A.94 applied to the city in this circumstance; if so, the temporary injunction was proper.
3. For this proceeding, the relevant portion of the statute provides:
 

**Subd. 4. Cities and towns; notice; planning.** (a) At least 180 days before implementing an ordinance, franchise, license, contract or other means of organizing collection, a city or town, by resolution of the governing body, shall announce its intent

to organize collection and invite the participation of interested persons, including persons licensed to operate solid waste collection services, in planning and establishing the organized collection system.

(b) The resolution of intent must be adopted after a public hearing. The hearing must be held at least two weeks after public notice and mailed notice to persons known by the city or town to be operating solid waste collection services in the city or town. The failure to give mailed notice to persons or defect in the notice does not invalidate the proceedings, provided a bona fide effort to comply with notice requirements has been made.

(c) During a 90-day period following the resolution of intent, the city or town shall develop or supervise the development of plans or proposals for organized collection. During this 90-day planning period, the city or town shall invite and employ the assistance of persons licensed as of the date of the resolution of intent to operate solid waste collection services in the city or town. Failure of a licensed collector to participate in the 90-day planning period, when the city or town has made a bona fide effort to provide the person the opportunity to participate, does not invalidate the planning process.

(d) For 90 days after the date ending the planning period required under paragraph (c), the city or town shall discuss possible organized collection arrangements with all licensed collectors operating in the city or town who have expressed interest. If the city or town is unable to agree on an organized collection arrangement with a majority of the licensed collectors who have expressed interest, or upon expiration of the 90 days, the city or town may propose implementation of an alternate method of organizing collection as authorized in subdivision 3.

(e) The city or town shall make specific findings that:

- (1) describe in detail the procedures it used to plan and to attempt implementation of organized collection through an arrangement with collectors who expressed interest; and
- (2) evaluate the proposed organized collection method in light of at least the following standards: achieving the stated organized collection goals of the city or town; minimizing displacement of collectors; ensuring participation of all interested parties in the decision-making process; and maximizing efficiency in solid waste collection. M.S.A. 115A.94

(2005).

4. Pursuant to the Court's temporary Injunction order, the City abided by the Statute regarding the resolution of intent process and the first 90 day period. MRI now contests the City's actions with regard to the second 90 day period, contending that the intent behind the statute is that the City is required to negotiate solely with the incumbent haulers, MRI.

#### CONCLUSIONS

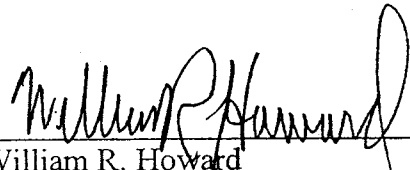
1. The plain language of the statute does not require the City to negotiate only with the incumbent haulers.
2. There is no evidence, at this time, that the City's actions violate the statute.
3. The general intent of the statute is to minimize displacement of haulers, not to guarantee contract rights.

#### ORDER

1. Plaintiff's motion for a Supplemental Temporary Injunction is **Denied**;
2. The City may proceed with its organized collection contract process as established in the resolution and the first 90 day period.
3. The City must still negotiate fairly and in good faith and continue to abide by the statutory requirements of Minn. Stat. 115A.94, including the creation of full findings regarding the process and decision.
4. The following memorandum is incorporated herein.

DATED: 3/9/07

BY THE COURT:

  
\_\_\_\_\_  
William R. Howard  
Judge of District Court



## MEMORANDUM

Minnesota courts construe statutory language according to the plain and ordinary meaning whenever possible. *See* Minn. Stat §645.16 (2002). *See also* Advantage Capital Management v. City of Northfield, 664 N.W.2d 421, 425 (Minn.App. 2003). If language is ambiguous or if the meaning of its terms is difficult to discern, courts may look to the legislative history to determine the intent of the Legislature and apply it to the situation at issue. Current Technology Concepts, Inc., v. Irie enterprises, Inc., 530 N.W.2d 539, 543—44 (Minn. 1995). But legislative history may not be used to create an ambiguity. Nevels v. State Dept. of Human Services, 590 N.W.2d 798, 802 (Minn. App. 1999).

Plaintiff contends that the statutory language of Minn. Stat. 115A.94 is sufficiently ambiguous regarding its requirements that the court should look to the legislative history to determine its intent concerning the mandates on applicable cities and the protections afforded to haulers. MRI argues that the statutory language of Subd. 4(d) means that during the second 90-day phase, the City must negotiate only with MRI, as they are currently the only haulers licensed to operate in the portion of the city at issue in the RFP.

This court disagrees with respect to the relevant language of that particular subdivision: it is clear and unambiguous. All haulers, licensed by the City at the time of the RFP, and who have expressed an interest at any earlier stage of the current process may participate in the second 90-day negotiation process. The statute plainly references *all haulers*; there is no reference in the statute to “incumbent” haulers or language to suggest a separate phase of negotiations solely with incumbents. In addition, the only limitations are those that are licensed by the city (not just in a particular portion) and those that have expressed interest during the process.

This court found in its original Temporary Injunction Order that, based on the legislative history of the entire statute (not merely the plain language of 4(d)), and the 1999 Ostrow report, the purpose of the statute was to provide procedural protections for haulers facing potential displacement.

Specifically, the Court found that the statute and the city charter, which governs the City’s ability to contract for its services, were not in conflict but instead worked in conjunction with one another. The statute’s procedural protections did “not impede the

City's power to make any choice it decides is best for the City, nor does it impede the City's power to enter into any contract or contracts that result from those choices. Order, p. 9.

MRI's position that the language of Subd. 4(d) requires the City to negotiate solely with the incumbent haulers during the second 90-day phase—and no others—is both contrary to the plain language and puts in conflict with the city charter. MRI's interpretation would extend the purpose of the statute, as a whole, beyond procedural protections to minimize displacement. To require the City to negotiate only with MRI as the incumbent haulers in the affected area infringes on the city's contracting rights and its right (and obligation) to do what is best for the city under its charter and amounts to an attempt to guarantee MRI's contract in perpetuity.

However, this interpretation does not end the city's obligation under the statute. The city must still abide by Subd. 4(e) and write the specific findings regarding its decisions and the process by which it reached those decisions. Thus, further procedural protection is available to any haulers that may or may not face displacement. The city must show in its findings that it has negotiated in good faith and its decision was reasonable under the circumstances. These findings must occur before any contract is finalized in order to provide the full procedural protections and minimize displacement.

WRH



3-9-07

# **APPENDIX D - COMMERCIAL BUSINESS INFORMATION**



## DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT

## QCEW Results

Employment    Establishments    Wages    Average Weekly Wages    Gross Employment Gains\*    Gross Employment Loss\*    [More BED\\*>](#)

<u>Geography</u>	<u>Industry</u>	<u>Ownership</u>	<u>Year</u>	<u>Q1</u>	<u>Q2</u>	<u>Q3</u>	<u>Q4</u>	<u>Annual</u>
Minneapolis, Hennepin	Total, All Industries (000000)	Total, All Ownerships	2014	301,000	308,700	311,415	NA	NA
Minneapolis, Hennepin	Natural Resources and Mining (1011)	Total, All Ownerships	2014	163	221	183	NA	NA
Minneapolis, Hennepin	Construction (1012)	Total, All Ownerships	2014	5,420	5,984	6,414	NA	NA
Minneapolis, Hennepin	Construction (23)	Total, All Ownerships	2014	5,420	5,984	6,414	NA	NA
Minneapolis, Hennepin	Manufacturing (1013)	Total, All Ownerships	2014	12,936	13,168	13,198	NA	NA
Minneapolis, Hennepin	Manufacturing (31)	Total, All Ownerships	2014	12,936	13,168	13,198	NA	NA
Minneapolis, Hennepin	Trade, Transportation and Utilities (1021)	Total, All Ownerships	2014	32,086	33,768	33,094	NA	NA
Minneapolis, Hennepin	Utilities (22)	Total, All Ownerships	2014	2,758	2,807	2,857	NA	NA
Minneapolis, Hennepin	Wholesale Trade (42)	Total, All Ownerships	2014	8,348	8,509	8,452	NA	NA
Minneapolis, Hennepin	Retail Trade (44)	Total, All Ownerships	2014	14,111	15,647	15,310	NA	NA
Minneapolis, Hennepin	Transportation and Warehousing (48)	Total, All Ownerships	2014	6,868	6,804	6,474	NA	NA
Minneapolis, Hennepin	Information (1022)	Total, All Ownerships	2014	11,071	11,158	11,387	NA	NA
Minneapolis, Hennepin	Information (51)	Total, All Ownerships	2014	11,071	11,158	11,387	NA	NA
Minneapolis, Hennepin	Financial Activities (1023)	Total, All Ownerships	2014	35,038	35,189	35,505	NA	NA
Minneapolis, Hennepin	Finance and Insurance (52)	Total, All Ownerships	2014	26,348	26,425	26,856	NA	NA
Minneapolis, Hennepin	Real Estate and Rental and Leasing (53)	Total, All Ownerships	2014	8,690	8,764	8,649	NA	NA
Minneapolis, Hennepin	Professional and Business Services (1024)	Total, All Ownerships	2014	67,555	67,953	70,025	NA	NA
Minneapolis, Hennepin	Professional, Scientific, and Technical Services (54)	Total, All Ownerships	2014	34,246	34,708	35,482	NA	NA
Minneapolis, Hennepin	Management of Companies and Enterprises (55)	Total, All Ownerships	2014	19,185	18,211	18,329	NA	NA
Minneapolis, Hennepin	Administrative and Support and Waste Management and Remediation Services (56)	Total, All Ownerships	2014	14,123	15,034	16,213	NA	NA

Minneapolis, Hennepin	Education and Health Services (1025)	Total, All Ownerships	2014	86,394	87,026	85,624	NA	NA
Minneapolis, Hennepin	Educational Services (61)	Total, All Ownerships	2014	31,354	31,338	30,058	NA	NA
Minneapolis, Hennepin	Health Care and Social Assistance (62)	Total, All Ownerships	2014	55,040	55,688	55,566	NA	NA
Minneapolis, Hennepin	Leisure and Hospitality (1026)	Total, All Ownerships	2014	28,639	31,597	32,743	NA	NA
Minneapolis, Hennepin	Arts, Entertainment, and Recreation (71)	Total, All Ownerships	2014	4,813	5,741	5,917	NA	NA
Minneapolis, Hennepin	Accommodation and Food Services (72)	Total, All Ownerships	2014	23,825	25,856	26,826	NA	NA
Minneapolis, Hennepin	Other Services (1027)	Total, All Ownerships	2014	9,578	10,134	10,073	NA	NA
Minneapolis, Hennepin	Other Services (except Public Administration) (81)	Total, All Ownerships	2014	9,578	10,134	10,073	NA	NA
Minneapolis, Hennepin	Public Administration (1028)	Total, All Ownerships	2014	12,118	12,498	13,166	NA	NA

\* Business Employment Dynamics

DEPARTMENT OF REGULATORY SERVICES  
 LICENSES AND CONSUMER SERVICES  
 LICENSE CODES - NUMERICAL

01	Dry Cleaner - Flammable	40	Solicitor - Individual
02	Dry Cleaner --Non-flammable	41	Wholesale Sausage Manufacturer and/or Distributor
03	Laundry	42	Tree Servicing
04	Dry Cleaning and Laundry - Pickup Station	43	Sale Of Ordinance - ID Code: 50000
05	Fuel Dealer	44	Taxicab - Limited
06	Fuel Dealer - Cash & Carry only	45	Peddler - Junk
07	Milk & Grocery Delivery	46	Pawnbroker - See Codes 273 & 274
08	Milk Distributor	47	Secondhand Goods Dealer - See Codes 279 & 280
09	Milk Delivery Vehicle	48	Motor Vehicle Dealer - New & Used
10	Parking Lot - Commercial Class B	49	Motor Vehicle Dealer - Used Only
11	Motor Scooter Leasing	50	Multiple Secondhand Goods Dealer - See Codes 283 & 284
12	Food - Sidewalk Cart Food Vendor	51	Motor Vehicle Dealers - Cycles & Motorbikes
13	Scavenger - See Code 277	52	Motor Vehicle Dealers - Additional Lot
14	Rubbish Hauler - See Code 276	53	Bulk Gas & Oil Storage
15	Garbage Hauler - See Code 276	54	Gasoline Filling Station
16	Taxicab - Vehicle	55	Pedicab
17	Taxicab - Driver	56	Motor Vehicle - Lubricating Oils & Greases
18	Bowling Alleys	57	Parking Lot - Commercial Class A
19	Bowling, Pool Table, Billiard - All Night Special	58	Game Of Skill
20	Food - All Night Special	59	Children's Rides
21	Wine - Temporary On-Sale	60	Auctioneer (Repealed)
22	Tobacco Dealer	61	Pet Shop - Mobile
23	Dance Hall	62	Fumigator (Repealed)
24	Entertainment, Place Of	63	Horsemeat
25	Horse & Carriage Livery Service	64	Theater - Zone 2
26	Motor Vehicle Repair Garage - With Accessory	65	Mercantile Broker (Repealed)
27	Motor Vehicle Repair Garage	66	Pet Shop
28	Beer - Off-Sale	67	Fire Extinguisher Servicing - Class A
29	Pool Tables	68	Fire Extinguisher Servicing - Class B
30	Food - Vending Machines	69	Shooting Gallery
31	Swimming Pool - Public	70	Skating Rink - Ice, Roller
32	Entertainment, Place Of - Short Term	71	Car Wash
33	Beer - Temporary On-Sale	72	Theater - Zone 1
34	Farm Produce Permit	73	Christmas Tree Dealer
35	Peddler - Foot		
36	Ice Producer - Dealer, Wholesaler		
37	Ice Peddler		
38	Precious Metal Dealer		
39	Solicitor - Company		

74	Theater - Zone 3	114	Food - Short Term Permit
75	Hospital	115	Going Out Of Business - Regular
76	Dancing School	116	Building Contractor - Class B (Repealed)
77	Pest Control (Repealed)	117	Motor Vehicle Servicing (Towing) - Driver Permit
78	Pest Control - Master (Repealed)	118	Parking Lot - Free
79	Pest Control - Journeyman (Repealed)	119	Going Out Of Business - Fire, Smoke, Actual Damage
80	Hotel/Motel	120	Peddler - Special Religious
81	Motor Vehicle - Used Parts Dealer	121	Circus
82	Mechanical Amusement Device	122	Milk Pasteurization Plant
83	Liquor - Bottle Club	123	Food - Distributor, Out Of Town
84	Motor Vehicle - Used Parts Dealer, Additional Lot	124	Cottage Cheese Distributor
85	Juke Box - Musical	125	Milk Receiving Station
86	Bill Posting, Sign Painting & Sign Hanger	126	Refrigeration Systems Installer
87	Bill Posting, Sign Painting	127	Asphalt - Shingles and Roofing Manufacturer
88	Billboard Erector	128	Gun Permit - Firearms
89	Sign Hanger	129	Motor Vehicle Servicing (Towing) - Class E (Enforced by Public Works Dept)
90	Flower Cart Vendor	130	Motor Vehicle Servicing (Towing) - Class A
91	Concrete Block Manufacturer	131	Motor Vehicle Servicing (Towing) - Class B
92	Fumigation Vault (Repealed)	132	Motor Vehicle Servicing (Towing) - Class C
93	Pest Control and Fumigator (Repealed)	133	Motor Vehicle Servicing (Towing) - Class D
94	Fire Sprinkler Contractor (Repealed)	134	Solicitation, Public - July (Repealed)
95	Street Photographer	135	Cottage Cheese Plant
96	Gas Fitter - Class A	136	Secondhand Goods Dealer - Exhibition See Code 289
97	Gas Fitter - Class B (Repealed)	137	Solicitation, Public - January (Repealed)
98	Tradesman - Combined	138	Carnival
99	Oil Burner Installer	139	Building Contractor - Class A (Repealed)
100	Plasterer (Repealed)	140	Parking Permit - Special Truck
101	Plumber	141	Resin Manufacturing
102	Steam & Hot Water Systems Installer	142	Transient Merchant (Limited by Zoning Code)
103	Food - Drive-In, Restricted	143	Tattooist/Piercer
104	Stoker Installer		
105	Building Contractor - Class C (Repealed)		
106	Dry Cleaning Plant - Coin Operated		
107	Heating, A/C & Ventilating Installer - Class A		
108	Heating, A/C & Ventilating Installer - Class B		
109	Wrecker Of Buildings - Class A		
110	Wrecker Of Buildings - Class B		
111	Courtesy Bench		
112	Drywall Contractor, Plasterer - Combined (Repealed)		
113	Drywall Contractor (Repealed)		

144	Motor Vehicle Dealer - Broker		Liquor - On-Sale	Series 1000
145	Motor Vehicle Dealer - Wholesaler	184	Class D w/SS	
146	Gambling - Exempt	185	Class E	
147	Lodging House	186	Class E w/SS	
148	Lodging With Boarding		Liquor - On-Sale	Series 2000
149	Food - Manufacturer	187	Class A	
150	Motor Vehicle Dealer - Auctioneer	188	Class A w/SS	
151	Food - Boarding House	189	Class B	
152	Food - Caterer	190	Class B w/SS	
153	Food - Confectionery	191	Class C-2	
154	Food - Distributor	192	Class C-2 w/SS	
155	Food - Grocery	193	Class D	
156	Food - Groceteria And Portable Store	194	Class D w/SS	
157	Food - Meat Market (Butcher Shop)	195	Class E	
158	Food - Mobile Food Vendor	196	Class E w/SS	
159	Food - Restaurant, Café, Dining Room		Liquor - On-Sale	Series 3000
160	Food - Drive-In	197	Class A	
161	Food - Sidewalk Café	198	Class A w/SS	
162	Food - Soft Drink Manufacturing And Storage	199	Class B	
163	Food - Soft Drink	200	Class B w/SS	
164	Burglar Alarm - Alarm User Permit	201	Class C-2	
165	Burglar Alarm - Revoked User Permit	202	Class C-2 w/SS	
166	Gambling - Class A	203	Class D	
167	Gambling - Class B	204	Class D w/SS	
168	Gambling - Class C	205	Class E	
169	Gambling - Class D	206	Class E w/SS	
170	Liquor - Off-Sale		Liquor - On-Sale	Series 4000
171	Liquor - Off-Sale	207	Class A	
172	Liquor - Off-Sale	208	Class A w/SS	
173	Liquor - Off-Sale	209	Class B	
174	Concrete Masonry Contractor - Class A (Repealed)	210	Class B w/SS	
175	Concrete Masonry Contractor - Class B (Repealed)	211	Class C-2	
176	Cement Finisher (Repealed)	212	Class C-2 w/SS	
	Liquor - On-Sale	213	Class D	
	Series 1000	214	Class D w/SS	
177	Class A	215	Class E	
178	Class A w/SS	216	Class E w/SS	
179	Class B		Wine - On-Sale	
180	Class B w/SS	217	Class A	
181	Class C-2	218	Class B	
182	Class C-2 w/SS	219	Class C-2	
183	Class D	220	Class D	
		221	Class E	



	Beer - On-Sale	260	Liquor - Civil Penalty (Fine)
222	Class A		ID Code: 19883
223	Class B	261	Food - Seasonal Short Term
224	Class C-2	262	Mobile Food - Prepackaged
225	Class D		Perishable Food
226	Class E	263	Taxicab - Penalty ID Code: 22067
227	Amusement, Place Of - Class A	264	Liquor - On-Sale, Temporary
228	Amusement, Place Of - Class B-1		Extended Hours (3:00 AM -
229	Amusement, Place Of - Class B-2		closing)
230	Amusement, Place Of - Class C	265	Administration Fine - ID Code:
231	Beer - On-Sale Bottle Club		27405
	Liquor - On Sale Series 1000	266	Check Cashing
232	Class C-1	267	Auction - Inspection Fee Permit
233	Class C-1 w/SS	268	Entertainment - Special Late Night
	Liquor - On Sale Series 2000	269	Food - Indoor Food Cart Vendor
234	Class C-1	270	Motor Vehicle Immobilization
235	Class C-1 w/SS		Service
	Liquor - On-Sale Series 3000	271	Liquor - Temporary On-Sale
236	Class C	272	Food - Kiosk
237	Class C-1 w/SS	273	Pawnbroker - Class A
	Liquor - On-Sale Series 4000	274	Pawnbroker - Class B
238	Class C	275	Taxicab - Vehicle, Non-transferable
239	Class C w/SS	276	Solid Waste Hauler
240	Wine - On-Sale Class C-1	277	Liquid Waste Hauler
241	Beer - On-Sale Class C-1	278	Taxicab - Neighborhood Rideshare
	Wine - On-Sale Series 2000	279	Secondhand Dealer - Class A
242	Class A w/ Strong Beer	280	Secondhand Dealer - Class B
243	Class B w/Strong Beer	281	Antique Dealer - Class A
244	Class C-1 w/Strong Beer	282	Antique Dealer - Class B
245	Class C-2 w/Strong Beer	283	Antique Mall Operator - Class A
246	Class D w/Strong Beer	284	Antique Mall Operator - Class B
247	Class E w/Strong Beer	285	Antique Mall Dealer - Class A
248	Class A w/3/2% Beer	286	Antique Mall Dealer - Class B
249	Class B w/3.2% Beer	287	Auction House - Class A
250	Class C-1 w/3.2% Beer	288	Auction House - Class B
251	Class C-2 w/3.2% Beer	289	Exhibition Operator - Class A
252	Class D w/3.2% Beer	290	Exhibition Exhibitor
253	Class E w/3/2% Beer	291	Antique Mall Dealer - Class A,
254	Farm Produce Permit - Non-profit		Additional Location
255	Suntanning Facility	292	Antique Mall Dealer - Class B,
256	Taxicab - Service Company		Additional Location
257	Food Shelf	293	Recycling/Salvage Yard - Additional
258	Bed & Breakfast Facility		Yard
259	Recycling/Salvage Yard	294	Valet Parking

- 294 Exhibition Operator - Class B
- 295 Exhibition Operator - Class C
- 296 Administrative Fine - Tobacco
- 297 Tattooist/Piercer - Temporary
- 299 Tattooing/Piercing - Sponsor (Temporary  
Event)
- 300 Tattooing/Piercing - Establishment
- 301 Taxicab - Medical Contract Carrier
- 302 Rental Hall
- 303 Residential Specialty Contractor
- 304 Liquor Catering Service

LicCodeNum  
Rev 5/03 cs

## **APPENDIX E - HAULER LICENSING**



**City of Minneapolis**  
**Licenses and Consumer Services**  
 350 South 5<sup>th</sup> Street – Room 1C  
 Minneapolis, MN 55415–1391  
 Phone: 612-673-2080  
 Fax: 612-673-3399 - TTY: 612-673-2157  
[www.minneapolis.govus/business-licensing](http://www.minneapolis.govus/business-licensing)  
**License Application**  
**Guidelines and Checklist**

DBA:
Expiration: August 1
License Code: 276
Rev Code: 311008
<a href="#">MCO</a> : 225
Adm Issuance: YES
LICENSE ID #
CSR:

**License Type: Solid Waste Hauler (Garbage or Rubbish Hauler)**

**DEFINITION:** An industrial hauler who collects and transports solid waste for the purpose of disposal.

**Solid Waste:** Building debris, garbage, litter, refuse, and rubbish. Solid waste shall not include human excreted matter, sewage or other water-carried waste, toxic and hazardous substances, or yard waste.

**Building Debris:** Wood, metal, concrete, earth, stone, sand, brick, plaster, asphalt, and roofing materials.

**Dumpsters:** Containers which have a capacity of more than five (5) cubic feet and utilized for the collection of building debris, solid waste, or any other material placed on any street, boulevard or alley must have a street use permit. A Solid Waste Hauler license is required before a street use permit will be issued.

**Garbage:** Animal and vegetable refuse from kitchens, pantries, dining rooms or other parts of hotels, restaurants, boarding houses, tenement houses, dwelling houses, public institutions, market houses, private hospitals, butcher shops, stores, commission houses, grocery stores, fish stores, poultry stores and shall include such paper, sacks or other material used as a container for the garbage or for wrapping garbage.

**Refuse:** Any combustible material including, but not limited to, trash, rubbish, garbage, paper, and debris.

**Rubbish:** Combustible or non-combustible waste materials, such as ashes, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, scrap metal, mineral matter, crockery and discarded appliances.

**Toxic and Hazardous Waste:** Pesticides, acids, caustics, pathological waste, radioactive waste, flammable or explosive material and similar chemicals and harmful waste which require special handling. It shall include all substances defined as hazardous waster in the Minnesota Environmental response and Liability Act (MN Statures, Chapter 115B).

**Yard Waste:** Grass clippings, leaves, brush, or discarded vegetation including but not limited to acorns, apples, bark, garden plants, hay, pine cones, pine needles, straw, tomatoes, twigs, and weeds.

Staff Initials	Application Checklist
	<input type="checkbox"/> <b>1. License Application</b> (Form #1)
	<input type="checkbox"/> <b>2. Certificate of Liability Insurance</b> (Sample Form #2) This must be furnished by your Insurance Agent with the following coverages: <input type="checkbox"/> \$25,000 per occurrence and \$50,000 aggregate for personal injury or death. <input type="checkbox"/> \$5,000 per occurrence for property damage.
	<input type="checkbox"/> <b>3. Copy of State DOT Safety Inspection Report for each vehicle.</b>
	<input type="checkbox"/> <b>4. Fee:</b> _____ plus <a href="#">New License Surcharge:</a> _____

**Additional Information**

**Your License Application**

- a. Incomplete applications will be returned.
- b. All applications must be signed by an owner, partner or principal.
- c. No license will be issued for a period longer than one year.
- d. Licenses are not transferable.
- e. Make a duplicate copy of this packet for your personal records before submitting.
- f. [Minnesota Sales Tax ID Number](#) or 651-296-6181.
- g. If you are applying for multiple licenses, applications may be combined. Talk to Licenses Staff at 300 Public Service Center.

**Pollution Control Annual Billing/PCAB** - A PCAB Number is required before a license will be granted. This will be requested by a License Inspector. PCAB# \_\_\_\_\_.

**Information in Other Languages** - Call 612-673-3737. Yog xav paub tshaj nos ntxiv, hu 612-673-2800. Macluumaad dheeri ah, kala soo xiriir 612-673-3500. Para mas información llame al 612-673-2700.



City of Minneapolis
Licenses and Consumer Services
350 South 5th Street – Room 1C
Minneapolis, MN 55415–1316
Phone: 612-673-2080
Fax: 612-673-3399 TTY: 612-673-2157
www.minneapolismn.gov/business-licensing

FOR OFFICE USE ONLY:
LICENSE ID #:
LIC CLERK:
FEE: \$
DATE:

LICENSE APPLICATION

1. BACKGROUND INFORMATION

Type of License
Minnesota Sales Tax ID Number, Social Security Number, or Individual Tax ID Number
Legal Corporate Name of Business
Business Address/Location
Mailing Address (if Different than Business Address)
Name of Person Filling out this Application
E-mail Address
Name of Manager and Home Address
Type of Ownership: Sole Proprietor, Corporation, Partnership, LLC, Non-Profit
Date of Incorporation
State of Incorporation

Is this business publicly traded? Yes No

2. LIST ALL OWNERS, PARTNERS AND CORPORATE MEMBERS (Attach additional sheet if necessary.)

Full Name: First, Middle, Last
Date of Birth
% of Ownership
Telephone Number
Home Address
City
State
Zip Code
Full Name: First, Middle, Last
Date of Birth
% of Ownership
Telephone Number
Home Address
City
State
Zip Code
Full Name: First, Middle, Last
Date of Birth
% of Ownership
Telephone Number
Home Address
City
State
Zip Code
Full Name: First, Middle, Last
Date of Birth
% of Ownership
Telephone Number
Home Address
City
State
Zip Code

Have any of the above people been convicted of a crime? Yes No

If Yes, please provide (or attach) dates and conviction specifics.

**3. BUSINESS INFORMATION**

Square Footage for Business Use

Hours of Operation

Describe in detail the principal products, types of entertainment or services rendered.

List any licenses currently or previously held in Minneapolis (Business or Individual).

Have you ever had a business license denied or revoked by Minneapolis or another government entity?  Yes  No  
If Yes, indicate date of denial/revocation, government agency, reason for denial or revocation.

Are you planning or have you completed any construction or remodeling?  Yes  No

Name of Contractor or Building Manager

Explain the scope of the remodeling or construction:

Workers' Compensation Company

Policy Number

Dates of Coverage

-----Or-----

I certify that I am not required to carry workers' compensation insurance because:  I am self insured.  I am the sole proprietor and I have no employees.  I have no employees who are covered by workers' compensation law. Only employees who are specifically exempted by statute are not covered by the workers' compensation law. These include spouse, parents, and children regardless of age. All other workers whose work is controllable by the employer must be covered.

**4. VEHICLES**

Will there be vehicles used in the business?  Yes  No (Attach additional sheets if necessary)

Year/Make/Model	Vehicle Company ID Number	VIN Number	License Plate Number (State)

**5. VERIFICATION**

The data you furnish on this application will be used by the City of Minneapolis to assess your qualifications for licensure. Disclosure of this information is voluntary. You are not legally required to provide this data; however, if you fail to do so, the City of Minneapolis may be unable to process this application. Disclosure of your Social Security number, Minnesota Tax ID Number, or Individual Tax ID Number is required by Minnesota Statutes 270C.72 and your Social Security number may be requested by and released to the Minnesota Commissioner of Revenue. Upon submission of this application, all information except your Social Security Number will be public information pursuant to Minnesota Statutes, Chapter 13.

A SIGNATURE IS REQUIRED IN ORDER TO PROCESS THIS APPLICATION

I, (print name) \_\_\_\_\_, certify or declare under penalty of perjury under the laws of the State of Minnesota that the foregoing is true and correct. All information given is subject to verification by the State of Minnesota.

SIGNATURE OF APPLICANT \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_

# City of Minneapolis Requirements for Insurance Certificates

#2

## CERTIFICATE OF LIABILITY INSURANCE

Certificate cannot be pending, binder or TBA.

The Legal/Corporate Name must match exactly (word for word) to the Approved Licensee Name (including Inc, or LLC), Trade Name (DBA) and address of premises.

<b>PRODUCER</b> Agency Address City, State, Zip	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER.  THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.  _____ <b>INSURERS AFFORDING COVERAGE</b> INSURER A: _____ INSURER B: _____ INSURER C: _____ INSURER D: _____ INSURER E: _____
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**COVERAGES**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
	<b>GENERAL LIABILITY</b> <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR <input type="checkbox"/> _____ <input type="checkbox"/> _____ GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC				EACH OCCURRENCE	\$
					FIRE DAMAGE (Any one fire)	\$
					MED EXP (Any one person)	\$
					& ADV	\$
						\$
						\$
						\$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED A <input type="checkbox"/> SCHEDULED A <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON - OWNED A <input type="checkbox"/> _____ <input type="checkbox"/> _____				COMBINED SINGLE LIMIT (Ea accident)	\$
					BODILY INJURY (Per person)	\$
					BODILY INJURY (Per accident)	\$
					PROPERTY DAMAGE (Per accident)	\$
	<b>GARAGE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> _____				AUTO ONLY - (Ea Accident)	\$
					OTHER THAN AUTO ONLY:	EA ACC \$
						AGG \$
	<b>EXCESS LIABILITY</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION				EACH OCCURRENCE	\$
					AGGREGATE	\$
						\$
						\$
A	<b>WORKER'S COMPENSATION AND EMPLOYER'S LIABILITY</b>				XWC STATUTORY LIMITS / OTHER	
					E.L. EACH ACCIDENT	
					E.L. DISEASE - EA EMPLOYEE	
					E.L. DISEASE - POLICY LIMIT	

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS:

ADDITIONAL INSURED; INSURER LETTER

Original signature or stamp of Agent.

<b>CERTIFICATE HOLDER</b> City of Minneapolis Licenses and Consumer Services 1-C City Hall 350 South 5th Street Minneapolis, MN 55415	<b>AUTHORIZED REPRESENTATIVE</b> _____
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**Applications will be returned if requirements are not complete.**

<b>2015 - 2016</b> <b>REGIONAL MIXED MUNICIPAL SOLID WASTE</b> <b>COLLECTION AND TRANSPORTATION LICENSE APPLICATION</b>	<b>BASE COUNTY:</b>
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**NOTE TO APPLICANT:** Please print in black ink or type all requested information. Be sure to complete all sections of the application. An Instruction sheet is included to aid in completing this form. Information contained in this application becomes part of the County's official records upon receipt and may be released to others to the extent authorized by the Minnesota Data Practices Act, Minnesota Statutes Chapter 13.

**Applications are due on or before April 30, 2015**

**INCOMPLETE APPLICATIONS WILL BE RETURNED AND NOT CREDITED AS BEING RECEIVED**

<b>1. OPERATING COUNTY(-IES).</b> Application is hereby made for a Regional Mixed Municipal Solid Waste ("MSW") Collection and Transportation "Base License," and for an "Operating License," in the following County(-ies). Check the appropriate boxes. <i>(Please see Instructions sheet before completing.)</i> <b>Anoka</b> <input type="checkbox"/> <b>Carver</b> <input type="checkbox"/> <b>Dakota</b> <input type="checkbox"/> <b>Hennepin</b> <input type="checkbox"/> <b>Ramsey</b> <input type="checkbox"/> <b>Washington</b> <input type="checkbox"/>		
<b>2. BUSINESS NAME:</b>	<b>4. BUSINESS STATUS:</b> (Check one) Corporation: <input type="checkbox"/> Partnership: <input type="checkbox"/> Sole proprietor: <input type="checkbox"/> Government: <input type="checkbox"/> Other: _____	
<b>3. LICENSEE NAME:</b>		
<b>5. BUSINESS ADDRESS</b> (Number, Street, City, State, Zip Code):		
<b>6. OFFICIAL MAILING ADDRESS</b> <i>If different than Business Address in #5</i> (Number, Street, City, State, Zip Code):		
<b>7. BUSINESS LOCATION.</b> Location where Vehicle(s), Containers, and Business Records are maintained. List the location with majority of vehicles first. If more than two (2) locations, attach additional information on a separate sheet. <i>(If different than Business Address in #5)</i>		
Item (vehicle, containers, records, etc.)	Address (Street no., City, Zip Code)	
<b>8. CONTACT PERSON RESPONSIBLE FOR COMPANY OPERATIONS:</b>	<b>9. TITLE:</b>	<b>10. CONTACT INFORMATION</b> Phone Number: FAX Number: Email:
<b>11. OWNER INFORMATION.</b> If a Partnership or Individually-owned; use additional sheets if necessary.		
Name	Address	Phone No.



**12. OFFICER INFORMATION.** If a Corporation, list all corporate officers, regardless of title, in the table below.

Name	Title	Address	Phone No.

**13. WORKER'S COMPENSATION INSURANCE.** Minnesota Statutes 176.182 requires that you provide the County with acceptable evidence of compliance with the Worker's Compensation Insurance Law. **Complete either Part A or Part B below.** The County will not issue a license without this information.

Part A. Insurance Company Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Policy Number: \_\_\_\_\_  
Effective Dates: \_\_\_\_\_

Part B. Worker's Compensation Insurance is not required because: (Check appropriate box)

I have no employees.  
 I have employees who are not required to be covered by the workers compensation law (spouse, parents, children and certain farm employees).  
 I am self-insured. Provide self-insurance permit number: \_\_\_\_\_

**14. LIABILITY INSURANCE.** Submit along with this application a certificate of insurance which provides the following minimum limits:

a. General Liability: \$500,000 Bodily Injury per Occurrence or \$500,000 General Aggregate  
\$250,000 Property Damage

b. Auto Liability: \$500,000 Bodily Injury per Occurrence or \$500,000 Combined Single Limit  
\$250,000 Bodily Injury per Person  
\$500,000 Property Damage

**The certificate of insurance must name the Solid Waste Management Coordinating Board, and Anoka, Carver, Dakota, Hennepin, Ramsey, and Washington Counties as additional insureds; and**

The insurer must provide written notice to the additional insured parties prior to the effective date of policy cancellation, non-renewal, or material adverse change in the coverage terms.

**15. TOTAL NUMBER OF ACCOUNTS BY COUNTY.** Enter the number of accounts, by type, as indicated.

	Number of Accounts		COUNTY	Number of Accounts	
	Residential	Non-Residential		Residential	Non-Residential
Anoka			Ramsey		
Carver			Washington		
Dakota			Other: _____		
Hennepin			Other: _____		

**16. MSW BY COUNTY.** Of the total MSW you collect annually, enter the percent that comes from each County.

Anoka	%	Hennepin	%	Ramsey	%	Other: _____	%
Carver	%	Dakota	%	Washington	%	Other: _____	%

**17-24. VEHICLE INFORMATION.**

In order for this application to be considered complete, you must provide information, as set forth in the table below, for each vehicle used to collect and transport MSW within each County. Attach or reference additional sheets if necessary.  Additional sheets attached.

17. LICENSE PLATE NUMBER	18. YEAR	19. MAKE	20. MODEL	21. TYPE	22. CAPACITY (CU. YDS)	23. FLEET FUNMBER	24. OTHER IDENTIFICATION NUMBERS	25. NUMBER OF AXLES

**Total number of MSW vehicles to be licensed = \_\_\_\_\_ . Use this number to calculate the License Fee (Line 27 on page 5).**

<b>26. TYPE OF SERVICE.</b> Circle <b>Yes</b> or <b>No</b> which type(s) of service(s) you offer as part of your business:			
<b>Non Residential Collection</b>	<b>Yes No</b>	Construction/Demolition	<b>Yes No</b>
<b>Residential Collection</b> (weekly/bi-weekly)	<b>Yes No</b>	Self-Hauler (haul <u>ONLY</u> your own waste)	<b>Yes No</b>
<b>Public Entity/Governmental Accounts</b>	<b>Yes No</b>	Transfer (haul <u>ONLY</u> Transfer Station waste)	<b>Yes No</b>
One-Time Clean Outs	<b>Yes No</b>	Other: _____	<b>Yes No</b>
<b>27. LICENSE FEE.</b> The Regional Mixed Municipal Solid Waste Collection and Transportation License Fee is <b>\$50.00 per vehicle</b> , payable to the County in which your company is based. Calculate the fee as follows:			
a. Number of Vehicles from table on page 3: _____ x \$50.00 per vehicle	=	\$ _____	
b. Late Application Fee (if applicable; see Instructions sheet)	=	\$ _____	
c. <b>Total Fee Remitted</b> (add lines a + b)	=	\$ _____	
<b>28. HAULER-COLLECTED SERVICE CHARGE CERTIFICATION:</b> I hereby certify and acknowledge that as a condition of receiving an MSW Collection and Transportation Operating License from <b>Hennepin, Ramsey, and/or Washington Counties</b> , I am required to bill and collect a service charge from any and all of my MSW customers located within those counties on all applicable MSW services, including fuel surcharges. I also understand that if I fail to bill or invoice for the service charge as required that I am liable for paying said charges, late penalties, and any other fees as stated in the respective County ordinances. I further understand that I must report and remit said charges to each County on a monthly basis, that if I fail to do so as directed by the Counties I will be subject to late penalties and other charges, and that I must submit a report each month to each County in which I am licensed, even if I have no MSW activity in the County(-ies) during that report month. (See <i>Instructions sheet</i> .)			
Printed Name:	Signature:	Date:	
<b>29. APPLICATION CERTIFICATION.</b> I hereby certify that I am authorized by law, and if applicable, I am authorized by all necessary board action, to sign this application on behalf of the Licensee, intending this application for license to be a legally binding obligation of the Licensee. Further, I hereby certify that I have read, understand and will comply with all applicable local, state, and federal laws, rules, and regulations and the requirements of all applicable ordinances. I further certify that the information provided on this license application, and any and all attachments, is correct and complete to the best of my knowledge.			
a. _____ Printed Name	c. _____ Title		
b. _____ Signature	d. _____ Date		
<b>30. APPENDIX A (attached): Recycling Services Provided.</b> This information was collected last year to assure accuracy in educational outreach by the counties with residents and businesses. For an example of how this information was used, please check out <a href="https://www.co.dakota.mn.us/Environment/RecyclingWasteReduction/Residents/Documents/ResidentialRecyclingItemsAccepted.pdf">https://www.co.dakota.mn.us/Environment/RecyclingWasteReduction/Residents/Documents/ResidentialRecyclingItemsAccepted.pdf</a> . Please indicate with a check mark in the Residential and Non-Residential columns which materials you accept for recycling and organics collection. Respond, where applicable, to the additional questions or add any comments.			
<b>31. APPENDIX B (attached): Recycling/Organics Services Offered to Non-Residential</b> Pursuant to Minnesota Statute, Section 115A.151, as of January 1, 2016, commercial building owners that contract for 4 cubic yards or more per week of mixed municipal solid waste collection must implement recycling for at least three types of material. The Counties are committed to identifying ways to assist businesses in meeting this requirement. The Counties intend to utilize answers provided in this Appendix to consider what services businesses are already receiving and work with haulers to provide additional services that may be needed by businesses.			

**APPENDIX A Recycling Services Provided.**

Do you offer recycling collection and/or organics diversion services to residential and/or non-residential customers?  
(circle one or both) Residential // Non-Residential

Do you collect residential recycling weekly or bi-weekly? (circle one) Weekly // Bi-weekly

If yes, please indicate which materials you collect for recycling and/or organics diversion below. This information will be used for regional outreach purposes.

Material For Recycling and Organics Diversion		Account Type (check: x)		Additional Information or Comments
		Residential	Non-Residential	
Organic Waste	Organics/source-separated food waste			
	Yard Waste			
	Co-mingled yard waste and organics/source-separated food waste			
Cardboard and paper	Corrugated cardboard/OCC			
	Cereal, cracker, cake mix boxes			
	Refrigerated food boxes (Pop & beer cases)			
	Frozen food boxes			
	Pizza boxes from delivery			
	Paper towel/toilet paper rolls (empty core)			
	Mail, newspaper, office/school papers, magazines/catalogs			
	Paperback books and phone books			Hardcover also accepted? Circle: Yes OR No
	Paper egg cartons			
Shredded paper			Describe prep:	
Cartons	Milk cartons			Circle accepted: Caps on? Caps off?
	Juice cartons			Circle accepted: Caps on? Caps off?
	Soup, broth & wine cartons			Circle accepted: Caps on? Caps off?
Plastics	Bottles: beverage & food, shampoo, soap, lotion, dishwashing liquid			Circle accepted: Caps on? Caps off?
	Disposable beverage cups			Circle accepted: Solo-type? Clear?
	Food product cups (eg. yogurt & fruit)			
	Jugs: milk, juice & detergent			Circle accepted: Caps on? Caps off?
	Tubs: cottage cheese & margarine			
	Containers: produce, deli & take out			
	Plastic toys			
	Rigid plastic packaging/ Clear packaging from toys & electronics			
	Microwavable food trays			
	Plastic bags/ film/ wrap			
Styrofoam (expanded polystyrene foam)				
Glass	Bottles (food & beverage)			Circle accepted: Caps on? Caps off?
	Jars (food & beverage)			Circle accepted: Caps on? Caps off?
Metal	Aluminum, tin & steel cans (food & beverage)			
	Aluminum foil			
	Aluminum trays/pie pans			
	Empty aerosol cans			
	Empty paint cans			
Scrap metal			If size limit, please describe:	
Other	Clothes & linens			

**APPENDIX B: Recycling/Organics Services Offered to Non-Residential Customers**

Service	Recyclables		Organics		Comments:
	Circle Answer (Yes or No)		Circle Answer (Yes or No)		
Single Sort	Yes	No	Yes	No	
Multiple Sort	Yes	No	Yes	No	
Provide interior containers	Yes	No	Yes	No	
Provide Labels	Yes	No	Yes	No	
Help place with businesses containers adjacent to SW receptacles	Yes	No	Yes	No	
Provide written information and education	Yes	No	Yes	No	
Help develop a company-wide recycling/organics management plan	Yes	No	Yes	No	
Audit the company's waste stream	Yes	No	Yes	No	
Right size garbage dumpsters after adding recycling/organics service	Yes	No	Yes	No	
Share market revenues	Yes	No	Yes	No	
Offer onsite technical assistance	Yes	No	Yes	No	
Weigh individual recycling/organics containers	Yes	No	Yes	No	

Business Name \_\_\_\_\_

DBA	License Type	License Number	Fee Code	Individual Pmt Amt	Quantity Code	Quantity of Veh	Payment Date	Decision Code	License Status
A & D RECYCLING & RECOVERY	L276	50092	L276	284	L-L276	2	Sep 9, 2015 2:51:40 PM	APPROVED	OPEN
<b>A &amp; D RECYCLING &amp; RECOVERY</b>				<b>284</b>		<b>2</b>			
A-1 HAULING & ROLLOFFS	L276	50088	L276	382	L-L276	3	Sep 9, 2015 12:58:45 PM	APPROVED	OPEN
<b>A-1 HAULING &amp; ROLLOFFS</b>				<b>382</b>		<b>3</b>			
ADVANCED DISPOSAL SERVICES	L276	50090	L276	1,068	L-L276	10	Sep 18, 2015 3:51:40 PM	APPROVED	OPEN
<b>ADVANCED DISPOSAL SERVICES</b>				<b>1,068</b>		<b>10</b>			
ALL STAR ROLLOFF	L276	50064	L276	186	L-L276	1	Jul 29, 2015 3:53:20 PM	APPROVED	OPEN
<b>ALL STAR ROLLOFF</b>				<b>186</b>		<b>1</b>			
ALL WAYS HAULING	L276	50066	L276	186	L-L276	1	Aug 3, 2015 8:55:10 AM	APPROVED	OPEN
<b>ALL WAYS HAULING</b>				<b>186</b>		<b>1</b>			
ALPHA CONTAINER SERVICES & RECYCLING	L276	30430	L276	382	L-L276	3	Jul 27, 2015 1:23:49 PM	APPROVED	OPEN
<b>ALPHA CONTAINER SERVICES &amp; RECYCLING</b>				<b>382</b>		<b>3</b>			
ASPEN WASTE SYSTEMS	L276	20822	L276	98	L-L276	63	Mar 20, 2015 1:12:13 PM	APPROVED	OPEN
	L276	20822	L276	98	L-L276	63	May 5, 2015 12:46:21 PM	APPROVED	OPEN
	L276	20822	L276	98	L-L276	63	Jun 8, 2015 4:07:04 PM	APPROVED	OPEN
	L276	20822	L276	98	L-L276	63	Jul 8, 2015 9:51:11 AM	APPROVED	OPEN
	L276	20822	L276	98	L-L276	63	Aug 20, 2015 7:42:11 AM	APPROVED	OPEN
	L276	20822	L276	98	L-L276	63	Sep 1, 2015 8:18:30 AM	APPROVED	OPEN
	L276	20822	L276	98	L-L276	63	Oct 6, 2015 12:54:58 PM	APPROVED	OPEN
	L276	20822	L276	98	L-L276	63	Dec 3, 2015 11:03:53 AM	APPROVED	OPEN
	L276	20822	L276	98	L-L276	63	Jan 12, 2016 10:39:05 AM	APPROVED	OPEN
	L276	20822	L276	5,870	L-L276	63	Jul 29, 2015 3:50:32 PM	APPROVED	OPEN
<b>ASPEN WASTE SYSTEMS</b>				<b>6,752</b>		<b>63</b>			
ASTRO TRASH	L276	10050	L276	186	L-L276	3	Jul 29, 2015 2:56:00 PM	APPROVED	OPEN
	L276	10050	L276	196	L-L276	3	Oct 19, 2015 9:25:43 AM	APPROVED	OPEN
<b>ASTRO TRASH</b>				<b>382</b>		<b>3</b>			
ATOMIC RECYCLING	L276	50026	L276	2,930	L-L276	29	Jul 24, 2015 9:55:13 AM	APPROVED	OPEN
<b>ATOMIC RECYCLING</b>				<b>2,930</b>		<b>29</b>			
BLACKOWIAK & SON	L276	50045	L276	186	L-L276	1	Jul 29, 2015 3:50:49 PM	APPROVED	OPEN
<b>BLACKOWIAK &amp; SON</b>				<b>186</b>		<b>1</b>			
BOONE CONTAINERS	L276	50075	L276	382	L-L276	3	Aug 14, 2015 3:43:20 PM	APPROVED	OPEN
<b>BOONE CONTAINERS</b>				<b>382</b>		<b>3</b>			
BUCKINGHAM COMPANIES	L276	50083	L276	284	L-L276	2	Jul 29, 2015 3:50:58 PM	APPROVED	OPEN
<b>BUCKINGHAM COMPANIES</b>				<b>284</b>		<b>2</b>			
CGS OF MINNEAPOLIS	L276	05110	L276	382	L-L276	3	Aug 4, 2015 11:26:48 AM	APPROVED	OPEN
<b>CGS OF MINNEAPOLIS</b>				<b>382</b>		<b>3</b>			
CHARLIE HALL DISPOSAL	L276	50009	L276	284	L-L276	2	Jul 20, 2015 9:07:39 AM	APPROVED	OPEN
<b>CHARLIE HALL DISPOSAL</b>				<b>284</b>		<b>2</b>			
COMMERCIAL CONTAINER	L276	50023	L276	186	L-L276	1	Aug 20, 2015 1:28:39 PM	APPROVED	OPEN
<b>COMMERCIAL CONTAINER</b>				<b>186</b>		<b>1</b>			
COOLIDGE TRUCKING	L276	50101	L276	238	L-L276	2	Jan 12, 2016 10:19:00 AM	APPROVED	OPEN
	L276	50101	LNSC-08	126	L-L276	2	Jan 12, 2016 10:19:00 AM	APPROVED	OPEN
<b>COOLIDGE TRUCKING</b>				<b>364</b>		<b>2</b>			
CURBSIDE WASTE	L276	50100	L276	140	L-L276	1	Dec 18, 2015 11:22:13 AM	APPROVED	OPEN
	L276	50100	LNSC-08	126	L-L276	1	Dec 18, 2015 11:22:13 AM	APPROVED	OPEN
<b>CURBSIDE WASTE</b>				<b>266</b>		<b>1</b>			
DARLING INTERNATIONAL	L276	05134	L276	186	L-L276	1	Jul 7, 2015 1:10:49 PM	APPROVED	OPEN
<b>DARLING INTERNATIONAL</b>				<b>186</b>		<b>1</b>			
DICKS SANITATION SERVICE	L276	05050	L276	1,264	L-L276	12	Jul 22, 2015 9:15:26 AM	APPROVED	OPEN
<b>DICKS SANITATION SERVICE</b>				<b>1,264</b>		<b>12</b>			

**2016**  
**\$186** 1st vehicle  
**\$98** per additional vehicle

DBA	License Type	License Number	Fee Code	Individual Pmt Amt	Quantity Code	Quantity of Veh	Payment Date	Decision Code	License Status
DUMPSTER BOX SERVICES	L276	05029	L276	382	L-L276	3	Jul 22, 2015 9:15:28 AM	APPROVED	OPEN
<b>DUMPSTER BOX SERVICES</b>				<b>382</b>		<b>3</b>			
ELITE WASTE DISPOSAL	L276	50027	L276	872	L-L276	8	Aug 25, 2015 9:57:55 AM	APPROVED	OPEN
<b>ELITE WASTE DISPOSAL</b>				<b>872</b>		<b>8</b>			
EUREKA RECYCLING	L276	50099	L276	434	L-L276	4	Dec 3, 2015 10:10:01 AM	APPROVED	OPEN
	L276	50099	LNCS-08	126	L-L276	4	Dec 3, 2015 10:10:01 AM	APPROVED	OPEN
<b>EUREKA RECYCLING</b>				<b>560</b>		<b>4</b>			
INDEPENDENT REFUSE SYSTEMS	L276	50012	L275	392	L-L276	9	Jul 29, 2015 3:40:53 PM	APPROVED	OPEN
	L276	50012	L276	578	L-L276	9	Jul 29, 2015 3:40:53 PM	APPROVED	OPEN
<b>INDEPENDENT REFUSE SYSTEMS</b>				<b>970</b>		<b>9</b>			
JIM'S MILLE LACS DISPOSAL	L276	50056	L276	480	L-L276	4	Jul 9, 2015 1:17:31 PM	APPROVED	OPEN
<b>JIM'S MILLE LACS DISPOSAL</b>				<b>480</b>		<b>4</b>			
JME OF MONTICELLO	L276	50034	L276	284	L-L276	2	Jul 22, 2015 9:15:29 AM	APPROVED	OPEN
<b>JME OF MONTICELLO</b>				<b>284</b>		<b>2</b>			
JUNK BEE GONE OF MINNESOTA	L276	50035	L276	186	L-L276	1	Feb 23, 2015 10:03:54 AM	APPROVED	OPEN
	L276	50035	L276	186	L-L276	1	Jul 22, 2015 10:16:20 AM	APPROVED	OPEN
<b>JUNK BEE GONE OF MINNESOTA</b>				<b>372</b>		<b>1</b>			
KEITH KRUPENNY & SON DISPOSAL SERV	L276	10760	L276	22	L-L276	3	Aug 3, 2015 2:18:39 PM	APPROVED	OPEN
	L276	10760	L276	360	L-L276	3	Aug 3, 2015 2:17:43 PM	APPROVED	OPEN
<b>KEITH KRUPENNY &amp; SON DISPOSAL SERV</b>				<b>382</b>		<b>3</b>			
KEN BERQUIST & SON	L276	50041	L276	284	L-L276	2	Jul 29, 2015 2:59:48 PM	APPROVED	OPEN
<b>KEN BERQUIST &amp; SON</b>				<b>284</b>		<b>2</b>			
KUTTERS RUBBISH REMOVAL	L276	05078	L276	480	L-L276	4	Jul 22, 2015 9:15:28 AM	APPROVED	OPEN
<b>KUTTERS RUBBISH REMOVAL</b>				<b>480</b>		<b>4</b>			
L KUJALA HALL	L276	50072	L276	284	L-L276	2	Jul 22, 2015 9:15:29 AM	APPROVED	OPEN
<b>L KUJALA HALL</b>				<b>284</b>		<b>2</b>			
LACOE ENTERPRISES	L276	50057	L276	186	L-L276	1	Jul 30, 2015 3:24:35 PM	APPROVED	OPEN
<b>LACOE ENTERPRISES</b>				<b>186</b>		<b>1</b>			
LAPLANT DEMO	L276	50080	L276	186	L-L276	1	Sep 15, 2015 8:34:22 AM	APPROVED	OPEN
<b>LAPLANT DEMO</b>				<b>186</b>		<b>1</b>			
LEPAGE & SONS	L276	50015	L276	1,068	L-L276	10	Jul 22, 2015 9:15:29 AM	APPROVED	OPEN
<b>LEPAGE &amp; SONS</b>				<b>1,068</b>		<b>10</b>			
LIGHTNING DISPOSAL	L276	30112	L276	480	L-L276	4	Jul 31, 2015 1:19:32 PM	APPROVED	OPEN
<b>LIGHTNING DISPOSAL</b>				<b>480</b>		<b>4</b>			
LLOYDS CONSTRUCTION SERVICES	L276	50028	L276	186	L-L276	1	Jul 31, 2015 1:08:14 PM	APPROVED	OPEN
<b>LLOYDS CONSTRUCTION SERVICES</b>				<b>186</b>		<b>1</b>			
MAC'S ROLL-OFF SERVICE	L276	50032	L276	186	L-L276	1	Aug 17, 2015 9:57:34 AM	APPROVED	OPEN
<b>MAC'S ROLL-OFF SERVICE</b>				<b>186</b>		<b>1</b>			
MAC'S TUBS	L276	50102	L276	289	L-L276	3	Feb 9, 2016 3:50:53 PM	NEW	OPEN
	L276	50102	LNCS-08	126	L-L276	3	Feb 9, 2016 3:50:53 PM	NEW	OPEN
<b>MAC'S TUBS</b>				<b>415</b>		<b>3</b>			
MENDOTA HAULING COMPANY	L276	50047	L276	186	L-L276	1	Jul 22, 2015 9:15:27 AM	APPROVED	OPEN
<b>MENDOTA HAULING COMPANY</b>				<b>186</b>		<b>1</b>			
MIDSTATE DISPOSAL	L276	50081	L276	284	L-L276	2	Jul 29, 2015 3:09:51 PM	APPROVED	OPEN
<b>MIDSTATE DISPOSAL</b>				<b>284</b>		<b>2</b>			
MIDWEST GREASE	L276	50051	L276	284	L-L276	2	Aug 20, 2015 1:28:39 PM	APPROVED	OPEN
<b>MIDWEST GREASE</b>				<b>284</b>		<b>2</b>			
MINNEAPOLIS REFUSE	L276	20452	L276	98	L-L276	12	Nov 2, 2015 12:58:46 PM	APPROVED	OPEN
	L276	20452	L276	1,166	L-L276	12	Aug 4, 2015 10:27:07 AM	APPROVED	OPEN
<b>MINNEAPOLIS REFUSE</b>				<b>1,264</b>		<b>12</b>			

DBA	License Type	License Number	Fee Code	Individual Pmt Amt	Quantity Code	Quantity of Veh	Payment Date	Decision Code	License Status
NASH & SONS HAULING	L276	50065	L276	382	L-L276	3	Aug 20, 2015 1:28:35 PM	APPROVED	OPEN
<b>NASH &amp; SONS HAULING</b>				<b>382</b>		<b>3</b>			
NITTI ROLLOFF SERVICES	L276	50059	L276	382	L-L276	3	Aug 14, 2015 3:26:14 PM	APPROVED	OPEN
<b>NITTI ROLLOFF SERVICES</b>				<b>382</b>		<b>3</b>			
NITTI SANITATION	L276	50085	L276	284	L-L276	2	Jul 31, 2015 1:17:27 PM	APPROVED	OPEN
<b>NITTI SANITATION</b>				<b>284</b>		<b>2</b>			
PREMIER WASTE SERVICES	L276	50068	L276	382	L-L276	3	Jul 22, 2015 9:15:29 AM	APPROVED	OPEN
<b>PREMIER WASTE SERVICES</b>				<b>382</b>		<b>3</b>			
PROFESSIONAL GROUNDS MAINTENANCE	L276	50062	L276	186	L-L276	1	Aug 20, 2015 1:28:40 PM	APPROVED	OPEN
<b>PROFESSIONAL GROUNDS MAINTENANCE</b>				<b>186</b>		<b>1</b>			
RANDYS ENVIRONMENTAL SERVICES	L276	10600	L276	1,460	L-L276	14	Aug 3, 2015 11:26:08 AM	APPROVED	OPEN
<b>RANDYS ENVIRONMENTAL SERVICES</b>				<b>1,460</b>		<b>14</b>			
REDBOX PLUS	L276	50096	L276	47	L-L276	1	May 12, 2015 8:44:58 AM	APPROVED	OPEN
	L276	50096	L276	186	L-L276	1	Sep 11, 2015 1:30:06 PM	APPROVED	OPEN
	L276	50096	LNCS-08	126	L-L276	1	May 12, 2015 8:44:58 AM	APPROVED	OPEN
<b>REDBOX PLUS</b>				<b>359</b>		<b>1</b>			
REDDY ROLL OFFS	L276	50097	L276	228	L-L276	1	Jul 21, 2015 11:42:56 AM	APPROVED	OPEN
	L276	50097	LNCS-08	126	L-L276	1	Jul 21, 2015 11:42:56 AM	APPROVED	OPEN
<b>REDDY ROLL OFFS</b>				<b>354</b>		<b>1</b>			
REPUBLIC SERVICES OF THE TWIN CITIES	L276	50020	L276	1,564.2	L-L276	15	Jul 24, 2015 10:50:18 AM	APPROVED	OPEN
<b>REPUBLIC SERVICES OF THE TWIN CITIES</b>				<b>1,564.2</b>		<b>15</b>			
ROOF COMPANY NA	L276	50052	L276	186	L-L276	1	Aug 5, 2015 11:11:20 AM	APPROVED	OPEN
<b>ROOF COMPANY NA</b>				<b>186</b>		<b>1</b>			
SANIMAX	L276	50022	L276	970	L-L276	9	Sep 25, 2015 3:03:50 PM	APPROVED	OPEN
<b>SANIMAX</b>				<b>970</b>		<b>9</b>			
SCHERBER ROLL OFF	L276	50095	L276	186	L-L276	1	Aug 31, 2015 3:51:42 PM	APPROVED	OPEN
<b>SCHERBER ROLL OFF</b>				<b>186</b>		<b>1</b>			
SCHILL'S DUMPSTER SERVICE	L276	50025	L276	186	L-L276	1	Jul 8, 2015 8:59:03 AM	APPROVED	OPEN
<b>SCHILL'S DUMPSTER SERVICE</b>				<b>186</b>		<b>1</b>			
SHAMROCK DISPOSAL	L276	50079	L276	578	L-L276	5	Aug 20, 2015 1:28:38 PM	APPROVED	OPEN
<b>SHAMROCK DISPOSAL</b>				<b>578</b>		<b>5</b>			
SHRED-IT MINNEAPOLIS	L276	50094	L276	1,166	L-L276	11	Jul 15, 2015 12:06:22 PM	APPROVED	OPEN
<b>SHRED-IT MINNEAPOLIS</b>				<b>1,166</b>		<b>11</b>			
SKB ENVIRONMENTAL	L276	50078	L276	284	L-L276	2	Jul 22, 2015 10:59:38 AM	APPROVED	OPEN
<b>SKB ENVIRONMENTAL</b>				<b>284</b>		<b>2</b>			
STEINBRECHER CO	L276	50069	L276	382	L-L276	3	Jul 15, 2015 10:30:48 AM	APPROVED	OPEN
<b>STEINBRECHER CO</b>				<b>382</b>		<b>3</b>			
SWIFT DISPOSAL	L276	50011	L276	284	L-L276	2	Jul 22, 2015 9:15:28 AM	APPROVED	OPEN
<b>SWIFT DISPOSAL</b>				<b>284</b>		<b>2</b>			
TENNIS ROLL OFF	L276	50040	L276	284	L-L276	2	Aug 20, 2015 1:28:40 PM	APPROVED	OPEN
<b>TENNIS ROLL OFF</b>				<b>284</b>		<b>2</b>			
TOTAL SANITATION SERVICE	L276	26871	L276	284	L-L276	2	Jul 20, 2015 9:13:01 AM	APPROVED	OPEN
<b>TOTAL SANITATION SERVICE</b>				<b>284</b>		<b>2</b>			
TROJE'S TRASH PICK UP SERVICE	L276	50073	L276	568	L-L276	2	Aug 4, 2015 3:22:08 PM	APPROVED	OPEN
<b>TROJE'S TRASH PICK UP SERVICE</b>				<b>568</b>		<b>2</b>			
TROM TRANSPORT	L276	50098	L276	284	L-L276	2	Aug 27, 2015 1:43:23 PM	APPROVED	OPEN
	L276	50098	LNCS-08	126	L-L276	2	Aug 27, 2015 1:43:23 PM	APPROVED	OPEN
<b>TROM TRANSPORT</b>				<b>410</b>		<b>2</b>			
TWIN CITY REFUSE & RECYCLING	L276	50046	L276	382	L-L276	3	Jul 31, 2015 4:10:34 PM	APPROVED	OPEN
<b>TWIN CITY REFUSE &amp; RECYCLING</b>				<b>382</b>		<b>3</b>			



DBA	License Type	License Number	Fee Code	Individual Pmt Amt	Quantity Code	Quantity of Veh	Payment Date	Decision Code	License Status
TWIN CITY ROOFING CONSTRUCTION SPEC	L276	50061	L276	186	L-L276	1	Sep 16, 2015 3:09:43 PM	APPROVED	OPEN
<b>TWIN CITY ROOFING CONSTRUCTION SPEC</b>				<b>186</b>		<b>1</b>			
VASKO ROLL OFF SERVICE	L276	50043	L276	186	L-L276	1	Aug 10, 2015 9:53:29 AM	APPROVED	OPEN
<b>VASKO ROLL OFF SERVICE</b>				<b>186</b>		<b>1</b>			
VEIT DISPOSAL SYSTEMS	L276	25072	L276	3,028	L-L276	30	Jul 22, 2015 9:15:27 AM	APPROVED	OPEN
<b>VEIT DISPOSAL SYSTEMS</b>				<b>3,028</b>		<b>30</b>			
WALTERS RECYCLING & REFUSE	L276	50049	L276	284	L-L276	2	Sep 9, 2015 10:18:09 AM	APPROVED	OPEN
<b>WALTERS RECYCLING &amp; REFUSE</b>				<b>284</b>		<b>2</b>			
WASTE MGMT OF MN - NORTH	L276	05081	L276	1,264	L-L276	12	Aug 11, 2015 10:10:35 AM	APPROVED	OPEN
<b>WASTE MGMT OF MN - NORTH</b>				<b>1,264</b>		<b>12</b>			
WASTE MGMT OF MN - SOUTH	L276	05057	L276	1,558	L-L276	15	Jul 31, 2015 3:56:18 PM	APPROVED	OPEN
<b>WASTE MGMT OF MN - SOUTH</b>				<b>1,558</b>		<b>15</b>			
WELLER DISPOSAL	L276	24051	L276	186	L-L276	1	Sep 16, 2015 12:38:54 PM	APPROVED	OPEN
<b>WELLER DISPOSAL</b>				<b>186</b>		<b>1</b>			
WILLMAN TRUCKING	L276	05126	L276	284	L-L276	2	Aug 20, 2015 1:28:39 PM	APPROVED	OPEN
<b>WILLMAN TRUCKING</b>				<b>284</b>		<b>2</b>			
YOUNKIN TRUCKING	L276	29440	L276	98	L-L276	3	Dec 23, 2015 11:06:35 AM	APPROVED	OPEN
	L276	29440	L276	284	L-L276	3	Aug 3, 2015 8:48:52 AM	APPROVED	OPEN
<b>YOUNKIN TRUCKING</b>				<b>382</b>		<b>3</b>			
<b>Summary</b>				<b>45,272.2</b>		<b>379</b>			

Feb 10, 2016

- 1 -

1:27:42 PM

# **APPENDIX F - COMMERCIAL GENERATOR'S SURVEY**

**City of Minneapolis Waste Generator Survey**

Thank you for participating in our survey. All responses will be aggregated with the responses from other survey respondents. Specific responses by individual organizations will be held confidential.

Please complete your survey responses by **Friday, December 4th**.  
Contact Kari Andrist at [klandrist@burnsmcd.com](mailto:klandrist@burnsmcd.com) with any questions.

## City of Minneapolis Waste Generator Survey

### 1) Respondent General Information

Organization's Name:

Physical Address of Business Activities:

Address Line 1

Address Line 2

City

State

Zip Code

Primary Services and/or Products Offered:

Number of FTEs employed at this physical location in Minneapolis:

Staff person responsible for managing trash, recycling, and/or organics collection:

Name

Title

Phone

E-mail

Staff person completing survey (if different from above):

Name

Title

Phone

E-mail

Thank you for participating in our survey. All responses will be aggregated with the responses from other survey respondents. Specific responses by individual organizations will be held confidential. Please submit your responses by 12/04/2015. Contact Kari Andrist at [klandrist@burnsmcd.com](mailto:klandrist@burnsmcd.com) with any questions.

City of Minneapolis Waste Generator Survey

## 2) Type of Service Used

**Name of Hauler(s):**

Trash hauler

Recycling hauler *(if applicable)*

Cardboard recycling hauler *(if applicable)*

Organics recycling hauler *(if applicable)*

Other hauler *(if applicable)*

**Do you have a contract/service agreement with your hauler?**

Trash hauler	<input type="text"/>	▼
Recycling hauler <i>(if applicable)</i>	<input type="text"/>	▼
Cardboard recycling hauler <i>(if applicable)</i>	<input type="text"/>	▼
Organics recycling hauler <i>(if applicable)</i>	<input type="text"/>	▼
Other hauler <i>(if applicable)</i>	<input type="text"/>	▼

Thank you for participating in our survey. All responses will be aggregated with the responses from other survey respondents. Specific responses by individual organizations will be held confidential. Please submit your responses by 12/04/2015. Contact Kari Andrist at [klandrist@burnsmcd.com](mailto:klandrist@burnsmcd.com) with any questions.

## City of Minneapolis Waste Generator Survey

You may skip ahead to question 5 if you provide a copy of your hauler invoice(s) to Kari Andrist ([klandrist@burnsmcd.com](mailto:klandrist@burnsmcd.com)) for us to fill in questions 3 and 4.

### 3) Waste and Recoverable Materials Hauling Data

Please indicate your current service level for applicable waste management streams. Service level includes container type, number of containers, volume and frequency of pickup. Container types may have multiple service levels.

#### Trash Disposal:

	Number of Containers	Volume of Container	Frequency of Weekly Pickup	Number of Containers	Volume of Containers	Frequency of Weekly Pickup
Compactors	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Dumpsters	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Carts	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

#### Recycling:

	Number of Containers	Volume of Container	Frequency of Weekly Pickup	Number of Containers	Volume of Containers	Frequency of Weekly Pickup
Dumpsters	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Carts	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

#### Cardboard:

	Number of Containers	Volume of Container	Frequency of Weekly Pickup	Number of Containers	Volume of Containers	Frequency of Weekly Pickup
Compactors	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Dumpsters	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Carts	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

#### Organics:

	Number of Containers	Volume of Container	Frequency of Weekly Pickup	Number of Containers	Volume of Containers	Frequency of Weekly Pickup
Dumpsters	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Carts	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Other:**

	Number of Containers	Volume of Container	Frequency of Weekly Pickup	Number of Containers	Volume of Containers	Frequency of Weekly Pickup
Compactors	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Dumpsters	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Carts	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Please describe/list material classified as "Other"

**What is the cost for the applicable waste management service(s)?**

**Trash Cost:**

**Frequency of Service**

- Per Pull
- Per Month
- Other (please specify)

**Recycling Cost:**

**Frequency of Service**

- Per Pull
- Per Month
- Other (please specify)

**Cardboard Cost:**

**Frequency of Service**

- Per Pull
- Per Month
- Other (please specify)

**Organics Cost:**

**Frequency of Service**

- Per Pull
- Per Month
- Other (please specify)

**Other Cost:**

**Frequency of Service**

- Per Pull
- Per Month
- Other (please specify)

**4) Estimated Annual Costs of Service(s):**

Trash Disposal	<input type="text"/>
Recycling	<input type="text"/>
Organics	<input type="text"/>
Total Overall Costs	<input type="text"/>

Thank you for participating in our survey. All responses will be aggregated with the responses from other survey respondents. Specific responses by individual organizations will be held confidential. Please submit your responses by 12/04/2015. Contact Kari Andrist at [klandrist@burnsmcd.com](mailto:klandrist@burnsmcd.com) with any questions.



**City of Minneapolis Waste Generator Survey**

**5) What recyclable and/or compostable materials are you currently collecting separate from trash at your organization?**

**Check all that apply:**

- Mixed paper (e.g. office papers, magazines, shredded paper)
- Boxboard (e.g. food boxes)
- Cardboard
- Cartons (e.g. milk cartons, juice boxes, broth cartons)
- Glass bottles & jars
- Plastic bottles & jugs
- Plastic cups & containers
- Metal food & beverage containers
- Scrap metals
- Plastic wrap (e.g. plastic film, plastic bags)
- Food scraps (organics)
- Other (please list)

**6) How are recyclable materials being collected inside the building?**

- Paper, plastic, glass and metal collected together
- Paper collected separately from plastic, glass and metal
- Separated by material type (old corrugated containers)

Please explain your answer.

**7) From which locations inside your business do you collect trash and recyclable materials?**

**Check all that apply:**

- Offices
- Cafeteria (post food preparation)
- Kitchen
- Other (please list)

Thank you for participating in our survey. All responses will be aggregated with the responses from other survey respondents. Specific responses by individual organizations will be held confidential. Please submit your responses by 12/04/2015. Contact Kari Andrist at [klandrist@burnsmcd.com](mailto:klandrist@burnsmcd.com) with any questions.

City of Minneapolis Waste Generator Survey

**8) Does the hauler provide any educational information to you to promote the separation of recyclable materials and/or organics from your trash?**

- Yes
- No

If yes, please explain.

**9) Does the hauler provide any financial incentives to encourage you to separate recyclable materials and/or organics from your trash?**

- Yes
- No

If yes, please explain.

**10) What are the barriers to recycling and composting more of your trash stream?**

**Check all that apply:**

- Lack of inside storage space
- Lack of outside storage space
- Lack of understanding options for recycling
- Lack of understanding options for composting
- Inadequate staff time
- Prohibitive costs
- Other (please explain)

**\* 11) What could be the City's role to encourage businesses and other non-residential organizations to recycle and compost more materials?**

Thank you for completing the survey. All responses will be aggregated with the responses from other survey respondents. Specific responses by individual organizations will be held confidential. Please respond by 12/04/2015. Contact Kari Andrist at [klandrist@burnsmcd.com](mailto:klandrist@burnsmcd.com) if you have any questions.

# **APPENDIX G - BENCHMARKING COMMUNITIES PROGRAM INFORMATION**

**Austin, Texas**

## ARTICLE 5. - UNIVERSAL RECYCLING.

## Division 1. - General Provisions.

## § 15-6-80 - APPLICABILITY.

This article applies in the City's zoning jurisdiction.

*Source: 1992 Code Section 12-3-121; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. No. 20140612-010, Pt. 1, 6-23-14.*

## § 15-6-81 - RESPONSIBLE PARTY GENERAL RULE; EXCEPTION.

- (A) With the exception of Subsection (B), a responsible party shall comply with any duty that is imposed on the responsible party in this Article 5.
- (B) A tenant or lessee on a premises who contracts or arranges with a hauler for solid waste service or who self-hauls is deemed the responsible party with respect to that portion of the premises over which the tenant or lessee has care, custody, control, or possession.

*Source: Ord. No. 20140612-010, Pt. 2, 6-23-14.*

## § 15-6-82 - RIGHT OF ENTRY.

- (A) City staff authorized by the director or the code compliance director may enter a premises to inspect for compliance with this article.
- (B) An inspector shall present the inspector's credentials to an occupant of the premises on request.
- (C) An inspector shall make a reasonable effort to locate the responsible party and request entry to the premises.

*Source: 1992 Code Section 12-3-122; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007; Ord. No. 20140612-010, Pt. 3, 6-23-14.*

## Division 2. - Service.

## § 15-6-91 - AFFECTED PREMISES.

- (A) The responsible party for a premises of which all or part is used for multi-family residential use shall ensure that tenants and employees have access to on-site recycling services described under this article, for that portion of the premises that is multi-family residential, effective:
  - (1) immediately for premises with 75 or more dwelling units;
  - (2) October 1, 2013 for premises with 50 or more but less than 75 dwelling units;
  - (3) October 1, 2014 for premises with 25 or more but less than 50 dwelling units;
  - (4) October 1, 2015 for premises with 10 or more but less than 25 dwelling units; and
  - (5) October 1, 2016 for premises with 5 or more but less than 10 dwelling units.
- (B) The responsible party for a premises of which all or part is used for office, medical office, medical facilities, religious assembly, or private educational facilities shall ensure that tenants and employees have access to on-site recycling services described under this article, for that portion of the premises that has one or more of the uses described in this Subsection (B), effective:
  - (1) immediately for premises with more than 100,000 square feet of the non-residential uses described in this Subsection (B); and
  - (2) October 1, 2013 for premises with more than 75,000 square feet and up to 100,000 square

feet of the non-residential uses described in this Subsection (B).

- (C) The requirements in Subsection (D) of this section are in addition to the requirements in Subsections (A) and (B) of this section.
- (D) The responsible party for a premises of which all or part is used for non-residential use, including but not limited to those uses described in Subsection (B) of this section and also including hotels and lodging, grocery stores, and commercial businesses, shall ensure that tenants and employees have access to on-site recycling services described under this article effective:
  - (1) October 1, 2014 for premises with more than 50,000 square feet of any type of non-residential use;
  - (2) October 1, 2015 for premises with more than 25,000 square feet and up to 50,000 square feet of any type of non-residential use;
  - (3) October 1, 2016 for premises with more than 5,000 square feet and up to 25,000 square feet of any type of non-residential use; and
  - (4) October 1, 2017 for all non-residential premises that are not described in (D)(1)—(3) of this subsection.
- (E) In addition to complying with the other requirements described in this section, the responsible party for a premises of which all or a portion has use attributable to a food enterprise that requires a food permit under Section 10-3-61 (Permit Required) of this Code to operate shall ensure that employees at the food enterprise have access to on-site diversion of organic materials effective:
  - (1) October 1, 2016 where the square footage in a certificate of occupancy, food enterprise permit, or similar document issued by a government entity for the food enterprise is 15,000 square feet or more;
  - (2) October 1, 2017 where the square footage in a certificate of occupancy, food enterprise permit, or similar document issued by a government entity for the food enterprise is between 5,000 square feet to 14,999 square feet; and
  - (3) October 1, 2018 for all food enterprises that hold a food enterprise permit and that are not described in (E)(1), (2) of this subsection.
- (F) For purposes of determining the effective date under this section the director may verify the square footage attributable to a specific use by consulting appraisal district or other public records or by requesting a valid certificate of occupancy or approved site plan documenting the types of uses.
- (G) A responsible party for an affected premises to which an effective date in Subsections (A)—(E) of this section applies and who begins operations after an applicable effective date shall comply with this ordinance on the date the affected premises is issued a certificate of occupancy.

*Source: 1992 Code Section 12-3-141; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007; Ord. No. 20140612-010, Pt. 4, 6-23-14.*

#### § 15-6-92 - DIVERSION REQUIREMENTS FOR AFFECTED PREMISES.

- (A) On-site recycling and organic material diversion services required under this article shall:
  - (1) collect at least the following materials: paper (including mixed paper and office paper), plastics PETE (#1) and HDPE (#2) bottles and containers, aluminum cans, corrugated cardboard, and glass bottles and jars;
  - (2) collect organic materials, if a premises with a food enterprise is subject to Subsection (E) of



Section 15-6-91 (Affected Premises);

- (3) provide receptacles, collection, capacity, and storage areas that comply with applicable administrative rules; and
- (4) remove the recyclable or organic materials by either:
  - (a) transporting the recyclable and organic materials to a materials recovery or composting facility authorized by law;
  - (b) contracting with a City-licensed recycling service provider to transport the recyclable and compostable materials to a materials recovery or composting facility authorized by law; or
  - (c) transporting recyclable or organic material, as permitted and required by City Code, to a material recovery facility, food bank, processor, material broker, urban farm, urban ranch, rural farm, rural ranch, community garden, or a facility that prioritizes the hierarchy of beneficial use as set out in Subsection (D) of this section.
- (B) The director may add to the list of recyclable materials required under Subsection (A)(1) of Section 15-6-92 (Recycling Requirements for Affected Premises) by providing notice on the City's website at least 365 continuous days before adding the additional materials.
- (C) The department shall adopt rules that establish a process in which the responsible party for an affected premises can request:
  - (1) a waiver of certain requirements in this article;
  - (2) approval to comply with this article by achieving the City's Zero Waste Goal through alternative means;
  - (3) approval to substitute another recyclable material in place of a required recyclable material listed in Subsection (A)(1) above;
  - (4) approval to comply with this article by sharing solid waste, recycling, or organic materials diversion services;
  - (5) approval of a deduction of square footage under Subsection (E) of Section 15-6-91 (Affected Premises) if the food enterprise serves only pre-packaged food; or
  - (6) approval for performing recycling or organic materials diversion on-site.
- (D) 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.

Source: 1992 Code Section 12-3-142; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007; Ord. No. 20140612-010, Pt. 5, 6-23-14.

§ 15-6-93 - EDUCATION.

- (A) The responsible party for an affected premises shall provide recycling information and instructions in accordance with rules adopted by the director to:
  - (1) all tenants and employees of the premises annually;

- (2) a new employee or tenant no later than the thirtieth day after the tenant occupies or the employee begins work at the premises; and
  - (3) all employees or tenants not later than the 30th day after a substantive change in the recycling service offered at the premises.
- (B) The responsible party shall provide recycling information and instructions in accordance with rules adopted by the director to:
- (1) each business, tenant, or organization located at the premises annually;
  - (2) a business, tenant, or organization newly located to the premises not later than the 30th day after any change in occupancy; and
  - (3) all occupancies at the premises not later than the 30th day after a change in the recycling service offered.
- (C) All information and documentation, including signage, required to be provided to persons or posted as public information under this article shall be written in English and Spanish and include universal symbols as adopted by the director.
- (D) Each container designated or used for collection and disposal of materials to a state-recognized landfill shall be prominently marked "Landfill Trash" in English and Spanish and in compliance with the rules adopted by the director.
- (E) Each container designated or used for collection or transport of recyclable or organic materials shall be affixed with a sign that includes:
- (1) the universal chasing arrows recycling symbol;
  - (2) the type of materials accepted written in English and Spanish; and
  - (3) the term "Recycling" or "Compostables" or "Organics", as appropriate.

*Source: 1992 Code Section 12-3-143; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007; Ord. No. 20140612-010, Pt. 6, 6-23-14.*

#### Division 3. - Reporting Requirements.

##### § 15-6-101 - ANNUAL DIVERSION PLAN.

- (A) The responsible party for an affected premises shall submit a recycling plan to the department by February 1 of each year starting with the year in which requirements of this article apply to the premises.
- (B) The responsible party for an affected premises shall submit a recycling plan for a new business, building, or multi-family residential complex not later than the 30th day after receiving a certificate of occupancy or beginning operations or following any change that reduces recycling service or the types of materials collected.
- (C) A plan must:
- (1) be on a form prescribed by the director;
  - (2) list the materials to be diverted;
  - (3) state the service capacities for landfill trash, recyclables, and organic materials;
  - (4) state the collection method and service providers for landfill trash, recyclables, and organic materials; and
  - (5) include information or documentation as required by the director to verify compliance with this article.
- (D)

The director may exempt a property from submitting a Recycling Plan if the property contracts with the City for solid waste and recycling services or if exempting the property is consistent with the City's Zero Waste Goal set out in Resolution No. 20090115-050 and the Department's Master Plan adopted in Resolution No. 20111215-047, as those resolutions may be amended from time to time.

*Source: 1992 Code Section 12-3-161; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007; Ord. No. 20140612-010, Pt. 7, 6-23-14.*

§ 15-6-102 - RESERVED.

**Editor's note**— Ord. No. 20140612-010, Pt. 8, effective June 23, 2014, repealed § 15-6-102, which pertained to biannual quantity report. See the References to Ordinances for complete derivation.

§ 15-6-103 - NOTICE OF CONTRACT TERMINATION.

A person who provides recycling or organic diversion service under this article by contract with a recycling service provider shall notify the department in writing not later than the 30th day after the person terminates the contract.

*Source: 1992 Code Section 12-3-163; Ord. 031204-14; Ord. 031211-11; Ord. 20130425-007; Ord. No. 20140612-010, Pt. 9, 6-23-14.*

§ 15-6-104 - NOTICE OF CHANGE OF PROVIDER.

- (A) The responsible party for an affected premises shall notify the department in writing if the person:
- (1) discontinues self-hauling and contracts with a recycling or organic materials diversion service provider; or
  - (2) terminates a contract with a provider licensed under Article 3 (*Private Solid Waste Collection Service*).
- (B) A responsible party shall submit the notice required by this section to the department in accordance with rules adopted by the director.

*Source: 1992 Code Section 12-3-164; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007; Ord. No. 20140612-010, Pt. 10, 6-23-14.*

Division 4. - Registration Requirements.

§ 15-6-105 - REGISTRATION OF RECYCLING AND ORGANIC MATERIAL HAULERS AND RECYCLING PROVIDERS.

- (A) A person who owns, operates, or provides a recycling and organic material hauler or recycling processor business or service located within the territorial jurisdiction of the City or to any premises within the territorial jurisdiction of the City shall submit to the director in compliance with applicable rules adopted for such registration the following:
- (1) physical address of operation;
  - (2) proof of insurance - annual commercial fleet policy;
  - (3) drivers' licenses for company drivers, including commercial drivers' licenses, if applicable;
  - (4) proof that the recycling hauler or recycling processor is using the correct vehicle to transport recyclable materials consistent with Section 15-6-42 (Vehicles and Equipment); and
  - (5) other documentation as specified in applicable rules for such registration adopted by the director.

(B)

A person who owns, operates, or provides a recycling processor business agrees as a condition of such registration to submit to a random site inspection of their property or premises upon request by the director to ensure that the processor's operations are being conducted in compliance with all applicable City Codes and regulations relating to land development, health and safety, recycling, and nuisance abatement.

*Source: Ord. 20101104-018; Ord. No. 20140612-010, Pt. 11, 6-23-14.*

**Los Angeles, California**

ORDINANCE NO. 182986

An ordinance retitling Chapter VI, Article 6; adding new Sections 66.03 and 66.33 to 66.33.11 of the Los Angeles Municipal Code relating to the collection of solid waste from commercial establishments and multifamily dwellings; amending Sections 66.00, 66.00.1, 66.01, 66.02, 66.08.1, 66.08.3 through 66.08.6, 66.17.1, 66.23 through 66.25, 66.27 through 66.30, and 66.32; and repealing Sections 66.01.1, 66.04, 66.06, 66.07, 66.08.2, 66.09, 66.10, 66.18 through 66.22; and 66.26.

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. Article 6 of Chapter VI of the Los Angeles Municipal Code is retitled to read as follows:

**ARTICLE 6**

**SOLID WASTE COLLECTION**

Sec. 2. Section 66.00 of the Los Angeles Municipal Code is amended to read as follows:

**SEC. 66.00. DEFINITIONS.**

For the purpose of this Article, the following words and phrases are defined and shall be construed as set out here, unless it is apparent from the context that they have a different meaning:

1. **Board** shall mean the City of Los Angeles Board of Public Works.
2. **Bureau** shall mean the Bureau of Sanitation of the City of Los Angeles or its duly authorized representative.
3. **City** shall mean the City of Los Angeles.
4. **Collection Services** shall mean the collection, transportation and delivery for processing or disposal of solid waste from commercial establishments and multifamily dwellings.
5. **Commingled Recyclables** shall mean recyclables that have been separated or kept separate from other solid waste at the point of generation for the purpose of additional sorting or processing for recycling or reuse in order to return the material to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. Commingled recyclables shall not consist of construction and demolition waste.

6. **Commercial Establishment** shall mean all real property in the City, except residential premises and premises that receive solid waste disposal service from the City, upon which for-profit or not for-profit activity is conducted, including but not limited to manufacturing, transportation, retail sales, wholesale operations, services, hotel or motel operations, education, or other businesses or institutional activity.

7. **Construction and Demolition Waste** shall mean solid waste that results directly from construction, remodeling, repair, demolition, or deconstruction of buildings and other structures, does not contain hazardous waste, and contains no more than one percent (1%) putrescible wastes by volume, calculated on a monthly basis. Construction and demolition waste includes, but is not limited to, asphalt, concrete, Portland cement, brick, lumber, wallboard, roofing material, ceramic tile, pipe, glass, carpet or associated packing.

8. **Director** shall mean the Director of the bureau of Sanitation of the city of Los Angeles.

9. **Dwelling Unit** shall mean one or more rooms, one of which is a kitchen, designed for occupancy by one family for living and sleeping purposes.

10. **Gross Receipts** shall mean those receipts defined as gross receipts in Los Angeles Municipal Code Section 21.00(a) generated by the collection of solid waste including, but not limited to, service, container rental, disposal and processing charges. For purposes of Sections 66.32.1 through 66.32.5, gross receipts shall not be applicable to receipts generated by the collection and sale of source-separated materials or commingled recyclables.

11. **Hazardous Waste** shall mean any waste as defined in California Health and Safety Code Section 25117.

12. **Multifamily Dwelling** shall mean any building, structure, unit or location designed for residential occupancy, exclusive of "Single Family Dwelling" and dwelling units that receive solid waste disposal service from the City.

13. **Organics** shall mean compostable solid waste that is source separated and placed in a container for collection. Organics include, but are not limited to, grass, leaves, tree branches, clean wood free of paint, nails or any treatment, food scraps, food soiled boxes and paper.

14. **Person** shall mean natural person, business, contractor, joint venture, joint stock company, firm, partnership, association, club, company, corporation, business trust, or organization, or the manager, employer, agent, servant, officer, or employee of any of them. Person shall not mean the City of

Los Angeles, or any of its constituent entities, departments, boards, employees or officers.

15. **Recyclables** shall mean solid waste that is capable of being recycled or re-reused in the marketplace, whether source separated or commingled with other solid waste.

16. **Residential Premises** shall mean single family dwellings and multifamily dwellings.

17. **Self-Hauler** shall mean a person who is not primarily engaged in the business of collection, removal or transportation of solid waste but in the course of performing the person's primary business function incidentally transports solid waste. Examples of self-haulers include, but are not limited to, gardeners, landscapers and household cleanup service firms. A person who collects, removes or transports construction and demolition waste is not a self-hauler under any circumstance, but rather a solid waste hauler subject to all of the requirements applicable to solid waste haulers.

18. **Single Family Dwelling** shall mean a building designed for residential occupancy, and containing one or two dwelling units.

19. **Solid Waste** shall mean all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, construction and demolition waste, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.

"Solid waste" does not include any of the following wastes:

- (i) Hazardous waste;
- (ii) Radioactive waste regulated pursuant to Part 9 of Division 104 of the California Health and Safety Code;
- (iii) Medical waste regulated pursuant to Part 14 of Division 104 of the California Health and Safety Code;
- (iv) Pharmaceutical waste as defined in California Health and Safety Code Section 117748.

20. **Solid Waste Disposal Facility** shall mean a facility fully permitted under applicable local, state, and federal laws and regulations to accept and dispose of solid waste.



21. **Solid Waste Hauler** shall mean any person engaged in the business of providing for the collection, removal or transportation of solid waste.

22. **Source-Separated Material** shall mean recyclables that have been separated or kept separate from other solid waste at the point of generation and sorted by material type, such as wood, metal, glass, concrete, or organics, without being commingled with other solid waste, including recyclables. To qualify as source-separated material, each type of material must be transferred in a separate container to a recycling center.

Sec. 3. Section 66.00.1 of the Los Angeles Municipal Code is retitled to read as follows:

**SEC. 66.00.1. SOLID WASTE SERVICES.**

Sec. 4. Section 66.00.1(a)(1) of the Los Angeles Municipal Code is amended to read as follows:

1. The collection of household solid waste combined in one or more containers by a single pickup except when more than one pickup is required by the Board and approved by Council resolution, on a regularly scheduled basis, but not to provide for the collection of commercial solid waste.

Sec. 5. Section 66.00.1(b) of the Los Angeles Municipal Code is amended to read as follows:

(b) It is the policy of the City of Los Angeles to dispose of solid waste collected by the City, including metals, in land reclamation sites owned and operated or otherwise controlled by the City or in City-owned incinerators when economically feasible, or by contractual arrangement where appropriate. Contractual arrangements involving consideration in excess of \$5,000 shall be approved by the Council by ordinance or resolution, except in the case of an emergency as determined by the Director.

Sec. 6. Section 66.00.1(e) of the Los Angeles Municipal Code is amended to read as follows:

(e) The Board shall adopt rules and regulations, not inconsistent with this Article, to effectuate the purposes and intent of this Section and the further provisions of this Article. Any such rule or regulation pertaining to solid waste collection shall be approved by the Council.

Sec. 7. Section 66.00.1(f) of the Los Angeles Municipal Code is amended to read as follows:

(f) The Board, subject to the approval of the Council in each instance by resolution, may from time to time institute and conduct one or more pilot programs within an area or areas of the City designated by the Board for the separate collection and disposal of solid waste on a regularly scheduled basis, for the purpose of studying costs to the City and other factors of such program or programs compared with the policies set forth in Subsection (a) of this Section.

Sec. 8. Section 66.01 of the Los Angeles Municipal Code is retitled and amended to read as follows:

**SEC. 66.01. SOLID WASTE COLLECTION.**

No person shall remove or convey any solid waste upon or along any street in this City, provided, however, that the provisions of this section shall not apply to any person in the employ of this City who shall be assigned by the Board to the work of solid waste disposal or to any person with whom this City has entered into, or may hereafter enter into, a contract for the collection, removal and disposal of solid waste or to any employee of such contractor during the time his contract shall be in force, and provided further that solid waste collection and disposal contractors serving neighboring municipalities, County sanitation districts, State or Federal institutions, or any person in the employ of any such governmental agency may haul garbage over the streets of this City after having first obtained a permit therefor pursuant to Section 66.32, *et seq.*

Sec. 9. Section 66.01.1 of the Los Angeles Municipal Code is hereby repealed.

Sec. 10. Section 66.02 of the Los Angeles Municipal Code is retitled and amended to read as follows:

**SEC. 66.02. SOLID WASTE CONTAINER SPECIFICATIONS.**

It shall be the duty of every owner, manager, or person in possession, charge or control of any commercial establishment, and every person occupying a residential premises within the City to provide, and at all times to keep containers for holding solid waste. Each container shall be constructed to be nonabsorbent, watertight, vector-resistant, durable, easily cleanable, and designed for safe handling. Each such container and its cover shall be made of such materials as may be approved for such use by the Board and by the City Council. The cover shall not be removed except when necessary to place solid waste therein or to remove solid waste therefrom. Each container and its cover shall be kept cleaned on the outside from accumulating grease and decomposing material and shall be of an adequate size and in sufficient numbers to contain, without overflowing, all the solid waste that a household or other establishment generates within the designated removal period. Each such container when filled shall not exceed reasonable lifting weights for an average physically fit individual except where mechanical loading systems are used. Any such vessel, tank or receptacle shall comply with Part 1301 of Title 16 of the Code of Federal Regulations to the extent that such Part is applicable to any such vessel, tank or receptacle.

Sec. 11. Section 66.03 is added to the Los Angeles Municipal Code to read as follows:

**SEC. 66.03. SOLID WASTE SERVICE REQUIRED.**

(a) No person shall keep any solid waste, or allow any solid waste, excluding organics used for composting or mulch, to remain upon any premises within the City for more than seven days. All solid waste shall be placed in containers that meet the requirements of Section 66.02.

(b) Owners of commercial establishments and multifamily dwellings or the generator of solid waste at such premises or the agent of the owner or generator shall subscribe to and pay for collection services provided by a solid waste hauler authorized to provide such services pursuant to the provisions of this Article.

(c) The minimum level of service to which the owner, generator or agent shall subscribe shall be the number and size of solid waste containers suitable for garbage collection and the frequency of collection which is necessary for the removal and disposal of all solid waste generated at the premises, excluding commingled recyclables and source-separated material, in a seven-day period. Such minimum level of service shall be determined by the owner, generator or agent and the solid waste hauler. In the event the owner, generator or agent and the solid waste hauler do not agree on the minimum level of service necessary, such determination shall be made by the Director.

(d) All commercial establishments shall have collection services for source-separated materials or commingled recyclables.

Sec. 12. Sections 66.04, 66.06 and 66.07 of the Los Angeles Municipal Code are hereby repealed.

Sec. 13. Section 66.08.1 of the Los Angeles Municipal Code is retitled amended to read as follows:

**SEC. 66.08.1. SOLID WASTE DISPOSAL FACILITY FRANCHISES OR CONTRACTS.**

Should the City at any time award a franchise or contract for the disposal of solid waste, then no person, other than the franchisee or contractor, shall thereafter be permitted to provide services covered by such franchise or contract within the granted franchise or contract area except as otherwise permitted by the Board.

Sec. 14. Section 66.08.2 of the Los Angeles Municipal Code is hereby repealed.

Sec. 15. Section 66.08.3 of the Los Angeles Municipal Code is retitled amended to read as follows:

**SEC. 66.08.3. OPERATION OF SOLID WASTE DISPOSAL FACILITIES.**

(a) It is unlawful for any person to own, establish, operate or carry on the business of a solid waste disposal facility in the City unless, at the City's sole option, such person has been granted a non-exclusive franchise by the City Council.

(b) Section (a) does not apply to any person who owns or operates a solid waste disposal facility operating as of January 1, 1999, under a valid conditional use permit or other authorizing permit issued by the City, until any one of the following events occurs:

- (1) the conditional use permit or other authorizing permit expires, or
- (2) the conditional use permit or other authorizing permit is renewed, or
- (3) the conditional use permit or other authorizing permit is modified.

Sec. 16. Section 66.08.4 of the Los Angeles Municipal Code is retitled to read as follows:

**SEC. 66.08.4. SOLID WASTE DISPOSAL FRANCHISE TERMS AND CONDITIONS.**

Sec. 17. Section 66.08.5 of the Los Angeles Municipal Code is retitled and amended to read as follows:

**SEC. 66.08.5. SOLID WASTE DISPOSAL FACILITY FRANCHISE FEES.**

The City shall impose a franchise fee each year equal to 12 percent of the annual gross receipts from fees and charges collected by the operator of the solid waste disposal facility.

Sec. 18. Section 66.08.6 of the Los Angeles Municipal Code is retitled to read to read as follows:

**SEC. 66.08.6. OTHER SOLID WASTE DISPOSAL FACILITY FRANCHISE PROVISIONS.**

Sec. 19. Sections 66.09 and 66.10 of the Los Angeles Municipal Code are hereby repealed.

Sec. 20. Section 66.17.1 of the Los Angeles Municipal Code is retitled and amended to read as follows:

**SEC. 66.17.1. PROOF OF SOLID WASTE COLLECTION SERVICE.**

Irrespective of any other provision of this Code, the manager or person in charge of, or in control of, any solid waste of any residential premises or commercial establishment shall furnish written proof, whether in the form of contracts or receipts, to any appropriate municipal authority on request that said premises maintains collection services that collects solid waste generated from said premises in a manner in keeping with current health regulations and in compliance with the requirements of this Article and other provisions of the Los Angeles Municipal Code.

Sec. 21. Sections 66.18 through 66.22 of the Los Angeles Municipal Code are hereby repealed.

Sec. 22. Section 66.23 of the Los Angeles Municipal Code is retitled and amended to read as follows:

**SEC. 66.23. SOLID WASTE VEHICLES – USE OF STREETS.**

(a) No person shall permit any vehicle hauling or used for hauling or carrying any solid waste or other nauseous or offensive substance to remain in or upon any street longer than is necessary for loading and hauling such substance to its destination or permit any such vehicle to be in a filthy or offensive condition, or to remain uncovered when in transit upon streets or near public places.

(b) No person shall remove or convey any solid waste or other nauseous or offensive substance along any street, except in watertight vessels, receptacles or carriers.

Sec. 23. Section 66.24 of the Los Angeles Municipal Code is amended to read as follows:

**SEC. 66.24. REPLACING FALLEN MATERIAL.**

No person removing or conveying any solid waste shall fail, refuse or neglect to replace immediately in any container any solid waste that shall have fallen therefrom, in or upon any street or in or upon any premises.

Sec. 24. Section 66.25 of the Los Angeles Municipal Code is retitled and amended to read as follows:

**SEC. 66.25. DEPOSITING SOLID WASTE ON STREETS OR IN THE LOS ANGELES RIVER PROHIBITED.**

(a) No person shall deposit or cause to be deposited any solid waste of any kind whatsoever upon or in any street, or upon any premises in this City, or in the Los Angeles River.

(b) Any person whose identifying information is found in or who is otherwise responsible for the deposit of solid waste of any kind whatsoever, upon or in any street, shall be responsible for depositing it on the public right-of-way and shall be subject to administrative penalties as defined in Subsection (c).

(c) The first violation of Subsection (b) in a calendar year is subject to warning or an administrative monetary penalty not to exceed \$500.00. Subsequent violations in the same calendar year will result in a second penalty not to exceed \$750.00 for the second violation after receiving the initial \$500.00 penalty. The penalty for the third administrative violation in a calendar year is \$1000.00. More than three administrative fines in one calendar year shall result in the violation being charged as a misdemeanor in Superior Court and subject to all penalties applicable to criminal violations. The Bureau is authorized to assess a processing fee established by the Board for all citations with an administrative monetary penalty. All noncriminal enforcement actions are subject to the administrative hearing process as mandated in the California Government Code Section 53069.4, as now existing and as may be amended.

Sec. 25. Section 66.26 of the Los Angeles Municipal Code is hereby repealed.

Sec. 26. Section 66.27 of the Los Angeles Municipal Code is amended to read as follows:

**SEC. 66.27. RULES AND REGULATIONS – EFFECT OF NON-COMPLIANCE WITH.**

The collection of solid waste not prepared and placed for collection in accordance with the rules and regulations adopted by the Board may be rejected by the City.

Sec. 27. Section 66.28 of the Los Angeles Municipal Code is retitled and amended to read as follows:

**SEC. 66.28. SOLID WASTE – TAMPERING WITH.**

No person, other than the owner thereof, his agents or employees, or an officer or employee of this City or any person holding a contract with this City for the collection, management and/or disposal of solid waste, shall tamper with or remove any solid waste, solid waste container or the contents thereof from any location where the same had been placed by the owner thereof or his agent, whether or not such container conforms to requirements or description set forth in the rules and regulations of the Board.

Sec. 28. Section 66.29 of the Los Angeles Municipal Code is retitled and amended to read as follows:

**SEC. 66.29. CITY EMPLOYEES – USE OF SOLID WASTE.**

No employee of this City shall remove or dispose of, for said employee's individual use or benefit, any of the contents of any container used for the collection, removal or disposal of solid waste.

Sec. 29. Section 66.30 of the Los Angeles Municipal Code is amended to read as follows:

**SEC. 66.30. CONSTRUCTION OF ARTICLE.**

Nothing contained in this Article shall be deemed to conflict with any section of this Code regulating the collection, removal or disposal of solid waste, but any such sections of this Code and any law shall each be so construed as to give effect to every provision thereof and each shall be deemed to be independent of the other.

Sec. 30. Section 66.32 of the Los Angeles Municipal Code is retitled amended to read as follows:

**SEC. 66.32. PURPOSE.**

In order to meet the diversion goals of AB 939 and the City of Los Angeles which is Zero Waste by 2025, solid waste haulers, contractors and recyclers shall register with the City to obtain a permit. As used in this Section and in Sections 66.32.1 through 66.32.5, the following terms shall have the meanings set forth below:

1. **AB 939** shall mean the State of California's Integrated Waste Management Act of 1989, as may be amended from time to time, and as set forth in California Public Resources Code Sections 40050, *et seq.*, and implementing regulations of the Department of Resources Recycling and Recovery (CalRecycle).
2. **AB 939 Compliance Permit** shall mean a permit issued pursuant to the provisions of Subsection (a) of Section 66.32.1.
3. **Appellant** shall mean a person who files a written request for a hearing pursuant to the provisions of Subdivision (1) of Subsection (d) of Section 66.32.3 of this Article.
4. **Certified Construction and Demolition Waste Processing Facility** shall mean a waste processing facility, operating lawfully pursuant to all applicable permits and possessing valid and current certification from the City of Los Angeles, that accepts construction and demolition waste for the purpose of recovering reusable and recyclable materials and disposing of non-recyclable residual materials.

5. **Contractor** shall mean any Person who enters into a contract for any construction or demolition project that requires a permit from the Department of Building and Safety.

6. **Permittee** shall mean a person issued an AB 939 Compliance Permit pursuant to the provisions of Subsection (a) of Section 66.32.1.

Sec. 31. Section 66.33 is added to the Los Angeles Municipal Code to read as follows:

**SEC. 66.33. PURPOSE .**

Under the City's RENEW LA Plan, the City committed reaching Zero Waste by diverting 70% of the solid waste generated in the City by 2013, diverting 90% by 2025, and becoming a zero waste city by 2030. State law currently requires at least 50% solid waste diversion and establishes a state-wide goal of 75% diversion by 2020. Moreover, state law requires mandatory commercial recycling in all businesses and multifamily complexes and imposes additional reporting requirements on local agencies, including the City. In order to meet these requirements and goals, increasing recycling and diversion in the commercial and multifamily waste sectors is imperative. The commercial and multifamily sectors produce most of the City's solid waste. Currently, a significant amount of commercial and multifamily solid waste generated in the City, including recyclables and organics, is going to landfills, resulting in unnecessary greenhouse gas emissions. The City has a responsibility under state law to ensure effective and efficient waste and recycling service for its businesses and residents. It will most successfully fulfill that responsibility, and also meet its own Zero Waste policy goals, by ensuring that its solid waste, including recyclables and organics, are collected, transported and processed in a manner that reduces environmental and social impacts on the City and the region.

An exclusive, competitive franchise system for the collection, transportation and processing of commercial and multifamily solid waste will aid the City in meeting its diversion goals by, among other things: (i) requiring franchisees to meet diversion targets; (ii) increasing the capacity for partnership between the City and solid waste haulers; (iii) allowing the City to establish consistent methods for diversion of recyclables and organics; (iv) increasing the City's ability to track diversion, which will enable required reporting and monitoring of state mandated commercial and multifamily recycling; (v) increasing the City's ability to ensure diversion quality in the processing facilities handling its waste and recyclables; and (vi) increasing the City's capacity to enforce compliance with federal, state, county, and local standards.

An exclusive, competitive franchise system will also have other beneficial effects, including reducing adverse environmental impacts such as unnecessary solid waste truck traffic, emissions and street impacts, protecting ratepayers, ensuring high customer service standards, and increasing solid waste hauler accountability.



While the move to an exclusive franchise system will generate many benefits for the City and its residents, it will also increase the risk that a labor dispute will interfere with collection services. To protect the City's interest in efficient and uninterrupted collection services, the City will require franchisees to produce evidence that they are parties to written, enforceable agreements that prohibit labor organizations and their members from engaging in picketing, work stoppages, boycotts or other economic interference with collection services.

#### **SEC. 66.33.1. DEFINITIONS.**

As used herein and in Sections 66.33 to 66.33.17, the following terms shall have the meanings set forth below:

1. **Clean Fuel Vehicles** shall mean those vehicles that meet or exceed the requirements of Southern California Air Quality Management District Rule 1193, as now existing and as may be amended.

2. **Customer** shall mean any individual, firm, partnership, joint venture, association, fraternal organization, corporation, estate trust, business trust, receiver, trustee, executor, administrator, syndicate, the United States, any state, any county, city and county, municipality, district or other political subdivision of any state or of the United States, or any other group or combination acting as a unit.

3. **Franchise Agreement** shall mean a written contract between the Bureau and a franchisee setting forth the terms and conditions under which the franchisee shall perform collection services in the City.

4. **Franchisee** shall mean a solid waste hauler granted an exclusive franchise to provide collection services in a franchise zone.

5. **Franchise Zone** shall mean a geographic area of the City within which a franchisee shall provide collection services pursuant to the terms of a franchise agreement.

6. **Labor Peace Agreement** shall mean an enforceable agreement between a franchisee, or a franchisee's subcontractor, and a labor organization (as defined by 29 U.S.C. §152(5)) that represents or seeks to represent the franchisee's or subcontractor's employees providing collection services and that contains provisions under which the labor organization for itself and its members agrees to refrain from engaging in any picketing, work stoppages, or any other economic interference with the franchisee's performance of collection services.

7. **On-location Filming Waste** shall mean solid waste generated and collected at a commercial film production permitted pursuant to Section 12.22 A.13. of this Code or Section 22.350 of the Los Angeles Administrative Code.

8. **Studio** shall mean one or more adjacent parcels of real property occupied by a motion picture or television production and distribution enterprise and containing sound stages totaling no less than 50,000 square feet in area and 18 feet in height designed for motion picture or television production and utilized by that enterprise specifically for such purpose.

#### **SEC. 66.33.2. EXCLUSIVE FRANCHISE FOR COLLECTION SERVICES.**

(a) The City may award contracts for collection services for commercial establishments and multifamily dwellings through an exclusive franchise agreement authorizing and obligating the holder to provide collection services within a franchise zone.

(b) A franchisee's exclusive right to provide collection services shall not include the right to collect the following materials, the collection of which is not prohibited by this Article:

- (1) Solid waste removed from a commercial establishment or multifamily dwelling by a self hauler;
- (2) Construction and demolition waste;
- (3) Solid waste collected by the City;
- (4) On-location filming waste.

(c) Any franchisee may contract with a studio for collection services regardless of the franchise zone where the studio is located.

#### **SEC. 66.33.3. UNLAWFUL ACTIVITIES.**

##### **(a) Provision of Collection Services.**

Except as provided in Sections 66.33.2(b) through (c) and Section 66.33.3(b), it is unlawful for any person to provide collection services to a commercial establishment or multifamily dwelling within a franchise zone unless a written franchise agreement therefor has been executed between such person and the City, and such agreement is in full force and effect.

##### **(b) Transition Period.**

The City, in its sole discretion and consistent with state law, may authorize a solid waste hauler possessing a valid permit issued pursuant to Section 66.32, *et seq.*, to continue providing collection services in a franchise zone to the extent necessary to meet the needs of any customer in that zone until the franchisee is able to perform the collection services.

#### **SEC. 66.33.4. FRANCHISE ZONES.**

The Bureau shall divide the territory within the City into eleven (11) franchise zones, the designation of which shall be subject to the approval of the Board and City Council. Three (3) of the franchise zones shall be designed as "single" zones, which shall not be granted in combination with any other franchise zone.

#### **SEC. 66.33.5. FRANCHISE AGREEMENT FEES.**

The Bureau shall include in each franchise agreement a negotiated annual franchise fee to be paid to the City by the respective franchisee.

#### **SEC. 66.33.6. MINIMUM FRANCHISE AGREEMENT STANDARDS.**

The following minimum standards shall apply to all franchises granted under this part, and shall be made binding terms of all franchise agreements:

(a) **Required Collection Services.**

During the term of the franchise agreement and subject to its terms and conditions, each franchisee shall collect, transport, and deliver for processing or disposal all solid waste generated at all commercial establishments and multifamily dwellings located within that franchise zone.

(b) **Clean Fuel Vehicles.**

All vehicles used by a franchisee to provide collection services under a franchise agreement shall at all times be in compliance with all applicable air pollution control laws and regulations, including but not limited to the California Air Resources Board "Diesel Particulate Matter Control Measure for On-Road Heavy Duty Residential and Commercial Solid Waste Collection Vehicle Diesel Engines" and South Coast Air Quality Management District Amended Rule 1193.

(c) **Labor Peace Agreement.**

As a condition for the grant of a franchise agreement, a condition precedent to any franchisee or subcontractor performing collection services, and as an ongoing, material condition of the franchise agreement, each franchisee shall provide satisfactory evidence that it, and any subcontractor who will provide collection services, are a party to labor peace agreement(s) with any labor organization that represents any group of the franchisee's or subcontractor's employees who are or will be involved in providing collection services, and with any labor organization that seeks to represent any group of a franchisee's or subcontractor's employees who are or will be involved in providing collection services, under the following limitation:

(1) This Subsection does not require an employer to recognize a particular labor organization.

(2) This Subsection does not require an employer to enter into a collective bargaining agreement establishing the substantive terms and conditions of employment.

(3) This Subsection is not intended to, and shall not be interpreted to, enact or express any generally applicable policy regarding labor/management relations, or to regulate those relations in any way.

(4) This Subsection is not intended to provide a preference for any outcome in the determination of employee preference regarding union representation.

**(d) Processing and Disposal.**

A Franchisee shall deliver all recyclables and organics collected from commercial establishments and multifamily dwellings exclusively to facilities certified by the City pursuant to Section 66.33.8.

**(e) Diversion.**

(1) Each franchisee shall provide every customer within its franchise zone a container specifically designated for the collection of recyclables.

(2) Each franchisee shall offer every multifamily dwelling within its franchise zone a container specifically designated for the collection of organics.

(3) All franchise agreements shall require franchisees to meet specific landfill disposal reduction requirements.

**(f) Compliance with Living Wage and Responsible Contractor Requirements.**

Each franchisee shall comply with all requirements of an "Employer" under the City's Living Wage Ordinance, Los Angeles Administrative Code Section 10.37, et. seq. Each franchise agreement is hereby deemed a "contract" for purposes of the City's Responsible Contractor Program, Los Angeles Administrative Code Section 10.40, et seq., and each franchisee shall comply with all requirements of a "Contractor" thereunder.

**(g) Whistleblower Protection.**

A franchisee shall not retaliate against an employee who, in good faith, has made a protest or raised a complaint against some practice of the franchisee on the basis of a

reasonable belief that the practice is in violation of any provision of this Article or other applicable laws. A franchisee will not retaliate against an employee who discloses or threatens to disclose to a supervisor or to the City or another public body any activity, policy, or practice of the franchisee that the employee reasonably believes is in violation of this Article or other applicable laws.

**SEC. 66.33.7. REVENUE FROM SALE OF RECYCLABLES.**

The Bureau and franchisees shall negotiate, and all franchise agreements shall include, provisions addressing revenue sharing from the sale of recyclables by franchisees and processing facilities.

**SEC. 66.33.8. CERTIFICATION OF PROCESSING FACILITIES.**

(a) The Board may certify for a five-year period facilities to accept solid waste collected by franchisee's providing collection services under a franchise agreement under criteria established by the Bureau and approved by the Board. Facilities shall be inspected by the City prior to certification, and each certification shall be conditioned on the facility granting the City the right to inspect the facility during the period of certification to verify compliance with the terms of certification.

(b) The City may suspend or revoke certification of a facility upon 30 days notice by issuance of a notice of suspension or notice of revocation, if the facility fails to comply with any of the terms and conditions specified in the certification or in this Code, under the process set forth in Section 66.32.3(d).

**SEC. 66.33.9. PERMIT REQUIREMENT.**

Nothing in Sections 66.33 through 66.33.8 relieves any franchisee from the requirement to obtain and maintain a permit pursuant to Sections 66.32 through 66.32.5 of this Article or any other permit or license otherwise required by law for the provision of such services.


**SEC. 66.33.10. SEVERABILITY.**

If any part or provision of this Section or the application of this Section to any person or circumstance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remainder of this Section, including the application of such part or provisions to other persons or circumstances, shall not be affected by such holding and shall continue in full force and effect, and to this end, the provisions of this Section are severable.


Sec. 32. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles APR 0 1 2014, and was passed at its meeting of APR 0 8 2014.

HOLLY L. WOLCOTT, Interim City Clerk

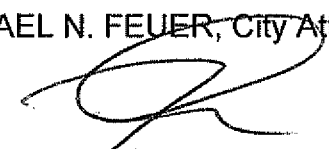
By   
Deputy

Approved 4/15/14

  
Mayor

Approved as to Form and Legality:

MICHAEL N. FEUER, City Attorney

By   
JOHN A. CARVALHO  
Deputy City Attorney

Date 3/14/14

File No. 10-1797-316

## DECLARATION OF POSTING ORDINANCE

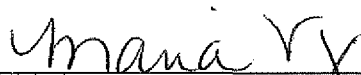
I, MARIA VIZCARRA, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

**Ordinance No. 182986 – Citywide Exclusive Franchise System for the Municipal Solid Waste Collection and Handling Program** - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on **April 8, 2014**, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on **April 18, 2014** I posted a true copy of said ordinance at each of the three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Copies of said ordinance were posted conspicuously beginning on **April 18, 2014** and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this **18th** day of **April, 2014** at Los Angeles, California.

  
\_\_\_\_\_  
Maria Vizcarra, Deputy City Clerk

Ordinance Effective Date: **May 28, 2014**  
Rev. (2/21/06)

Council File No. **10-1797-S16**

**Portland, Oregon**





Bureau of Planning and Sustainability  
Innovation. Collaboration. Practical Solutions.

# City of Portland 2015 Recycling Program Summary

Last Update: August 13, 2015

## General

- Population: 609,456 (per 2013 Census)
- Square Miles: 145
- City Recycling Goal: 75% by 2015 (adopted in 2006)
- Overall Recycling Rate: 70%
  - Residential Recycling Rate: 63%
  - Commercial Recycling Rate: 71%

## Collection and Processing

- All waste and recycling collection is conducted by 37 private haulers regulated by the City of Portland Bureau of Planning and Sustainability (BPS). All customers pay their haulers directly for collection services.
- Portland significantly revamped its residential program in 2011 to include weekly collection of food scraps and switched garbage collection to an every-other-week basis.
- Haulers deliver garbage to local transfer stations and most of it is then sent to Columbia Ridge Landfill, located 150 miles away, operated by Waste Management through contracts with Metro, the regional government. The current tip fee at Portland transfer stations is \$94.98/ton, plus a \$12.00 transaction fee.
- Haulers deliver recyclables for processing at over 80 facilities; the top ten receive ~ 75% of the recyclables. Eight of the facilities are material recovery facilities (MRFs).
- Metro, the regional government, maintains a database of all drop-off locations for recycling and composting. Residents and businesses can access this info by calling 503-234-3000 Monday thru Saturday. Metro also posts a list of almost 70000 sites on their website in a “Find a Recycler” searchable database.
- In Portland’s solid waste and recycling system, “residential” includes all single-family through four-unit dwellings. “Commercial” includes all multi-family dwellings (5 units or greater) and businesses.
- Residential customers are serviced by 15 franchised haulers. These haulers have exclusive service areas, and rates are set by the City. In contrast, commercial collection is provided in an open, competitive market (37 haulers, plus a number of independent recyclers, or companies that collect recycling, yard debris, and food scraps, but not garbage).
- 73% of garbage is generated by commercial, 27% by residential customers.



City of Portland, Oregon | Bureau of Planning and Sustainability | [www.portlandoregon.gov/bps](http://www.portlandoregon.gov/bps)  
1900 SW 4th Avenue, Suite 7100, Portland, OR 97201 | phone: 503-823-7700 | fax: 503-823-7800 | tty: 503-823-6868

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## **Portland Recycles! Plan**

In June 2006, Portland City Council directed BPS to develop a new waste prevention and recycling plan. The resulting plan, *Portland Recycles! A New Waste Prevention and Recycling Plan for Portland*, has four main goals: to increase the recovery rate to 75% by 2015, to reduce toxics and greenhouse gases, to have zero growth in the waste stream, and to make the system as a whole more sustainable. The plan included changes for both the residential and commercial systems.

The plan's proposed changes for the residential system occurred in two phases over the span of seven years.

Phase One for the residential system (2008-2009) introduced a new recycling roll cart for commingled recyclables and a separate yard debris roll cart. A monthly rate increase of \$2.60+ offset the costs of the new carts.

Phase Two for the residential system (2011) consisted of significant changes to residential curbside collection, including the addition of food scraps to yard debris and a collection frequency switch between yard debris/food scraps and solid waste. Composting and recycling collection are weekly and solid waste collection is every other week or every four weeks.

Changes to the commercial system require businesses to recycle, focusing primarily on food scraps, paper, and construction materials. The Portland Recycles! Plan included new recycling requirements for businesses for these target materials while maintaining the competitive system for waste hauling services. Waste hauling companies are required to offer their business customers collection services to meet the requirement, including collection of the materials subject to mandatory recycling.

City Council approved the residential, waste prevention and city operations portions of the plan in August 2007. The commercial system changes were approved in April 2008.

## ***Recovery Rate Calculation***

In addition to the many residential materials recycled curbside in Portland, there are other materials recycled by other means and counted in Portland's recovery rate (see Appendix for a complete list of eligible materials).

In calculating the City's recovery rate, City staff track quantities on the residential side including hauler-reported curbside recycling and composting and estimates of bottle bill recycling. Residential solid waste disposed includes amounts reported by franchisees as well as estimates for self-hauled garbage.

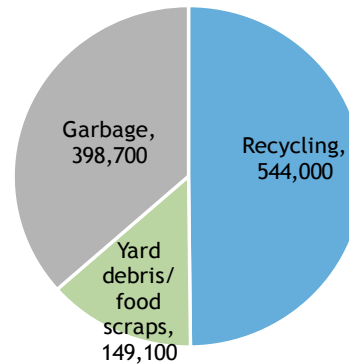
On the commercial side, recycling tonnages include materials collected by haulers and material sorted at recovery facilities, as well as a jobs-based estimate of material collected via independent recyclers that is reported to the State Department of Environmental Quality (DEQ). Commercial solid waste disposal tonnages are computed by adding tonnages of waste reported by haulers, residue at recovery facilities, and estimates of material that is self-hauled to transfer stations.

The residential and commercial tons are then combined to get an overall recycling rate. In order to align with Metro and the DEQ's calculation methodology, additional recovery credits, at 2% for each activity, are then added for home composting, waste prevention and reuse activities. For a wasteshed to achieve the maximum of 6% for a particular year, DEQ must approve each local wasteshed's documentation.



Total Recycling	544,000 tons
Total Yard Debris/Food Scraps	149,100 tons
Total Solid Waste	398,700 tons
Total Generation	1,091,800 tons
Recovery Rate	64%
With 6% credits	70%

Tons Collected 2014



For more info on recovery rate calculations, contact Bruce Walker at 503-823-7772, [bruce.walker@portlandoregon.gov](mailto:bruce.walker@portlandoregon.gov).

## Regulatory Framework & Compliance

Oregon state law requires communities of more than 4,000 to have a curbside recycling program (1983 Opportunity to Recycle Act). In Portland’s residential sector, there is no requirement that residents participate in the recycling program; however, it is estimated that more than 90% of residential customers recycle. Even before the City began to regulate residential rates in 1992, Portland has always had a “pay-as-you-throw” (PAYT) rate system which provides a direct financial incentive for reducing a household’s garbage.

According to current Portland City Code, all commercial businesses are required to recycle. In addition, Oregon state law mandates that a hauler cannot charge more for recycling than would be charged for the same quantity of garbage pick-up. While the City does not currently receive reports of the number of businesses participating in the mandatory program, it is estimated that 85-90% of the commercial sector participates in recycling to some extent.

Though it is stipulated in Portland’s Commercial Administrative Rules that failure to implement a recycling system is an Infraction, subject to a penalty of up to \$600 for non-compliance, the City focuses primarily on education and outreach efforts. City regulations do not provide for penalties unless a business has refused to comply by 30 days after being notified. Enforcement has historically been complaint-based and penalties have rarely been levied because businesses typically respond within the 30 days.

## Residential Sector

- ✓ 159,460 households - single-family through fourplexes - are signed up for curbside garbage, recycling, and yard debris service
- ✓ Sign-up is voluntary, except for rental dwellings
- ✓ Composting and recycling are collected weekly, both on the same day; solid waste is collected every other week for most; every-fourth-week collection is also an option.
- ✓ 90%+ participation in recycling
- ✓ Each household is given a blue 65 gallon roll cart for recycling and a green 65 gallon rollcart for composting.



### Curbside Collection System

#### **65-gallon Recycling Roll Cart**

- Paper (Magazines, Newspapers, Cardboard, Scrap paper)
- Metal (Aluminum, Tin cans, Scrap metal)
- Plastics (Milk jugs, Bottles, Yogurt-type tubs, Potted plant containers and buckets)
- Roll cart supplied by hauler, costs included within basic rate

#### **14-gallon Glass Bin**

- Glass bottles and jars

#### **On the side**

- Motor oil in a see-through rigid container

#### **65-gallon Composting Roll Cart**

- Food scraps, food soiled paper towels and napkins, tea bags, coffee filters, pizza delivery boxes and kitchen pail liners including newspaper, paper bags and five approved brands of BPI-certified compostable bags
- Yard debris
- Roll cart supplied by hauler, costs included within basic rate

### ***Rates currently paid by Residential Customers***

- 15 franchised hauling companies operate within the City, each within an exclusive territory.
- Pay-as-you-throw (PAYT) volume-based rate schedule, reviewed and set annually by City Council (before City regulation, private haulers used PAYT system on their own)
- Over 70% of residential households subscribe at the 35 gallon service level or smaller.
- The most common service level (42% of households) is a 35-gallon roll cart, collected every other week. It includes weekly recycling and weekly composting collection. It is priced at \$29.35/month (broken out below):

	<b>Rate Components</b>
<b>35 gallon rollcart collected every other week</b>	
Solid Waste Collection Charge	\$ 3.12
Solid Waste Disposal Charge	\$ 2.73
Recycling Collection Charge	\$ 5.52
Organics Collection Charge	\$ 4.62
Organics Tipping Charge	\$ 2.69
General and Administrative Charge	\$ 6.16
Rollcart Depreciation, Interest & Maintenance	\$ 0.40
Operating Margin	\$ 2.65
Less: Recyclable Material Sales Revenue	\$ (0.02)
Franchise Fee	\$ 1.47
<b>Rate</b>	<b>\$ 29.35</b>



## Commercial Sector

- ✓ 25,000 businesses
- ✓ Approximately 4,000 multifamily complexes (five or more units), totaling more than 90,000 households.
- ✓ 37 private, commercial permitted haulers collect commercial waste and recycling in a competitive system
- ✓ A number of independent recyclers are also registered with the City to collect source-separated recycling from businesses; they collect without charge or they may pay customers for the material collected.
- ✓ In Portland, businesses and multifamily complexes may choose their garbage hauler and recycler and negotiate prices for these services.
- ✓ Since 1996, businesses and multifamily complexes are required by City Code to recycle 50% of their waste. The Portland Recycles! Plan established a goal of 75%.
- ✓ If requested by a business, haulers must offer recycling collection for:
  - Food scraps
  - Cardboard
  - Glass bottles & jars
  - Newspapers and magazines
  - Mixed paper (including office paper, junk mail, aseptic boxes and cartons)
  - Plastic bottles
  - Scrap metal
  - Tin and aluminum cans
  - Yard debris
- ✓ The Portland Composts! commercial food scrap collection program began in 2005, with about 1200 businesses participating as of end of 2014.
- ✓ All Portland multifamily complexes are required to have recycling for a full range of residentially-generated materials.
  - For buildings with 5 or more units, City rules require a two-sort recycling system of commingled recycling and glass containers. Recycling containers must be as conveniently-located as garbage containers with clear signage.
  - The landlord/manager must provide written recycling information to all residents at least once per year and to all new residents within 30 days of their move-in.

### Commercial Customer Rates

Since the commercial sector is a competitive marketplace, the City has no information on the rates that haulers charge commercial customers.

## Training & Outreach

### Commercial organizations

Portland's Sustainability at Work program provides assistance, resources and recognition to businesses in the City. The program features sustainability advisors that can come on-site to complete a comprehensive sustainability assessment, highlighting opportunities for more efficient commuting and energy and water use as well as increased sustainable purchasing, waste prevention, recycling, and food scrap collection. In a typical year, the program serves 1,000 businesses.

Since 2005, businesses in the City of Portland have been able to contract with waste haulers to collect food scraps through the Portland Composts! program. Sustainability at Work provides technical



assistance, training for employees, and free resources like posters and stickers for labeling collection sites.

A multifamily program team provides outreach to multifamily complexes to assist them to transition to a well-functioning program. Many educational materials are available for property managers to order, including tenant door bags with refrigerator magnets and information, common area posters, and metal signs to hang above recycling containers.

#### Hotline

BPS staff answer calls received on the Portland Curbside Hotline (503-823-7202) from 8 a.m. to 5 p.m., Monday through Friday. This phone service provides information on both the residential curbside and commercial collection programs. BPS Hotline staff also offer email responses via [wasteinfo@portlandoregon.gov](mailto:wasteinfo@portlandoregon.gov). Callers to the Hotline and email correspondents are typically seeking information about residential or commercial recycling or garbage collection, but Hotline staff also handle complaints. In most cases customers and haulers are able to address issues on their own, but unresolved problems are passed on to BPS enforcement staff for investigation. In a typical year, about 15,000 calls and 1,800 emails are received.

#### Residential

BPS produces and mails the *Curbsider* to all residential garbage customers twice a year, in June and December. This full-color newsletter publicizes program information or changes.

BPS also houses the regional Master Recycler Program. This is a community education project to raise awareness of waste-related issues and ways to reduce waste through prevention, reuse, recycling, and composting. The program consists of an eight-week training (one night per week plus a couple of Saturday field trips) for interested community members. Upon completion of the training, each graduate must volunteer at least 30 hours to raise awareness of waste prevention in the community through education and outreach at local events and through individual projects. Master Recyclers have volunteered at Fix-It Fairs, regional compost demonstrations and bin sales, hazardous household waste roundups, computer recycling events, farmers' markets, workplace fairs, and many other events.

#### Events

BPS provides assistance for event recycling at all major events at Portland's downtown Waterfront Park and other community events as requested.

## Office Organization & Funding

### City Solid Waste and Recycling Staff

22 full-time positions

✓ Management	2
✓ Communications	1
✓ Customer and Regulatory Services	5
✓ Program Development and Planning	3
✓ Sustainability at Work (business)	7
✓ Public Education and Outreach	4
○ 2 Residential	
○ 1 Multifamily / Events	
○ 1 Master Recycler program	



## ***Budget & Fees***

The City collects a franchise fee from its “residential” haulers and both permit and tonnage fees from its “commercial” haulers. The annual revenue of approximately \$3.5 million is a dedicated to a Solid Waste Management Fund, managed by BPS. This does not include any hauler operating costs.

The “residential” franchise fee is 5% of gross residential revenue received by the franchisees. The commercial permit fee is \$350/year, and the commercial tonnage fee (\$8.30/ton) is assessed on tonnage of waste collected from commercial accounts within Portland. The Solid Waste Management Fund is dedicated solely to “implement and administer Solid Waste, recycling, composting and sustainable development policies approved by the Council,” and is not mixed with Portland’s “general fund” monies.

## ***Other***

In 1971, Oregon adopted the nation’s first Bottle Bill and the current redemption rate is approximately 70% of affected beer, soft-drink containers, and water bottles.

In 1990, Portland City Council banned the use of polystyrene foam containers for takeout food and food served on restaurant or food vendor premises, including grocery stores.

In 2011, Portland City Council banned plastic bags as checkout bags. Since 2012, the ban has included all retailers and food providers.

In the Portland area, a regional government agency, Metro, plays an important role in waste management. In addition to other activities, Metro has authority over all waste upon collection, owns two major local transfer stations and operates a centralized recycling and waste prevention information service by phone and website/email (mentioned above under drop-off info).

The Oregon Department of Environmental Quality is responsible to ensure that all local governments implement programs that achieve the recycling goals set by the state legislature.

## ***Appendix***

Categories of materials counted toward recycling in Portland:

- Antifreeze
- Appliances
- Carpet and carpet padding
- Christmas trees
- Electronics
- Food scraps
- Glass - window/non-container glass
- Glass containers
- Gypsum wallboard (drywall)
- Milk cartons and aseptic containers
- Metal containers
- Motor oil
- Newsprint and magazines
- OCC & Kraft bags
- Office pack/hi grade paper
- Oil filters
- Phone directories
- Plastic bottles and tubs
- Plastic film
- Roofing/tarpaper
- Salvage & used building materials
- Scrap metal
- Scrap paper
- Tires
- Wood/lumber
- Yard debris





Effective Date: August 1, 2014

ADMINISTRATIVE RULES
Business Solid Waste, Recycling and Composting

TABLE OF CONTENTS

Table with 2 columns: Section Title and Page Number. Includes sections like Scope of Rules, Adoption and Revision of Administrative Rules, Residential Standards, Commercial Standards, Business Standards, and Index.

\*For additional copies, for copies of the rules governing Residential collection, Commercial collection, for any electronic copies, or large-type copies, contact the Bureau of Planning and Sustainability at 503-823-7202, or email wasteinfo@portlandoregon.gov



## **PART 1.0, SCOPE OF RULES**

Administrative rules contained within this document are intended to articulate the standards and expectations for business solid waste, recycling and composting collection as authorized in the City Code, Chapter 17.102.

## **PART 2.0, ADOPTION AND REVISION OF ADMINISTRATIVE RULES**

- A. Director's Authority to Adopt Rules. Under authority of the City Code, Chapter 17.102, the Director of the Bureau of Planning and Sustainability [*hereinafter* Director] is authorized to adopt rules, procedures and forms to implement provisions of that chapter which regulate the collection and disposal of commercial solid waste, compostables and recycling in the City of Portland.
- B. Adoption and Revision of Rules.
1. Any rule adopted or revised according to the authority of the City Code shall require a public review process. Not less than ten or more than thirty days before such public review process, notice shall be given by publication in a newspaper of general local circulation. Such notice shall include the place, time, and purpose of the public review process and the location at which copies of the full set of the proposed rules may be obtained.
  2. The Bureau of Planning and Sustainability (BPS) shall give notice of the public review process to all neighborhood associations that are recognized by the City Office of Neighborhood Involvement (ONI) and all neighborhood business associations that are on ONI's mailing list. At least 60 days in advance of the anticipated adoption date, BPS shall notify those associations by regular mail or electronic mail of its intent to review the rules, and invite those associations to comment. BPS shall by regular mail or electronic mail send a notice of the initial public hearing to the same associations not less than ten days before the scheduled hearing.
  3. During the public review, the Director or the Director's designee shall hear testimony or receive written comment concerning the proposed rules. The Director shall review the recommendations, taking into consideration the comments received during the public review process and shall either adopt the proposal, modify or reject it.
  4. If a substantial modification is made, additional public review shall be conducted, but no additional notice shall be required if such additional review is announced at the meeting at which the modification is made. Unless otherwise stated, all rules shall be effective upon adoption by the Director and shall be filed in the Office of the Director.
  5. Notwithstanding paragraphs a., b., c. and d. of this section, an interim rule may be adopted by the Director without prior notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, including the specific reasons for such prejudice. Any rule adopted pursuant to this paragraph shall be effective for a period of not longer than one year (365 days). Within five business days of the adoption of such interim rule, BPS staff shall send notice of the rule to all Neighborhood Associations, Neighborhood Business Associations, persons on the BPS list of parties interested in commercial administrative rules, and permittees, giving the language of the rule change, describing the purpose of the rule, and inviting comments to be sent to BPS

## Part 5.0, Business Standards

### Part 5.1, Definitions

*See also Definitions in Portland City Code Section 17.102.020.*

1. "**Assessment**" means a civil penalty assessed for an Infraction as provided in City Code Chapter 17.102 or in the franchise.
2. "**BPS**" means the Bureau of Planning and Sustainability.
3. "**Business**" is any commercial entity, including industrial and institutional, non profit organizations and government facilities, but not including multifamily complexes or commercial entities which occupy less than 50 percent of the floor area of a residence.
4. "**Calendar Quarter**" means the segment of a calendar year from January 1 through March 31, from April 1 through June 30, from July 1 through September 30 or from October 1 through December 31.
5. "**Collect**" or "**Collection**" means to accept, accumulate, store, process, transport, market or dispose of.
6. "**Commercial**" means relating to an entity that is non-residential in nature or, if residential, consists of five or more dwelling units.
7. "**Compostable Material**" and "**Compostable**" means primarily Food Scraps and includes coffee filters and BPI-certified compostable plastic liner bags.
8. "**Composting**" means the series of activities, including separation and processing, by which compostable materials are recovered from or otherwise diverted from the solid waste stream for controlled biological decomposition. Composting includes composting of source separated organics but not composting of mixed waste.
9. "**Customer**" means a person that has arranged the collection of solid waste, recyclable or compostable materials, excluding residential collection service covered by a franchise. Where several businesses share containers and service, customer refers only to the person that arranges for the service.
10. "**Day**" for purposes of designating an infraction, means a single infraction consists of the failure to comply with the rule any number of times during a single 24-hour period, regardless of the number of customers affected by the infraction (e.g., violating nighttime collection restrictions). Generally, Saturdays, Sundays and legal holidays are excluded.
11. "**Director**" means the Director of the Bureau of Planning and Sustainability, or the Director's authorized representative, designee or agent.
12. "**Disposal**" means landfilling, illegal dumping, burning, municipal waste incineration, and mixed waste composting.
13. "**Food Scraps**" means all waste from meats, fish, and vegetables, which attends or results from the storage, preparation, cooking, handling, selling, or serving of food for human consumption. Food scraps include, but are not limited to, excess, spoiled or unusable food or dairy products, meats, vegetable and meat trimmings, grains, breads and dough, incidental amounts of edible oils, and

organic waste from food processing. Food scraps do not include large amounts of oils and meats which are collected for rendering, fuel production or other reuse applications.

14. **"Food Scraps Generating Business"** means businesses and institutions whose waste is composed of a large amount of food scraps. It includes but is not limited to restaurants, grocery stores or food markets, hotels with catering operations, institutions with cafeterias, caterers, central kitchens or commissaries, bakeries, produce wholesalers and food processors.
15. **"Generator"** means an entity which uses the solid waste, recycling and/or compostables collection service and containers arranged for by a customer.
16. **"Incident"**, for purposes of designating an infraction, means a single infraction consists of the failure to comply with the rule on an individual act, occurrence or generator basis.
17. **"Infraction"** means a failure to comply with City Code or rules promulgated thereunder. Infractions may be appealed to the City of Portland Code Hearings Officer pursuant to City Code Section 17.102.100.
18. **"Metro"** means the metropolitan service district responsible for regional solid waste management and planning within Multnomah, Washington and Clackamas counties.
20. **"Multifamily Complex"** or **"Multifamily"** means any multidwelling building or group of buildings that contain(s) five dwelling units or more on a single tax lot, such as apartments, condominiums, mobile home parks, or houseboat moorages. Multifamily also includes certified or licensed residential care housing, such as adult foster care homes or group homes.
21. **"Owner,"** with respect to the obligation to provide recycling for a condominium or cooperatively owned development, means the owners' association or its equivalent.
22. **"Paper and Containers"** includes, but is not limited to, aerosol cans, aluminum, aseptic packaging (drink boxes), corrugated cardboard and kraft paper, glass bottles and jars, magazines, ferrous and nonferrous scrap metals, gable top paper cartons, newspaper, office paper, scrap paper, plastic bottles including milk jugs, steel "tin" cans, and telephone directories and other materials as may be designated by the City. The City of Portland will maintain a materials list that shall be available at the BPS office and on the BPS website.
23. **"Per Day,"** shown as "D" for purposes of designating an infraction, means a single infraction consists of the failure to comply with the rule any number of times during a single day, regardless of the number of customers affected by the infraction (e.g., collection schedule).
24. **"Per Incident,"** shown as "I" for purposes of designating an infraction, means a single infraction consists of the failure to comply with the rule on an individual act, occurrence or customer basis.
25. **"Per Month,"** shown as "M" for purposes of designating an infraction, means a single infraction consists of the failure to comply with the rule at least once and up to any number of times during a single, continuous 30-day period, regardless of the number of customers or, in the case of an infraction by a generator or customer, number of tenants, affected by the infraction (e.g., inadequate vehicle identification markings, or convenience of recycling systems at multifamily).
26. **"Permittee"** means any person granted a commercial collection permit under the provisions of Portland City Code.

27. "**Processing**" means an operation where collected source-separated recyclable or compostable materials are sorted, graded, cleaned, shredded, ground, densified or otherwise prepared, treated or converted for end use markets.
28. "**Recyclable Material**" and "**Recyclable**" includes, but is not limited to, aerosol cans, aluminum, aseptic packaging (drink boxes), corrugated cardboard and kraft paper, glass bottles and jars, magazines, ferrous and nonferrous scrap metals, gable top paper cartons, motor oil, newspaper, office paper, scrap paper, plastic bottles including milk jugs, steel "tin" cans, telephone directories, yard debris, cooking grease, wood, rubble and other materials as may be designated by the City.
29. "**Recycling**" means the series of activities, including collection, separation, and processing, by which products or other materials are recovered from or otherwise diverted from the solid waste stream for use in the following: (1) in the form of raw materials in the manufacture of new products other than fuel; and (2) as fuel in the case of source separated wood waste which has no other material use.
30. "**Self-haul**," when used in reference to solid waste and/or recyclable and/or compostable materials generated by a commercial entity, means the collection and transportation of such material from a commercial entity where an owner or employee of the entity hauls the material rather than hiring a permittee or independent commercial recycler to perform this function.
31. "**Solid Waste**" has the meaning given in Oregon Revised Statutes but does not include the following materials:
  - a. Sewage sludge, septic tank and cesspool pumpings or other sludge;
  - b. Discarded or abandoned vehicles.
32. "**Source Separate**" means that the person who last uses recyclable or compostable material separates the material from solid waste and keeps the recyclable or compostable material separate from solid waste.
33. "**Yard Debris**" means leaves, grass clippings, sod, weeds, vines, vegetative material from the yard, pumpkins, and prunings of no greater than four inches in diameter or 36 inches in length. Large branches (greater than four inches in diameter or more than 36 inches in length), dirt, stumps, metal, rocks, ashes, animal waste, food and household Solid Waste are not considered yard debris.

## Part 5.2, Recycling and Solid Waste Requirements for Commercial Customers, Generators and Self-haulers

### A. GENERAL REQUIREMENTS

All businesses must separate recyclable materials from mixed waste and set out these materials for recycling collection as described below. BPS monitoring of compliance will be accomplished through reviewing information reported by businesses' and multifamily, as well as through BPS inspections of onsite recycling and waste systems. The following general requirements apply:

1. Businesses must separate all paper and containers from mixed waste and set out for recycling collection. Businesses failing to recycle all paper and containers will be given the opportunity to demonstrate to BPS why they are unable to meet the requirement. BPS shall work with businesses to address their limitations and increase recycling to the maximum extent practicable. **(D/M)\***
2. Businesses shall separate paper and containers from mixed waste and set out these materials for recycling collection in such a manner as to prevent contamination of the recyclable and, where applicable, compostable materials. **(D/M)\***
3. Businesses tenants in buildings where garbage collection is provided as part of the rental or lease agreement shall use the collection system for recyclables and compostables made available by the property owner or manager. **(D/M)\***
4. Businesses that separate glass for recycling collection must keep it separate from all recyclable paper. **(B/M)\***

### B. BUSINESS RECYCLING REQUIREMENTS

1. Materials to be recycled.
  - a. All businesses shall recycle all paper and containers. **(D/M)\***
  - b. Food scrap generating businesses shall separate all food scraps from mixed waste and set out for collection (e.g. compost, animal feed, or where possible, human consumption). BPS shall determine which businesses are subject to this requirement based on estimates of the amount of food scraps generated. **(D/M)\***
2. To be in compliance with the recycling requirements, a business shall not have any recycling in their mixed waste and, if applicable, no food scraps.  
If these conditions are not met, the Business will be responsible for implementing the following best management practices established by BPS. BPS may also establish supplemental best management practices for businesses to implement as needed to come into compliance or if a business wishes to further improve recycling and waste prevention. **(D/M)\***

- a. Correctly label all interior and all exterior recycling and composting containers and provide accurate signs and instructions that identify the materials the business must recycle.
  - b. Make internal and external recycling containers at least as conveniently located as garbage containers.
  - c. Conduct training of new employees/new tenants and educate all employees/tenants.
  - d. Establish waste hauling, property management, and janitorial services that enable businesses to meet waste prevention and recycling goals.
  - e. Management to review and sign off on best management practices committed to at a business, and designate a point of contact for the City of Portland for all recycling and waste prevention activities within the business.
3. All Businesses are required to prevent total waste (including both trash and recycling) generated as measured by reducing weight, container sizes and/or frequency of collection.
4. Responsibilities of property owners and managers.
- a. Where a customer rents, leases or lets space to a business and includes provision of garbage collection service for any tenant as part of the rental or lease agreement, the customer is responsible to provide a collection system for its business tenants for garbage, recyclables and compostables that meets the applicable best management practices listed above. **(A/M)\***
  - b. Where the space rented or leased is office space, the system should consist of at least one recycling container at each workstation, obtained by the customer and distributed by the customer to each tenant business. **(B/M)\***
  - c. Where the space rented or leased consists of non-office space, the system should consist of at least one recycling container at each waste container, obtained by the customer, and distributed by the customer to each tenant business. **(B/M)\***
  - d. Where a customer provides janitorial services to its business tenants, the contract for janitorial services shall include recycling services that meet the best management practices listed above and support the collection system for recyclable and compostables materials. **(B/I)\***
  - e. The customer shall maintain and support communication between the providers of waste hauling, property management and janitorial services to identify and resolve problems related to the collection system for recyclable and compostable materials. **(B/M)\***
  - f. At least once a year, the customer shall conduct training and distribute to all tenants information about how to use the onsite collection system. Property owners and managers shall provide new tenants with this information within 30 days of tenant move-in. **(C/M)\***
5. Reporting requirements. All businesses and customers with business tenants shall report as requested to BPS on the status of implementing required best management practices. BPS

may request additional information or conduct additional site visits to verify the results reported by a business or customer and provide additional assistance if needed. If implementation of the best management practices is insufficient to meet recycling requirements, BPS may require a business to implement and report on additional supplemental best management practices. Failure to accurately report on the status of implementing best management practices is an infraction. **(B/I)\***

6. **Mixed Dry Waste:** Except for mixed dry waste at construction/demolition sites, as listed under Part 4.2 C.6. Disposal Prohibition, the customer shall not arrange for any recycling system which involves mixing recyclables with solid waste for post-collection separation. **(A/M)\***
7. Where an affected customer, or construction site general contractor or property owner or manager, has an agreement with their waste hauler whereby the hauler may dispose of allegedly contaminated recyclables or compostables whenever such contamination is encountered in the course of collection, that affected customer, contractor or owner does not have a recycling system which complies with City Code and these rules.
8. If compostable materials are improperly prepared or stored in such a manner as to create pest or odor problems that pose a potential public health and safety concern, the City may require the customer or generator to remedy the problem so that collection of the compostable materials may continue. The customer or generator shall work with the City and the permittee or independent commercial recycler to remedy the pest or odor problem caused by the improperly prepared or stored compostable materials. Failure to remedy a pest or odor problem caused by the improper preparation or storage of compostable materials is an infraction. **(B/I)\***

#### **C. CONTAINERS USED BY THE GENERAL PUBLIC**

1. For those Businesses that have collection areas where the public (non-employees) are throwing regulated materials directly into waste containers on a business's property, the City recognizes the challenge of capturing all recyclables. Those specific containers are exempt from the Business Recycling Requirements, however, all other areas of the Business still must comply.

#### **D. RECYCLING AT MULTIFAMILY COMPLEXES**

1. Multifamily complexes must set up recycling systems that are convenient to tenants, for all materials that can be recycled in Portland's residential curbside system, excluding used motor oil and yard debris. The recycling containers at a multifamily complex shall be placed in a location or locations at least as convenient to tenants as the garbage receptacles, including trash chutes, insofar as is practical given space limitations. **(B/M)\***
2. Multifamily complexes shall have a two-sort system, where glass is collected in one container and all other recyclables are collected in another container.
3. A Multifamily complex owner shall make all reasonable efforts to ensure the provision of central collection containers for a two-sort system. The central collection containers shall be used for the collection of all of the recyclable materials listed under Part 4.2 C.5.b. Recyclable Materials to be Collected from Businesses and Multifamily Complexes except motor oil and

yard debris. Failure to provide such recycling at a multifamily complex is considered an infraction by the owner of the complex. **(A/M)\***

4. If it is not feasible to provide a central collection system for recyclable materials at a multifamily complex, the owner shall provide a two-sort collection system that utilizes individual recycling roll carts for each tenant. City-approved recycling containers of less than 18-gallon capacity shall be provided to each tenant for the collection of glass.
5. If neither option of central collection or recycling roll carts is feasible at a multifamily complex, an owner may choose to provide recycling through a two-sort system that utilizes City-approved recycling containers of less than 18-gallon capacity to residents. In such case, the system shall meet the conditions listed below. Failure to meet these conditions is considered an infraction by the owner of the complex. **(A/M)\***
6. The property owner must provide at least two bins to each unit, must label each bin to identify the unit it belongs to, and must ensure the bins are replaced if lost or damaged. At least one bin shall be used for the collection of glass.
  - a. In these bins, residents shall be offered the opportunity to set out all the same clean and separated materials that are offered for collection under the Residential Franchise, excluding motor oil and yard debris.
  - b. Residents must be provided with weekly collection of the materials in the bins, at convenient set-out locations.
7. In evaluating compliance with the preceding paragraphs, BPS will consider how the inherent limitations of a multifamily site (including space and layout) affect the possibility of providing recycling according to BPS specifications.
8. Owners of multifamily complexes shall distribute to all tenants at least once a year information about how to use the onsite recycling system. Owners shall provide new tenants with this information within 30 days of tenant move-in. **(C/M)\***

#### **E. RECYCLING AT BUILDING PROJECTS**

1. Where a building project is valued at \$50,000 or more, including both construction and demolition phases, the general contractor is required to ensure that at least 75% of the materials produced on the job site are recycled. Where no general contractor is named on an affected building permit, then this requirement is applicable to the property owner.
2. Every general contractor for a building project having a value of \$50,000 or more (including both demolition and construction phases) shall complete a City-provided Recycling Plan Form. On these forms the construction site general contractor shall list or check off the materials to be recycled at a particular address, and shall identify the type of collector for those materials. Where there is an affected building project and no general contractor is named, then this requirement is applicable to the property owner. These forms must be returned to BPS at the address on the form.
3. For building projects having a total value of less than \$50,000, every contractor is asked to commit to recycle the maximum amount possible on the project.



4. Where a building project is valued at \$50,000 or more, including construction and demolition phases, the general contractor is required to recycle all the following materials generated at the site:
  - a. Wood;
  - b. Corrugated cardboard;
  - c. Metal
  - d. Rubble (concrete/asphalt), and
  - e. Land clearing debris.
5. At construction sites, recyclable materials may be mixed with non-putrescible waste only if the materials are taken for post-collection sorting at a facility that reports to Metro. For an affected building project where there is no general contractor named on the building permit, then this requirement applies to the property owner. Failure of the general contractor or affected property owner to recycle these materials listed on the applicable Recycling Plan Form is considered an Infraction subject to an assessment. **(A/M)\***
6. The general contractor or property owner shall ensure the provision of clearly marked recycling containers and storage space for the amount of each recyclable material that accumulates between collections.

**F. BUSINESS CONTAINER STORAGE SPACE REQUIREMENTS**

1. Authority: These rules establish standards for space requirements for storage of containers of solid waste, recycling or compostables in new construction and when major alterations are made to existing buildings.
2. Applicability: During the application of a building or site development permit for the new construction or major alteration of a building(s) on commercial properties, the following prescriptive method shall be used to ensure adequate storage is available on site and out of the public right of way for garbage, recyclables and compostables. The standards do not supersede additional requirements of any local, state or federal authority; including other City of Portland rules and regulations. All building plans submitted for review shall illustrate and note where the containers will be stored on the commercial property. If an existing building undergoing a major alteration cannot meet the prescriptive size requirements because of zoning, property constraints, or other regulations, the applicant may request approval of an alternate minimum size through the Bureau of Environmental Service's technical review process, outlined in the current edition of the Stormwater Management Manual.

3. Prescriptive Method: The following table is a minimum prescriptive standard for new construction or major alteration of a building(s) on a commercial property. For mixed-use buildings, the minimum storage area shall be the sum of the requirements for each occupancy type in the building. The storage area may be combined into one space, or separated into smaller storage areas. Each storage area shall comply with all other City of Portland or other applicable requirements. These are minimum requirements.

Minimum Storage Area Table

Minimum Storage Area for Garbage, Recycling and Food Waste Containers on Commercial Properties (square feet). Storage area based on the Oregon Structural Specialty Code's current occupant load table factors.

Occupant Load	Non-food Occupancies	Food <sup>b</sup> Occupancies	Multifamily (more than 4 units)	Education
<b>1-59</b>	1.3 sq. ft. per occupant	100 sq. ft.	Properties containing more than 4 units that house occupants overnight for sleeping purposes shall use a minimum of 7 sq. ft. per sleeping unit. Recycling containers at a multifamily complex shall be placed in a location or locations at least as convenient to tenants as the garbage receptacles, including trash chutes.	a. Elementary Schools use 150 sq. ft. min.  b. Middle Schools use 200 sq. ft. min.  c. High Schools use 235 sq. ft. min.
<b>60-124</b>	1.2 sq. ft. per occupant	1.7 sq. ft. per occupant		
<b>125-199</b>	150 sq. ft.	200 sq. ft.		
<b>200-349</b>	150 sq. ft.	250 sq. ft.		
<b>350-500</b>	200 sq. ft.	300 sq. ft.		
<b>501+</b>	All properties that exceed 500 occupants require a letter or plans stamped by a design professional registered in the State of Oregon determining anticipated garbage, recycling and food waste consumption and area needed on property for collection. Plans shall include required area.			

- a. Detached container enclosures/areas shall be sized based on the type of occupancies and occupant loads of the building(s) using the containers.
- b. Grease/oil waste by food occupancies is considered a recyclable and is accounted for in the food occupancy size factors

**G. OTHER**

1. Customer Responsibility.

- a. Customers are responsible for providing adequate and safe collection space and access for containers.
- b. Generators are responsible for placing infectious wastes in appropriate containers. Generators should not place these items into containers for collection with solid waste, compostables or recyclables.

- c. Generators are responsible for ensuring source-separated recycling is properly prepared and free of contamination. If applicable, generators are responsible for ensuring source-separated yard debris and/or food scraps are properly prepared and free of contamination. (D/M)

2. Misrepresentation

- a. The customer and generator shall not represent to tenants or employees that placing recyclables into any solid waste container is an acceptable method of handling recyclables or provide any information that is contrary to the requirements of Part 4.4 (Customer and Generator Requirements), except for mixed dry waste at construction/demolition sites, as listed above,
- b. The customer and generator shall not represent that materials collected as recyclables are actually being recovered if the customer or generator knows that the material is not actually being recovered. This applies whether or not the material in question is listed in these administrative rules as a recyclable that permittees are required to collect.
- c. Misrepresentation of the proper separation or actual disposition of recyclables is a failure to comply with this rule. **(B/M)\***

3. Graffiti. Their owners shall maintain containers and carts so as to be free of graffiti. Within ten days of receipt of notice from BPS or from the City Office of Neighborhood Involvement (ONI) of any container with graffiti, the entity owning the container shall remove the graffiti. Permittees and independent recyclers are allowed to charge the owner of the container or cart for the cost of replacing or cleaning the container or cart. **(D/M, per container)\***

4. Recycling containers provided by BPS are to be serviced directly by the permittee, and should not be used by the customer or generator to transport recyclable materials to a container serviced by the permittee. Compostable containers provided by BPS may be used by the customer or generator to transport compostable materials to a container serviced by the permittee. BPS does not provide permittees, customers or generators any containers for collecting or storing yard debris or solid waste. **(D/M, per container)\***

H. CITY INSPECTION

1. In evaluating whether a customer or generator is in compliance with the above provisions has occurred, BPS may conduct an inspection of the premises and consider:
  - a. The presence, location and capacity of solid waste, recycling and compostables collection containers;
  - b. The presence and quantities of recyclables in recycling containers, compostables in compostables containers or either in solid waste containers;
  - c. The presence of contamination in recycling and composting containers.
  - d. The presence of signs, flyers, container labels and other information which promotes recycling and composting;

- e. Discussion with employees, tenants, managers and owners, janitorial service providers, permittees, and independent commercial recyclers;
  - f. Other evidence as necessary to assess compliance.
2. Such inspections are only for purposes of providing assistance with and enforcement of solid waste, recycling and compostables collection regulations.

**Part 5.3A Business Compliance and Enforcement:  
Customers, Generators and Self-haulers**

**A. INITIAL INQUIRY**

- 1. To ensure compliance with these rules by businesses and multifamily complexes, BPS may ask a permittee to verify services provided to the customer to determine whether the required recycling and/or compostables systems required by code or these rules are in place and being used on the customer's property.
- 2. BPS may initiate an inquiry on its own or upon receiving a complaint.
- 3. Receipt of Complaint. Complaints regarding compliance with these rules may be accepted from any source, in writing, through personal visit or a telephone call. Anonymous complaints alone will not result in an Infraction. BPS may choose not to identify a complainant if its investigation reveals other evidence that is sufficient as a basis for its decision that an Infraction has occurred.
- 4. Inspection of Premises. BPS may visit a premise in order to verify whether the required recycling and compostables collection system is in place and being used. BPS will not issue a Notice of Potential Noncompliance without contacting the affected business, multifamily complex, or construction site general contractor or property owner. Refusal to allow entry shall serve as the basis for the Director to apply for and obtain an administrative warrant as provided in City Code Chapter 17.102.
- 5. Assignment of Responsibility. Where BPS finds that a customer has set up a satisfactory recycling and/or compostables collection system but that the system is not being used by generators who use the customer's waste disposal system, BPS will pursue the noncompliance of the generator(s), not the customer. (In this situation, the generator(s) would normally be the tenants in a multi-tenant commercial building, and the customer would be the owner or property manager. See Definitions).
- 6. Waiver. A one-time, six (6) month waiver of the Business Recycling Requirement is available upon request. Before the extension is granted, the Business shall submit in writing an explanation of:
  - a. why the City's suggested solutions do not work for the Business, and
  - b. a plan on how they will be in compliance at end of extension.

**B. DELIVERY OF NOTICES.**

Any notice provided for under these rules is considered sufficient if in writing and accomplished by any of the following means: (1) delivered personally to the alleged offender's advertised business location; (2) deposited in the United States Mail, first class, postage prepaid, addressed to the alleged offender's advertised business location, or to its mailing address as found in the County Assessment and Taxation records; (3) sent by commercial courier to the alleged offender's advertised business location; (4) sent by email to the entity's email address if such has been provided by the entity to BPS. Any such notice, communication or delivery is deemed effective and delivered upon the earliest to occur of either: (1) actual personal delivery to the alleged offender's advertised business location during normal business hours; (2) three (3) business days after depositing in the United States Mail as aforesaid; (3) one (1) business day after shipment by commercial courier as aforesaid; or (4) the same day as email transmission (or the first business day thereafter if emailed on a Saturday, Sunday or legal holiday).

**C. FOLLOW-UP AFTER INSPECTION OF PREMISES**

1. Letter of Potential Noncompliance. If, after its investigation, BPS has reason to believe that there is a condition of noncompliance, BPS will notify the business, multifamily complex or construction site general contractor or property owner of the potential noncompliance.
2. Assistance Period. The letter will give the business, multifamily complex, or construction site general contractor or property owner an assistance period of at least 30 days from the date of the letter to achieve compliance. During this period, BPS staff will offer assistance in setting up a satisfactory recycling and/or food scrap collection system and achieving participation.

**D. BPS INVESTIGATION OF ALLEGED INFRACTIONS**

BPS shall investigate each potential Infraction and may contact any known complainant, witness and the alleged offender before making its determination.

**E. FINDING OF NO INFRACTION**

Within 30 calendar days of a BPS determination that compliance has been achieved, BPS shall notify the alleged offender of such determination.

**F. NOTICE OF ASSESSMENT**

1. Form and Delivery of Notice. If, after the assistance period, it is determined that noncompliance still exists and an Infraction has occurred, the BPS Director shall deliver a written Notice of Assessment to the offender, specifying the Infraction, the findings that support the Infraction and stating the amount of the Infraction assessment and deadline for payment. This notice shall also include information on the procedure for requesting a hearing to appeal the determination. Where BPS can demonstrate an attempt to properly deliver the Notice, a refusal by the offender or offender's representative to accept the Notice in person, or failure of offender to accept certified mail, shall not constitute a failure by BPS to fulfill the requirement for the delivery of notice.

2. Accumulation of Infractions. A Notice of Assessment may be issued for each rule and for each instance when the Infraction occurs. More than one Infraction, involving different rules, may be accrued simultaneously.

## **Part 5.3B Business Compliance and Enforcement: Containers in the Right of Way**

### **A. PROHIBITION ON STORING CONTAINERS**

No customer or generator shall cause any container for garbage, compostable or recyclable materials to be stored in the public right of way in violation of Portland City Code. Examples of cause may include, but are not limited to, an agreement to store a container on the right of way; requesting a container that is larger than any of the entry points to the storage area within the customer's or generator's place of business; or directing employees to store the container in the right of way. For the purposes of these rules, storage means leaving containers in the right of way for more than 2 hours either before or after collection during normal business hours. If collection occurs after normal business hours, containers may be placed in the right of way at the close of business but must be removed from the right of way by the start of the following business day or within 24 hours of set out, whichever occurs first. (D/M, per container) \*

### **B. FOLLOW-UP AFTER INVESTIGATION**

1. Determining the Offender(s). In its investigation, BPS shall make a determination regarding responsibility for noncompliance among the business, the property owner, the permittee and/or the independent commercial recycler. Responsibility for noncompliance and resulting assessments shall follow this determination.
2. Letter of Noncompliance. If, after its investigation, BPS determines that there is a condition of noncompliance, BPS shall issue a letter of noncompliance to the responsible party(s). BPS will notify the property owner as identified in the county assessment records as well as any other persons who reasonably appear to have an interest.
3. The letter of noncompliance shall give the responsible party(s) a period of 30 days from the date of the letter to achieve compliance. During this time (compliance period), the offender(s) and other interested parties may request assistance from BPS in identifying solutions that remedy the CROW condition.
4. Extensions of Compliance Period. BPS may grant an extension beyond the initial 30 days to achieve compliance if the offender(s) has undertaken a good faith effort to come into compliance. The extension period cannot extend beyond 90 days after BPS issues the initial letter of noncompliance.
5. New service. For purposes of CROW rules, a service is considered to be a new service if after May 1, 2008, a service is started by a permittee or independent recycler or if any of the garbage, recycling or compostable containers are replaced. If, in its investigation, BPS determines that a permittee or independent recycler has established a new service with a customer and is responsible for placing containers in the right of way, BPS may take immediate enforcement action against the responsible permittee or independent recycler, including the issuance of an order to remove the non-compliant container(s).

## **C. LIMITED TERM EXTREME ECONOMIC HARDSHIP EXEMPTION**

1. If BPS determines that the business or property owner is a responsible party for the violation, they are entitled to apply for a limited term extreme economic hardship exemption (exemption).
2. Exemptions, either initial or renewal, will be for a period of one year. Property or business owners may re-apply for one additional exemption at the expiration of the initial granted exemption.
3. Eligibility for Exemption
  - a. The applicant (Applicant) must be an owner of the business or property that is in violation of CROW requirements and identified as a responsible party for the violation.
  - b. To apply for an extreme economic hardship, the applicant must demonstrate that they have considered all reasonable options for correcting the violation and explain why none is viable. It is at BPS' discretion whether this requirement has been met.
  - c. A business / property owner who does not meet both of these requirements is not eligible to apply for an exemption. BPS shall take enforcement action at the end of the compliance period.
4. A property that has had an open CROW case after April 1, 2008 is not eligible for an initial exemption but may apply for a one-time renewal exemption.
5. The merits of each application for a hardship exemption will be considered individually.
6. Initial Application
  - a. An application for hardship will be considered when complete. All materials must be received by BPS by the end of the initial 30 day compliance period or, if applicable, by the end of the extended compliance period granted by BPS. Incomplete applications or applications received after the end of the compliance period will not be considered and the business or property will immediately be considered to be in a state of non-compliance at the end of the compliance period.
  - b. Initial Exemption Application Requirements. Applications for an initial exemption must include all of the following:
    - 1) Application Fee. BPS shall charge a processing fee to all applicants. The fee amount is listed in the fee schedule included in these administrative rules. All application fee payments shall be final. No payments will be returned, regardless of whether the exemption is approved or disapproved.
    - 2) Consideration of all Reasonable Alternatives. The applicant must submit a list of all actions considered in attempting to comply with the CROW requirement and the specific reason why each is not capable of achieving compliance within the compliance period. Applicant shall provide documentation of each alternative sufficient for BPS to evaluate its merits. Such documentation may consist of items such as names, dates and contact information for people consulted in an attempt to



achieve compliance, for example, the owner of a neighboring business who was asked if they would share collection service with the applicant and the reason given for refusal.

- 3) Applicant must submit three bids from licensed contractors for construction work that would meet the minimum storage space requirements as shown in Subsection 5.2 F of BPS' Business Solid Waste, Recycling and Compostables Administrative Rules. Bids must be dated no more than 60 days prior to the submission of the application
- 4) Applicant must submit copies of the previous three years federal tax returns filed by the business or property owner identified by BPS as a responsible party for the violation to document financial hardship.

c. Ruling on Application.

- 1) Applicant's gross income average (GIA) will be determined by averaging the gross income from the previous 3 years as stated in their federal tax returns submitted to BPS as part of their application materials.
- 2) Applicant will be categorized as a "small business" if the business, or the applicant? GIA is less than \$680,000.
- 3) Applicant qualifies for an exemption if the lowest bid submitted for meeting the space requirements is:
  - a) More than 4% of their GIA if they are a "small business" as defined in this section of the rules
  - b) More than 5% of their GIA if they are not a "small business" as defined in this section of the rules
- 4) BPS will issue its determination on the application within 30 calendar days of receipt of completed application.
- 5) The hardship exemption shall be for a period of 12 months, effective on the day that the decision is issued by BPS.
- 6) If the application is denied, the applicant is considered to be in a state of non-compliance and subject to enforcement actions immediately upon the mailing of BPS' rejection of the application unless the applicant submits a request for an appeal as described in Subsection 5.3B D.11 of these administrative rules.

7. Renewal Application

- a. A business or property owner who has a current exemption may apply for one additional exemption that would take effect upon the expiration of the initial one.
- b. The application for renewal will be considered when complete. All materials must be received by BPS at least 60 days prior to the expiration of the initial exemption. Incomplete applications or applications received less than 60 days prior to the expiration of the initial exemption will not be considered and the business or property will immediately be considered to be in a state of non-compliance at the end of the initial exemption.

- c. Renewal Exemption Application Requirements. Applications for a renewal exemption must include all of the following:
- 1) Application Fee. BPS shall charge a processing fee to all applicants. The fee amount is listed in the fee schedule included in these administrative rules. Payment of the application fee is final, regardless of the final determination upon the application.
  - 2) Progress Summary. The applicant must submit a list of all actions taken in an attempt to comply with the CROW rules since the time their initial exemption was granted, including the specific reason why applicant was unable to achieve compliance within the initial exemption period.
  - 3) Applicant must submit three bids from licensed contractors for construction work that would meet the minimum storage area for garbage, recycling and food waste containers as determined in Subsection 5.2 F of BPS' Business Solid Waste, Recycling and Compostables Administrative Rules. Bids must be dated no more than 60 days prior to the submission of the application.
  - 4) Applicant must submit copies of the previous three years federal tax returns filed by the business or property owner identified by BPS as a responsible party for the violation to document financial hardship.
- d. Upon receipt of a complete application package, BPS shall schedule a public hearing and will mail a notice of the applicant's request, including the time, date and location of the hearing, to the recognized organization(s) in which the property is located, to self-identified interested parties and to all organizations recognized by the City's Office of Neighborhood Involvement that are within 400 feet of the property.
- e. Ruling on Application.
- 1) Applicant's gross income average (GIA) will be determined by averaging the gross income from the previous 3 years as stated in the federal tax returns submitted to BPS as part of the application materials.
  - 2) Applicant will be categorized as a "small business" if their GIA is less than \$680,000.
  - 3) Applicant qualifies for an exemption if the lowest qualified bid submitted for meeting the space requirements is:
    - a) More than 6% of their GIA if they are a "small business" as defined in this section of the rules
    - b) More than 7% of their GIA if they are not a "small business" as defined in this section of the rules
  - 4) BPS will issue a written determination within 30 calendar days of the public hearing. BPS will mail notice of the decision to the recognized organization(s) in which the property is located, to all recognized organizations within 400 feet of the property and to any person who submitted comments at the public hearing or in writing prior to the hearing.

- 5) Exemptions will be limited to 12 months, starting on the day that the initial exemption is granted, and expiring one year later.
  - 6) If the application is denied, the property is considered to be in a state of non-compliance and subject to enforcement actions immediately upon the expiration of the initial exemption unless the applicant submits a request for an appeal as described in Subsection 5.3.B.C.11 of these administrative rules.
- f. A business or property owner is eligible for no more than one renewal exemption. At the expiration of a renewal exemption, the property will be in a state of non-compliance and subject to immediate enforcement action.
8. BPS may confirm the authenticity and/or accuracy of any of the claims or documents in the application process. BPS may request that the applicant provide additional information or documentation to support the application. BPS will either approve or deny an exemption based on the materials submitted in the application. BPS may also refer to other City records, such as any City maintained case history.
  9. Exemptions are neither transferable nor assignable. The exemption will terminate immediately, without any action by the City, if there is any transfer of ownership of the business or change in location.
  10. Revocation of Exemption. BPS may conduct a review at any point during the exemption, and may request updated information from the applicant. BPS may revoke any exemption if BPS subsequently determines that the applicant provided inaccurate information in support of the application.
    - a. It is the responsibility of the applicant to inform BPS if the tax returns submitted in their application to document hardship are amended in a way that changes the gross income such that the GIA exceeds the threshold.
    - b. Changes to construction bids or new construction bids will not be considered after submission of completed application package.
    - c. If BPS revokes an exemption for just cause, the property will be considered to be in a state of non-compliance and subject to immediate enforcement actions.
11. Appeal Process
    - a. Any person filing an appeal, whether for decision on an initial exemption or a renewal, must do so in accordance with procedures set forth in Title 22 of the City Code except for variances as described in these administrative rules.
    - b. Initial Exemption. An applicant for an initial exemption may appeal the denial of an exemption to the Code Hearings Office in accordance with the procedures set out in Chapter 22 of the Portland City Code. The appeal must be submitted to BPS within ten (10) business days of the day the notice of decision is mailed.
    - c. Renewal Exemption. An applicant for an exemption renewal, or the neighborhood association where the business / property is located, may appeal BPS' decision to the

Code Hearings Office. The appeal must be submitted to BPS within ten (10) business days of the day the notice of decision is mailed.

- d. Appeal Fee. If the applicant requests an appeal to the Code Hearings Office, they must include payment of the appeal fee, as stated in Subsection 5.3.B.C.11.j of these administrative rules, along with their written request for a hearing to BPS. Failure to submit a written request or the appeal fee within ten (10) business days of the day the notice of decision is mailed is jurisdictional and the appeal shall be dismissed.
- e. Refund of Appeal Fee. If the Code Hearings Officer rules in favor of the applicant, BPS will refund the appeal fee within 45 days of the issuance of the Hearings Officer's Order.
- f. The filing of an appeal will stay any enforcement action of the CROW requirements against the property until the appeal is determined by the Code Hearings Officer. The Code Hearings Officer will consider only the issues raised by the appellant in their written appeal.
- g. If, pursuant to said appeal hearing, the denial, suspension or revocation is sustained by the Code Hearings Officer, the permittee servicing the property shall cease all collection of solid waste and/or recyclables and/or compostables in Portland no later than 15 calendar days after the order becomes final unless the Code Hearings Officer decision is appealed to circuit court by writ of review. If a denial, suspension or revocation decision is appealed to the state courts and is upheld, permittee shall cease all collection of solid waste and/or recyclables and/or compostables in Portland no later than 15 calendar days after final resolution of the judicial proceedings.
- h. If the Code Hearings Officer overturns BPS' denial of an exemption, the business or property owner will be granted a one year exemption. The exemption begins on the effective date of the Hearings Officer's decision if the application is for an initial exemption, or on the day following the expiration of the current exemption if the application is for a renewal.
- i. If the Code Hearings Officer overturns BPS' granting of a renewal exemption, the applicant is considered to be in a state of non-compliance and subject to enforcement actions immediately upon the expiration of the initial exemption.
- j. Economic Hardship Fee Schedule. BPS may assess the following fees for the administration of the CROW Limited Term Extreme Economic Hardship Exemption program:

Description	Fee Amount
Application for Exemption (initial or renewal) – non-refundable	\$250
Appeal of Denial for Exemption to Code Hearings Officer – refundable if Code Hearings Officer decides in favor of appellant	\$500

**D. NOTICE OF ASSESSMENT**

1. Form and Delivery of Notice. If, after the compliance period, it is determined that noncompliance still exists and an infraction has occurred, the Director may deliver a written notice of assessment to the offender, specifying the infraction, the findings that support the infraction and stating the amount of the infraction assessment and deadline for payment. This notice shall also include information on the procedure for requesting a hearing to appeal the determination. Notice of infraction is considered effective as of the mailing date by certified mail.

**E. ORDER TO REMOVE CONTAINERS**

If, after the compliance period or any other stays of enforcement, such as pending a decision after appealing to the Code Hearings Officer, it is determined that noncompliance still exists and an infraction has occurred, the Director may deliver a written notice to the business / property owner and any and all contracted permitted haulers, independent commercial recyclers or other owners or service providers of containers violating CROW rules ordering the removal of the non-compliant container(s) within ten (10) business days. Failure to comply is a violation of the City's Commercial Solid Waste, Recycling and Compostables Administrative Rules.

**Part 5.3C Business Compliance and Enforcement:  
Common Aspects**

**A. STANDARD FOR MAKING DETERMINATION OF INFRACTION**

In determining whether an infraction has occurred, the Director shall evaluate the totality of the circumstances related to the infraction.

**B. PAYMENT OF INFRACTION ASSESSMENTS**

1. Payment of Assessments Required or Appeal. The alleged offender shall, within ten (10) business days of BPS issuance of the written notice of Assessment, pay to BPS the stated civil penalty or request an appeal hearing by a Code Hearings Officer as set forth in Portland City Code Title 22.
2. Appeal Fee. The appellant may be assessed a fee of up to \$500 at the time of their application. Failure to submit full payment of appeal fee within the time allowed to request an appeal hearing shall result in the denial of the request for an appeal hearing.
  - a. Refund of Appeal Fee. If the Code Hearings Officer decides in favor of the appellant at the Code Hearing, the submitted appeal fee shall be refunded in full to the appellant.
3. 15-Day Payment Required Upon Failed Appeal. If, pursuant to said appeal hearing, an Infraction assessment is ordered, payment of said Assessment must be received by BPS or postmarked within 15 calendar days after the order becomes final. **(D/I)**
4. Interest on Assessment. An Assessment which is not paid within the time provided shall accrue interest at the rate set by the Council until paid. BPS may take legal action to collect assessments which are not paid when due.
5. City May Take Legal Action to Collect Assessments. The City may take legal action to collect Assessments, which are not paid when due.

**C. INFRACTION CATEGORIES AND ASSESSMENTS**

1. Infraction Classifications. Each violation of a rule for which an infraction is assigned is given a dollar amount which reflects BPS's evaluation of both the seriousness of the matter and the frequency with which the violation is committed. The lowest amount, \$200, is assigned to the first occurrence of the least serious infraction while the highest amount, \$1500, is assigned to the most serious infraction on the third or subsequent occurrence. Each infraction notation consists of two letters, such as (A/I) which reflect the seriousness of the infraction.
  - a. First Letter. The first letter represents the level of assessment as show on the chart below. These range from category A-D, with category A representing the most serious and category D representing the least serious infractions.

b. Second Letter. The second letter reflects the classification of the standard, which is whether an infraction will be on a “Per Incident,” “Per Day” or “Per Month” basis (see Definitions). The following abbreviations apply:

- “I” means on a per incident basis;
- “D” means on a per day basis;
- “M” means on a per month basis, and

For example, an (A/I) designation means that a \$500 assessment (as shown under category A on the chart below) would be applied for the first single “incident” within a 365-day period but would increase to \$1500 for the third or subsequent incident within that same period.

2. **Infraction Assessment Schedule.** An infraction according to these rules shall result in an Infraction Assessment in accordance with the following schedule:

Category	First Infraction	Second Infraction	Third and Subsequent Infractions
<b>A</b>	\$500	\$1000	\$1500
<b>B</b>	\$400	\$800	\$1200
<b>C</b>	\$300	\$600	\$900
<b>D</b>	\$200	\$400	\$600

The assessment amounts shown throughout these rules are for the first infraction of a given rule within a 365-day period. If more than one infraction of the same rule occurs within a 365-day period, the corresponding infraction amount will increase for the second, third or subsequent infractions, as shown above. The total assessment will be the sum of infraction amounts. For example, three separate infractions of the same rule with an assessment category of “B” above will result in a total assessment of \$400 + \$800 + \$1200 = \$2400.

The Director has the discretion to adjust the assessment amount when considering the following criteria:

- a. The nature and extent of the person’s involvement in the violation;
- b. Whether the person was seeking any benefits, economic or otherwise, through the violation;
- c. Whether the violation was isolated and temporary, or repeated and continuous;
- d. The length of time from any prior violations;
- e. The magnitude and seriousness of the violation;
- f. The costs of investigation and remedying the violation;
- g. Whether any criminal prosecutions have occurred in regard to the violations; and
- h. Other relevant, applicable evidence bearing on the nature and seriousness of the violation.

**San Jose, California**



# Strategies for Achieving Zero Waste in San José

Waste Not:  
The Future of Organics in Minnesota  
June 2, 2015  
Minneapolis, MN



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to improve our health, environment and economy*

## San José Green Vision

- 25,000 Clean tech jobs
- 50% Reduction energy use per capita
- 100% Renewable electrical power
- 50 million ft<sup>2</sup> retrofitted green buildings
- **Zero Waste and Waste to Energy**
  - 100% wastewater beneficially re-used
  - Sustainability in General Plan
  - 100% alternative fuel City vehicles
  - 100,000 new trees planted
  - 100 miles of interconnected trails



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to improve our health, environment and economy*

# do you know the way to... San José, CA

- Silicon Valley
  - south SF Bay
- 10<sup>th</sup> largest US City
- ~1m diverse residents



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to improve our health, environment and economy*

## San José Solid “Waste” (Resource!) Stream

- 1.8M tons of waste generated per year
- 300k tons waste/yr commercial
- 475k tons waste/yr residential
- 70k tons waste/yr C&D
- 65k tons/yr biosolids

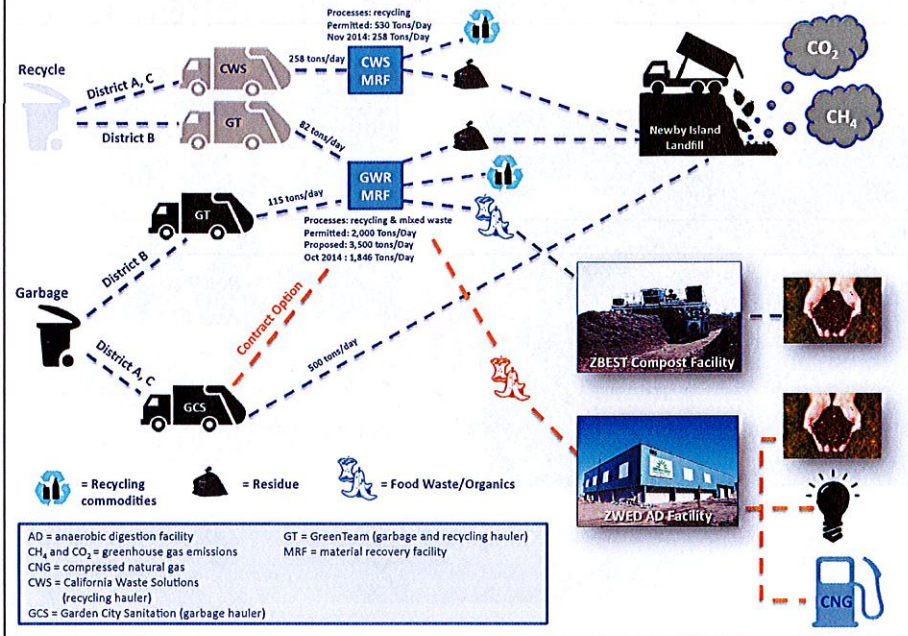
**Commercial**  
79% of tons are recoverable  
35% Recyclable  
33% Compostable  
11% Technically Feasible

**Residential**  
~58% of tons recovered  
97% Yard Trimmings  
78% MFD material  
30% SFD material



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## Recycle Plus Single-Family Material Flow



## Yard Trimmings ~120,000 tons/year



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## Current Yard Trimmings Management



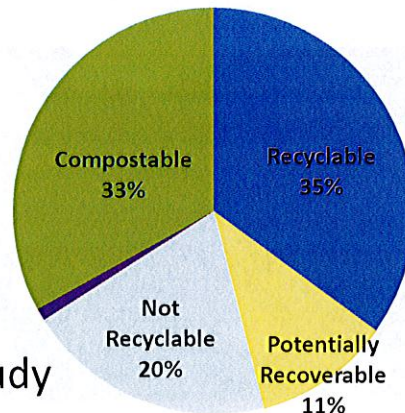
~20,500 tons "hog fuel" to co-gen



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## New directions for the commercial sector

- 2007 Green Vision
  - Zero Waste Goal
  - Renewable Energy
  - Waste to Energy
- 2008 Waste Characterization Study
- Systems Performance Issues



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to improve our health, environment and economy

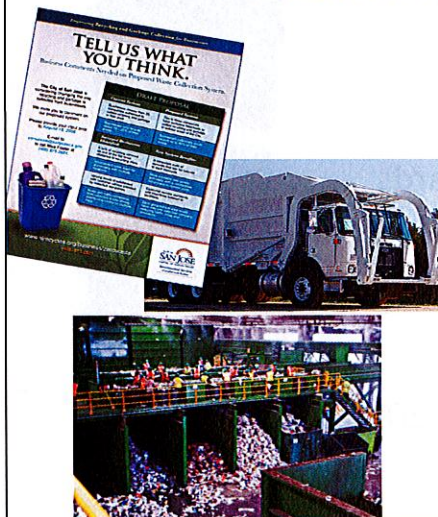
## Prior Commercial System (1995-2012)

- Non-Exclusive Competitive Marketplace with 20-25 Haulers
- Volume-Based Fees
- 22% Diversion Rate
- Inconsistent Customer Rates and Services
- Negative Environmental Impacts



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## Procurement Process

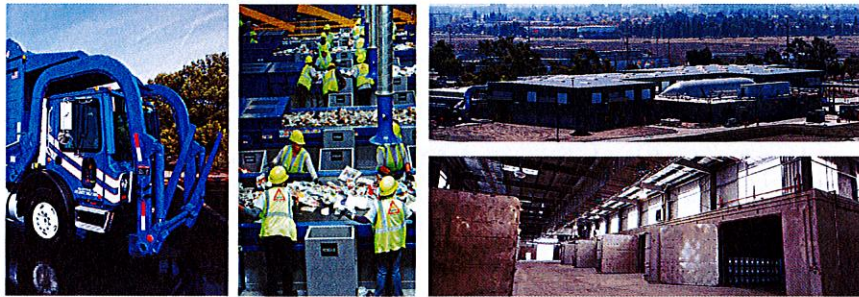


- 7 Years of Planning
  - RFPs released April 2010
  - Awarded in June 2011
  - Program started in July 2012
- Focus: Infrastructure Development
  - Create exclusive system to guarantee tons
  - Long-term contracts
- 2 Requests For Proposals
  - Collection & Recyclables Processing
  - Organics Processing



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## New Commercial System (2012-2027)

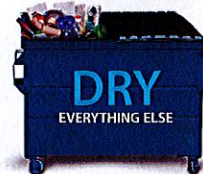


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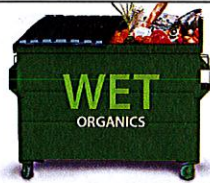
## New Agreements

### Terms

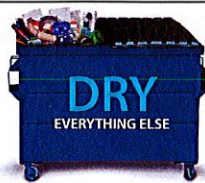
- High Diversion Targets
- Customer Service Standards
- City Sets Rates
- Non-Delivery Penalties
- Exclusive Rights
- Specs for Organics to ZWED
- Processing Audits



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- Fruits & Vegetables
- Bread & Pastas
- Dairy Products
- Meat & Seafood
- Coffee Grounds & Filters
- Food Soiled Paper & Cardboard
- Napkins & Paper Towels
- Paper Cups & Plates
- Paper Take-Out Food Containers
- Yard Trimmings



- Clean Cardboard & Paper
- Glass Bottles & Jars
- Packing Materials
- Carpet & Padding
- Reusable Items
- Plastics
- Clean Wood
- Scrap Metal
- Metal Cans
- Foam Cups & Containers



•For those businesses with an abundance of clean commodity e.g.; clean cardboard, paper, glass or wood



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## Implementation Process

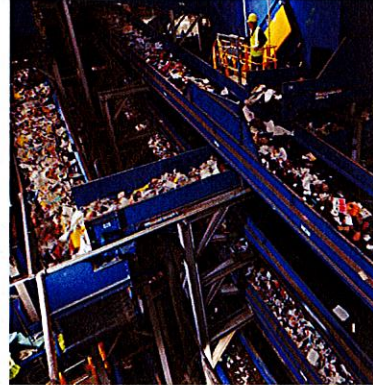
- Installation of CNG Fueling Station
- 50 CNG Trucks
- Acquisition of Accounts
- Audit of entire customer base
- Outreach started 6 Months in Advance
- Business Association Meetings
- Routes Based on Audit Findings



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## Transition Challenges

- MRF Readiness
  - 3 Week Utility Delay
  - Organic Line Modifications
- AD Facility Readiness
  - Late 2013 Opening
- Customer Communications
- Container Changes
- Relationship Management



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## Newby Island Resource Recovery Park (NIRRP)

- MRF, Composting, Gas-to-Energy, C&D, CNG Fueling Station and Landfill
- Most Advanced Materials Recovery Facility in the World



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## Newby Island Resource Recovery Park (NIRRP) – CNG Fuelling Station

- use of renewable energy
- reduced GHG emissions
- reduced noise pollution



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## AD Project Site - City/ZWED Collaboration

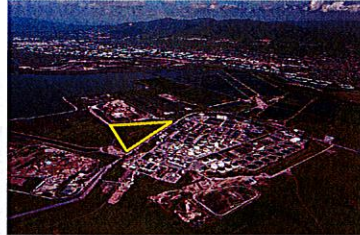
- Closed landfill
- 30-year ground lease
- Rent deferred for site development costs
- Close to NIRRP



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## AD Project Site - City/ZWED Collaboration

- Closed landfill
- 30-year ground lease
- Rent deferred for site development costs
- Close to NIRRP



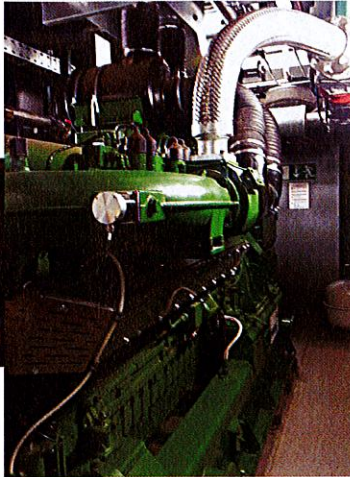
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## Zero Waste Energy Development



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## Zero Waste Energy Development



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## 2014 Commercial Program Results

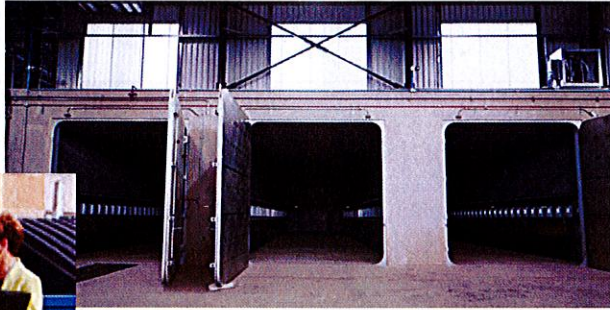


Total Program Tonnage Collected	222,197
Total Tonnage Delivered to ZWED	73,874 (33%)
Newby Island MRF Commercial Recovery	78.8%
Total Program Recovery	77.8%



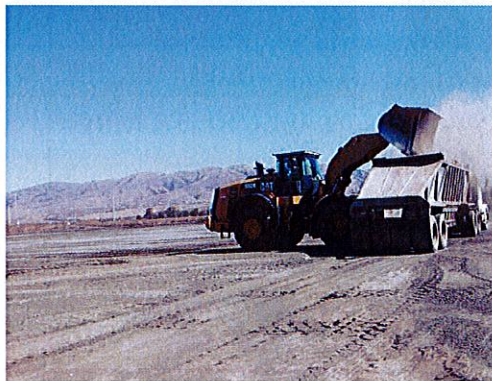
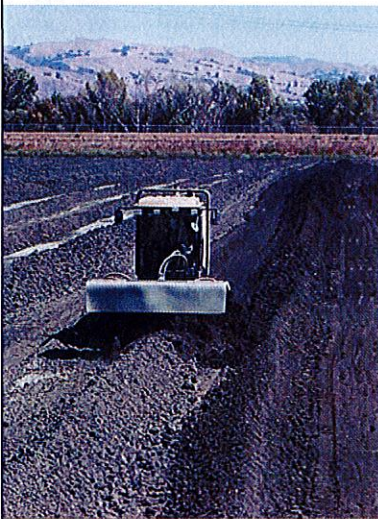
**Tripled the Pre-Program Recovery Rate!**

## What's Next for San José?



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## What's Next for San José?



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Stephanie Molloy

Email: [stephanie.molloy@sanjoseca.gov](mailto:stephanie.molloy@sanjoseca.gov)

Telephone: 408.975.2591

Our passion. Our city.



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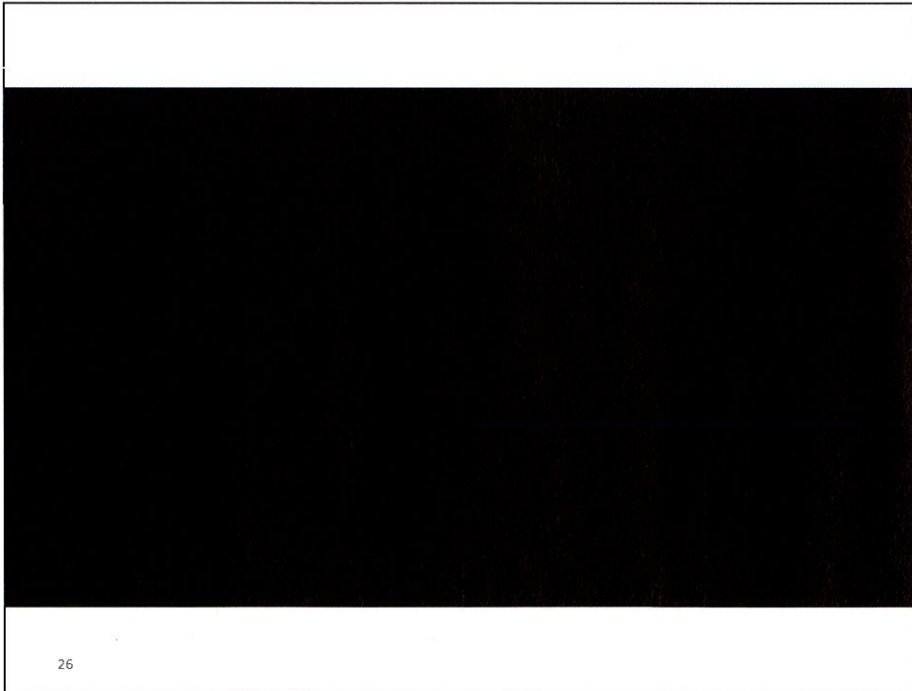
[instagram.com/sjenvironment](https://instagram.com/sjenvironment)

[www.sjenvironment.org](http://www.sjenvironment.org)

#keepSJclean



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**Miami, Florida**



CITY OF MIAMI

# Solid Waste Department

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SOLID WASTE: [Home](#) | [Solid Waste Services](#) | [Contact Us](#) | [Special Assistance](#) | [Cleanup](#)

**NEW!** KEEP MIAMI BEAUTIFUL

GARBAGE COLLECTION

BULKY TRASH COLLECTION

RECYCLE COLLECTION

SOLID WASTE MONTHLY REPORT

STREET SWEEPING

MINI DUMP FACILITY

SANITATION CODE ENFORCEMENT

**FRANCHISE AGREEMENT**

THINGS TO KNOW

FAQS

CONTACT US

SEARCH CITY OF MIAMI:

## Welcome to the Solid Waste Department

### Franchise Agreement

#### SOLID WASTE FRANCHISEE HAULING SYSTEM

**Commercial/Industrial:** All commercial or industrial haulers or entities engaged in collecting, transporting, or disposing of solid waste within the corporate limits of the City of Miami are required to be licensed by the City of Miami under a Non-Exclusive Commercial Solid Waste Franchise Agreement. The agreement allows the “Franchisee” to provide the aforementioned services to commercial properties and apartment buildings of four (4) or more units within the City of Miami.

The Franchise Agreement provides information regarding the following:

1. The rules of conduct and requirements governing the operation of the Franchisees’ within the City of Miami.
2. The fees associated with being a licensed Franchisee include; the annual franchise fee to pick up both garbage and trash.
3. There is a monthly franchise fee of 24% of gross receipts that is due to the City of Miami each month.
4. There is also a \$75.00 permit per account fee due to the City of Miami annually by Oct. 1st, for all active commercial accounts including roll-off accounts.
5. The term of the Franchise Agreement is for a period of five years (1/01/2016-1/01/2021) with three (3) one (1) year option periods to renew through 1/01/2024 at the discretion of the City of Miami.

For general questions, please contact the Solid Waste Department at 305-960-2863.

Non-Exclusive Commercial Solid Waste Franchisee Haulers List:

Non-Exclusive Franchise Commercial Haulers List

Please refer to our printable list of Commercial Haulers:

[Commercial Haulers List \(PDF\)](#)

[Daily Inspection Route](#)



## ARTICLE II. - REGULATION OF PERSONS ENGAGED IN COMMERCIAL WASTE COLLECTION

Sec. 22-46. - Engaging in business of solid waste collection and disposal; issuance of franchise agreement to private solid waste collectors.

- (a) No person, firm or corporation shall remove or transport any solid waste material over the streets or public rights-of-way of the city or its real property for hire or salvage without first applying for and receiving a franchise from the department to carry on such a business. The franchise required by this section shall be in addition to any local business tax receipt and other license(s) which otherwise may be required by law, including F.S. § 403.4046. A franchise will not be granted to a commercial property for the sole purpose of hauling the solid waste material of its own tenants or occupants.
- (b) It shall be unlawful for any commercial solid waste collector/franchisee to provide service to any property within 100 feet of a residential district between the hours of 11:00 p.m. and 7:00 a.m.
- (c) No franchise granted pursuant to this chapter shall be deemed the property of the holder thereof.
- (d) The city reserves unto itself the power to revoke all franchises granted pursuant to this chapter, to change or limit the rights granted, or to otherwise modify the franchises, in its sole discretion, by ordinance duly enacted by it. Such action shall not be deemed a taking of a property, contract, or other right of any franchisee, it being the express intention of this chapter to reserve unto the city, the power, in its sole discretion, to alter the methods of solid waste collection employed in the city, and the manner in which to provide for solid waste services delivered within the city.
- (e) The city commission is authorized, from time to time, to grant one or more franchise(s) granting the right and privilege to operate a commercial garbage and trash collection and disposal system in, upon, over and across the present and future streets, alleys, easements and other public places of the city for the purpose of collecting all solid waste from commercial and multifamily establishments as defined in this chapter.
- (f) The franchise(s) shall be granted only after the applicant for the franchise has responded successfully to the request for qualifications and filed with the purchasing department, an application, and such other documentation as may reasonably be required to establish that the applicant meets all of the requirements delineated in this chapter.
- (g) The franchise(s) shall initially be granted for a period of five years, with three one-year options to renew, upon approval of the application by the city commission. The option to renew any franchise(s) for the additional three one-year periods shall be at the sole discretion of the city.

(Ord. No. 10128, § 1, 7-10-86; Code 1980, § 22-18; Ord. No. 11703, § 13, 9-28-98; Ord. No. 11837, § 2, 9-28-99; Ord. No. 12258, § 2, 7-25-02; Ord. No. 12599, § 2, 10-14-04; Ord. No. 12885, § 1, 2-8-07; Ord. No. 13194, § 2, 9-27-10; Ord. No. 13531, § 2, 7-9-15)

**Editor's note**— Ord. No. 12599, § 2, adopted October 14, 2004, changed the title of § 22-46 from "Engaging in business of solid waste collection and disposal; issuance of nonexclusive franchise agreement to private solid waste collectors" to "Engaging in business of solid waste collection and disposal; issuance of franchise agreement to private solid waste collectors."

Sec. 22-47. - Application for franchise.

Applications for a franchise shall be made to the purchasing department upon such form and in such manner as shall be prescribed by the director of purchasing to elicit the following information and to be

accompanied by supporting documents and such other information as may be required by the purchasing department:

- (1) *Name of applicant.* If the applicant is a partnership or corporation, the names and business addresses of the principal officers and stockholders and other persons having any financial or controlling interest in the partnership or corporation. Provided, however, that if the corporation is a publicly owned corporation having more than 25 shareholders, then only the names and business addresses of the local managing officers shall be required.
- (2) *Character of applicant.* The applicant for a franchise under this section, if an individual, or in the case of a firm, corporation, partnership, association or organization, any person having any financial, controlling or managerial interest therein, shall be of good moral character. In making such determination the following information, which shall be submitted by applicant, shall be considered:
  - a. *Penalty history.* If the applicant is an individual, a record of all convictions and the reasons therefore shall be provided by the applicant. If the applicant is other than an individual, then the record of all convictions and the reasons therefore of the principal controlling officers of applicant shall be provided. Provided, however, that in the case of a publicly held corporation having 25 or more shareholders, then only the aforementioned information applicable to its local managing officers shall be required.
  - b. *Fingerprints.* The fingerprints of the persons mentioned in this subsection, a full set of which, for each of such persons shall accompany the application. Such service shall be obtained from a public agency.
  - c. *Business history.* Whether such applicant has operated a solid waste collection removal business in this or another state under a franchise, permit or license and if so, where and whether such franchise, permit or license has ever been revoked or suspended and the reasons therefore.
  - d. *Existence of business entity.* If the applicant is a corporation, applicant shall submit proof of incorporation in good standing in the state of incorporation and, if a foreign corporation, applicant shall provide information certifying that applicant is qualified to do business in the state. If applicant is operating under a fictitious name, applicant shall be required to submit information that such fictitious name is registered and held by applicant.
- (3) *Equipment and method of operation.* The applicant for a franchise shall possess equipment capable of providing safe and efficient service. In making such a determination and approving the method of operation for each applicant, the department shall require the following information:
  - a. The type, number and complete description of all equipment to be used by the applicant for providing service pursuant to this chapter.
  - b. A statement that applicant will use only city- and/or county-approved disposal sites for disposing of all garbage, garden trash, industrial waste, and solid waste material which applicant collects and removes, except those sites which heretofore have been approved by the State of Florida department of environmental protection.
  - c. The names of customers and the addresses of each location served by the company.
- (4) *Insurance requirements.*
  - a. The applicant for a franchise shall maintain insurance as specified herein and shall furnish a public liability policy to the department and also file with the department a certificate of insurance for the policy written in the applicant's name. The certificate shall provide that the policy contain an endorsement requiring that the department shall be furnished with ten days' notice by registered mail prior to cancellation or material changes in the policies. The applicant shall carry in the applicant's own name an automobile liability insurance policy covering the applicant's operations with a combined single limit of \$1,000,000.00 per occurrence for bodily injury and property damage liability. The city shall be listed as an additional insured for liability.

- b. A performance bond or an acceptable alternative in an amount equal to the contractor's previous 12-month franchise fee(s) paid to the city or a minimum of \$25,000.00, whichever is greater, as security for any fee(s) due to the city under the franchise agreement(s) with good and sufficient sureties conditioned upon the compliance of the terms of this chapter in such form as required by the city attorney. Said performance bond, or alternative acceptable by the department, shall not expire prior to six months from the commencement of the term of the franchise agreement and any extensions thereof.
- (5) *Liability of the city and the department.* The above insurance requirements shall not be construed as imposing upon the city or the department or any official or employee thereof any liability or responsibility for injury to any person or damage to any property by the insured, the insured's agents or employees.
- (6) *Limitation on hours of operation.* Private waste collection operators franchised by the city shall service their accounts, located within 100 feet of residential districts only between the hours of 7:00 a.m. and 11:00 p.m., except as determined and defined by the director. Commercial corridors as determined by the director.
- (7) *Application form.* Each application for a franchise shall be made on a standard form promulgated by the director of purchasing and shall include an affirmation that the applicant will comply with this chapter in all respects.
- (8) *Review and issuance.* The completed application shall be submitted to the purchasing department. Upon receipt of a completed application, the director of purchasing shall review said application and, if satisfactory in all respects, shall make recommendations to the city commission.

(Ord. No. 10128, § 1, 7-10-86; Ord. No. 10440, § 2, 5-19-88; Ord. No. 11184, § 5, 10-27-94; Code 1980, § 22-18.1; Ord. No. 11837, § 2, 9-28-99; Ord. No. 12258, § 2, 7-25-02; Ord. No. 12599, § 2, 10-14-04; Ord. No. 13194, § 2, 9-27-10; Ord. No. 13316, § 2, 3-8-12)

**Editor's note**— Ord. No. 12599, § 2, adopted October 14, 2004, changed the title of § 22-46 from "Application for nonexclusive franchise" to "Application for franchise."

Sec. 22-48. - Denial of application.

Should the director of purchasing propose denying an application for a franchise, the applicant shall be notified of such denial by certified mail not later than 14 days prior to the director of purchasing making such recommendation to the city commission. The notice of denial shall contain a statement of the reasons why the application is being recommended for denial.

(Ord. No. 10128, § 1, 7-10-86; Code 1980, § 22-18.2; Ord. No. 11837, § 2, 9-28-99; Ord. No. 13194, § 2, 9-27-10)

Sec. 22-49. - Appeal from the recommended denial of franchise; appeal from revocation of franchise.

- (a) The recommended denial of a franchise by the director of purchasing may be appealed to the city commission. The notice of appeal shall be filed in writing with the purchasing department no later than 14 days after the receipt of the certified letter advising applicant of the proposed denial.
- (b) The director of purchasing shall schedule a public hearing for the appeal. Said hearing shall be held not less than 14 nor more than 60 days after receipt of the notice of appeal. The city commission shall either affirm the decision of the purchasing director or direct the purchasing director to issue the franchise.

- (c) The revocation of a franchise by the director of solid waste may be appealed to the city manager or the city manager's designee. The notice of appeal shall be filed in writing with the city manager with a copy addressed to the director of solid waste no later than 14 days after the receipt of the certified letter advising franchisee of the revocation.
- (d) The city manager or the city manager's designee shall fix the date and time for hearing the appeal. Said hearing shall be held not less than 14 nor more than 60 days after receipt of the notice of appeal. The city manager or the city manager's designee shall either affirm the decision of the director of solid waste or direct the director of solid waste to reinstate the franchise. Should a revocation and/or reduction in the number of franchisees occur, the city commission may add additional qualified applicants to the approved franchisee list provided that said list does not exceed the number of previously approved franchisees.

(Ord. No. 13194, § 2, 9-27-10)

**Editor's note**— Ord. No. 13194, § 2, adopted September 27, 2010, amended section 22-49 in its entirety to read as herein set out. Formerly, section 22-49 pertained to appeal from the departmental denial of franchise; appeal from revocation of franchise, and derived from Ord. No. 10128, § 1, adopted July 10, 1986; the Code of 1980, § 22-18.3, and Ord. No. 11837, § 2, adopted September 28, 1999.

Sec. 22-50. - Franchise fees.

- (a) Commencing October 1 of every new fiscal year, each and every franchisee shall pay an annual permit per account fee of \$75.00, for each active account that was acquired or maintained in the previous fiscal year for purposes of providing commercial solid waste services or specialized waste handling services. For each account acquired or maintained after October 1 of the current fiscal year, a one-time fee of \$75.00 shall be due and payable upon acquisition of the account.  
Said permit per account fee shall not be transferable.
- (b) Beginning October 8, 2009, each and every franchisee shall pay an annual franchise fee by October 1 each year of the franchise term (and of any extension thereof) in the amount of \$7,500.00, with such franchise fee being increased by \$500.00 per year beginning October 1, 2010. Failure to remit the required annual franchise fee by the due date shall result in a one and one-half percent penalty per month on the balance due.
- (c) Beginning October 8, 2009, each and every franchisee whose primary business is limited to solid waste that requires special handling and management shall pay an annual specialized waste handling permit fee by October 1 each year of the franchise term (and of any extension thereof) in the amount of \$3,500.00 for the right to provide only specialized waste handling services within the city limits. If a franchisee is providing only specialized waste handling services within the city, then annual franchise fee will increase by \$500.00 per year beginning October 1, 2010. Failure to remit the required annual franchise fee by the due date shall result in a one and one-half percent penalty per month on the balance due.
- (d) Beginning October 1, 2015, each and every franchisee shall pay the city a \$500.00 safety inspection fee if a franchisee's vehicle(s) or equipment is believed to be defective, inoperable, substandard, or potentially unsafe in the determination of the solid waste director. This fee is for the municipal inspection of the vehicles and equipment being used by franchisee within the city. The applicable vehicles are those operated by franchisee within the city boundaries. The vehicles will include, but are not limited to, roll-offs, grapple trucks, front and rear end loaders, vector trucks, dump trucks, trailers, and any other vehicles used for business, collection and disposal of any debris by the franchisee.
- (e) Certified recovered materials dealers excluded from local franchise requirements pursuant to F.S. § 403.7046 shall be required to submit an annual registration form and pay a \$100.00 registration fee per year beginning October 1st 2015 and each fiscal year thereafter.

(Ord. No. 10128, § 1, 7-10-86; Ord. No. 10440, § 3, 5-19-88; Code 1980, § 22-18.4; Ord. No. 11837, § 2, 9-28-99; Ord. No. 12258, § 2, 7-25-02; Ord. No. 12599, § 2, 10-14-04; Ord. No. 12835, § 2, 10-12-06; Ord. No. 13108, § 5, 10-8-09; Ord. No. 13194, § 2, 9-27-10; Ord. No. 13316, § 2, 3-8-12; Ord. No. 13531, § 2, 7-9-15)

**Editor's note**— Ord. No. 13316, § 2, adopted March 8, 2012, changed the title of section 22-50 from "Franchise fees; permit per account fee(s); annual franchise fee; annual specialized waste handling fee; annual safety inspection fee(s)" to "Franchise fees." The historical notation has been preserved for reference purposes.

#### Sec. 22-51. - Recycling requirements for franchisees.

Each and every franchisee shall submit the following to the solid waste director at the following intervals:

- (1) Annually, an "annual recycling plan" that describes recycling activities and services available to commercial and residential establishments in the city that are offered by the franchisee.
- (2) Annually, an "annual recycling report" that describes resources and money of the franchisee utilized in connection with the recycling program, a list of recycling accounts, and a list of accounts that do not avail themselves of the franchisee's recycling opportunities and reasons for same.
- (3) Quarterly, a report describing recycling and diversion goals and recycling/diversion accomplishments.
- (4) Annually, copies of literature provided to each customer in English, Spanish, and Creole describing the franchisee's recycling programs and services available.

Any franchisee servicing an address that engages in the sale of produce located within the produce market shall, no later than October 1, 2016, offer an organic waste recycling program. Said program shall utilize composting and/or any other organic waste recycling program which diverts organic waste from a disposal site to a city waste-to-energy facility.

All franchisees shall divert, at a minimum, a portion of organic waste collected to the city's waste-to-energy facility, should said facility become available in the future. The minimum required organic waste contribution to the city's waste-to-energy facility shall be set by the solid waste director as a percentage of the franchisee's total solid waste tonnage each year, effective October 1 of that year. Said percentage formula shall be uniform for all franchisees.

(Ord. No. 13531, § 2, 7-9-15)

**Editor's note**— Ord. No. 13531, § 2, adopted July 9, 2015, amended section 22-51 in its entirety to read as herein set out. Formerly, section 22-51 pertained to reimbursement for unused portion of permit and license, and derived from Ord. No. 10128, § 1, adopted July 10, 1986; Ord. No. 10440, § 5, adopted May 19, 1988; the Code of 1980, § 22-18.6; Ord. No. 11703, § 14, adopted September 28, 1998; Ord. No. 11837, § 2, adopted September 28, 1999, and Ord. No. 12885, § 1, adopted February 8, 2007.

#### Sec. 22-52. - Identification of equipment.

All equipment utilized to collect and transport solid waste in the city must be conspicuously marked on both sides of the automotive unit with the name of the hauler, tare weight, cubic yard capacity, and a decal issued by the city. Identification information must also be marked on all trailer and container units. All markings must be in letters and numerals at least two inches in height.

(Ord. No. 10128, § 1, 7-10-86; Code 1980, § 22-18.8; Ord. No. 12258, § 2, 7-25-02; Ord. No. 13531, § 2, 7-9-15)

Sec. 22-53. - Information required of franchisees.

- (a) At least annually and as determined by the director, each franchisee shall supply the following information on a form and in the manner prescribed by the director:
  - (1) A listing, as of the reporting date, of the names and addresses of customers and the addresses and folio numbers of each location served.
  - (2) An accounts receivable aging report for each customer within the city.
  - (3) The number and capacity of each dumpster and compactor per account.
  - (4) The address serviced by each dumpster and compactor.
  - (5) The list of accounts within the city for which hand collection of bags/cans is provided.
  - (6) The listing of city accounts that were charged-off as bad debts.
  - (7) A list of vehicles and equipment to be used in the city.
- (b) No property owner may share an account with another property owner.

(Ord. No. 10128, § 1, 7-10-86; Code 1980, § 22-18.9; Ord. No. 11837, § 2, 9-28-99; Ord. No. 12258, § 2, 7-25-02; Ord. No. 13194, § 2, 9-27-10; Ord. No. 13531, § 2, 7-9-15)

Sec. 22-54. - Change in required information.

Each franchisee shall file any change in its required information with the director in writing on a form prescribed by the director prior to becoming effective.

(Ord. No. 12258, § 2, 7-25-02)

**Editor's note**— Ord. No. 12258, § 2, adopted July 25, 2002, amended § 22-54 in its entirety to read as herein set out. Formerly, § 22-54 pertained to a change in rates and derived from the Code of 1980, § 22-18.10 and Ord. No. 10128, § 1, adopted July 10, 1986.

Sec. 22-55. - Disposal required at city- and/or county-approved facilities.

- (a) Any and all solid waste material collected by a franchisee within the city shall be disposed of only at the solid waste disposal facilities provided, operated and designated or approved by the department and/or the county public works department and at no other location or facility except those which have heretofore been approved by the State of Florida department of environmental protection.
- (b) All franchisees shall comply with the provisions of this chapter and all implementing resolutions of the city commission. The city shall use the reports required in this chapter and other information available to determine compliance of permit holders.

(Ord. No. 10128, § 1, 7-10-86; Code 1980, § 22-18.11; Ord. No. 12258, § 2, 7-25-02)

Sec. 22-56. - Franchise fee requirement; monthly franchise fee payment; approval by city commission as a prerequisite to issuance; financial statements, list of accounts; account permit fees; roll-off permit fees.

- (a) No person shall engage in the business of removing or disposing of garbage, trash, or waste from any premises in the city or transport garbage, trash or waste through the public rights-of-way of the city without first having secured a franchise for such activities. All persons shall be required to obtain a franchise from the city in order to engage in commercial solid waste collection and disposal from any streets, public rights-of-way or property in the city. This fee shall be in addition to the occupational permit tax ordinance of the city.
- (b) Effective October 1, 1994, all city-franchised commercial solid waste haulers will be required to pay to the city a franchise fee of eight percent of the franchisee's monthly total gross receipts. Said franchise fee shall be increased to 12 percent effective October 1, 1995, and to 15 percent effective October 1, 1996. Said franchise fee shall be further increased to 22 percent, effective October 1, 2004. Said franchise fee shall be further increased to 24 percent, effective October 8, 2009. The franchisee shall, on or before the last day of each month, deliver to the solid waste department a true and correct statement of gross receipts generated during the previous month from its services rendered within the city on or before the last day of each month. Payments of said fee shall be made on a monthly basis to the solid waste department, on or before the last day of each month, representing gross receipts collected the previous month. The franchisee shall on or before 90 days following the close of each fiscal year deliver to the director a certified statement of its annual gross receipts and charge-offs generated from accounts within the city prepared by an independent certified public accountant ("CPA"), admitted to practice in the state, reflecting gross receipts within the city for the preceding fiscal year. The CPA statement shall render an unqualified opinion, based on the result of the audit, relative to the franchisee's accounting of all revenues, fees and charge-offs generated from accounts and activities within the city limits. The franchisees will allow city auditors, during regular business hours after reasonable notice, to audit, inspect and examine the franchisees' fiscal books and records and tax returns, insofar as they relate to city accounts, to confirm the franchisees' compliance with this section. In the event the franchisee fails to pay the full franchise fee percentage of the franchisee's total monthly gross receipts, the city shall charge a penalty of one and one half percent per month on the outstanding balance until paid and additionally the franchisee shall have to pay all expenses of collection, including court costs and reasonable attorneys fees.
- (c) To effectively provide for the payment of said franchise fee by the franchisees to the city, any person seeking to renew his annual local business tax receipt pursuant to the provisions of chapter 31 of this Code shall, in addition to the requirements set forth therein, provide the city finance department with evidence of all fees imposed by the provisions of this chapter as a condition to reissuance or renewal of said business permit.
- (d) Issuance of a franchise shall require city commission approval for the franchise referenced in section 22-47 of this chapter.
- (e) The director is authorized to suspend, revoke, or cancel any such franchise for failure to comply with any of the terms hereof, in accordance with the same practice and procedures as are set forth in section 22-48 of this chapter; providing, however, that the director shall afford an existing franchisee a written notice reasonably specifying the reason(s) for the proposed revocation or suspension of an existing franchise, and the franchisee shall be afforded 14 business days to cure the noncompliance stated in such notice.
- (f) Any decision of the director under the terms of this section may be reviewed, upon written request of the aggrieved franchisee made to the city manager in accordance with the same time period and procedure as are set forth by section 22-49, City Code.

(Ord. No. 10440, § 7, 5-19-88; Ord. No. 11184, § 6, 10-27-94; Code 1980, § 22-18.12; Ord. No. 11444, § 2, 2-20-97; Ord. No. 11634, § 1, 4-14-98; Ord. No. 11837, § 2, 9-28-99; Ord. No. 12258, § 2, 7-25-02; Ord. No. 12599, § 2, 10-14-04; Ord. No. 12885, § 1, 2-8-07; Ord. No. 13108, § 5, 10-8-09; Ord. No. 13194, § 2, 9-27-10; Ord. No. 13531, § 2, 7-9-15)

**Editor's note**— Ord. No. 13194, § 2, adopted September 27, 2010, changed the title of section 22-56 from "Franchise fee requirement; monthly franchise fee payment; approval by director as a

prerequisite to issuance; financial statements, list of accounts; account permit fees; roll-off permit fees" to "Franchise fee requirement; monthly franchise fee payment; approval by city commission as a prerequisite to issuance; financial statements, list of accounts; account permit fees; roll-off permit fees." The historical notation has been preserved for reference purposes.

Sec. 22-57. - List of qualifications for franchises; term; nontransferability; rules and regulations; tests, inspections and audits.

- (a) The city may franchise commercial solid waste haulers as defined herein to provide service to commercial establishments as set forth in this article. The franchises issued, however, shall not limit the right to renew local business tax receipts prior to the effective date of this amendment and, further, will not impair existing written contracts between a franchisee and that of a commercial establishment which are in full force and effect on the effective date hereof and said contract does not exceed the effective date of the franchise. Each applicant for the franchise shall respond to a request for qualifications issued by the procurement department. The request for qualifications shall include, as minimum qualifications to be considered in the granting of such franchise:
  - (1) Certification that the applicant has satisfied all requirements of chapter 22 of the Code of the City of Miami.
  - (2) Certification that the applicant has never defaulted on any governmental franchises, contracts, permits or bid awards.
  - (3) Certification that no subsidiary affiliate, or parent corporation or business entity of the applicant already has, or has applied for, an existing franchise. Franchises will not be issued to a subsidiary, affiliate or parent company of an existing franchisee, or any franchisee.
  - (4) Certification that the applicant (or, if renewal, the franchise) is not and will not be, throughout the term that it has a franchise, affiliated with an affiliated entity of any existing franchisee, or any applicant for a franchise under this article, as a parent, or subsidiary, or by virtue of an interlocking directorate or otherwise.
- (b) Term. Said franchise shall be valid for a period of five years from date of issuance with one three-year option to renew, and, at the expiration or earlier cancellation or revocation thereof, the city may choose to accept applications for a new franchise conditioned and limited as noticed above or, in the alternative, renew the permit issued for an additional three one-year option periods. The option to renew said franchise for the additional three-year period shall be at the sole discretion of the city. In deciding to issue a new franchise and/or accepting applications from applicants for a franchise, the city will consider the following factors:
  - (1) The franchisee's full and faithful compliance with the terms of this chapter;
  - (2) The franchisee's and/or applicants who best meet the qualifications established by this section for the issuance of the franchise; and
  - (3) The current garbage, trash and waste disposal needs of the city, including, without limitation, population, demographic and geographic needs.
- (c) Transferability. The franchises granted pursuant to this section shall not be transferable by way of assignment, sale, pledge, or other conveyance. Upon change of ownership, including transference of a majority (51 percent or more) of stock and/or partnership shares, of any company to which a franchise has been issued, a new franchise will be granted by the city commission if the new owner satisfies the requirements of this article.
- (d) The franchise provided for by this article is to ensure and facilitate a minimum standard of municipal regulation of commercial waste collection within the city, to provide uniformity and quality of service from the franchises granted hereunder, and to assure that the citizens of Miami have safe, efficient, sanitary, permitted regulated and qualified solid waste, garbage and trash disposal contractors.



- (e) The city may, at reasonable times during the term hereof, inspect any franchisee's facilities and perform such test, as the city deems reasonably necessary, to determine whether the goods or services required to be provided by franchisee under its franchise conform to the terms thereof, if applicable. Each franchisee shall make available to the city reasonable facilities and render assistance to facilitate the performance of all tests and/or inspections by city representatives. All tests and inspections shall be subject to, and made in accordance with the provisions of this Code, as the same may be amended or supplemented from time to time. Each franchisee shall allow city auditors, during regular business hours and after reasonable notice, to audit, inspect and examine the franchisee's financial records (as they relate to city revenue) including all fiscal books and records, sales tax returns, bank statements, general ledger (vouching city revenue to the general ledger) contract(s)/agreement(s) between franchisee and customer(s) and any other financial information deemed necessary, in so far as such other financial information relates to city accounts, as well as the franchisee's entire customer base, in order to confirm the franchisee's compliance with its franchise agreement. Each franchisee shall pay a one and one-half percent penalty per month on any monies due and owing to the city, as a direct result of an audit, from whatever applicable revenue stream during the term of the franchise agreement. If a city audit reveals that a franchisee under-reported gross receipts, and the audit shows additional revenue due to the city in an amount per fiscal year of \$20,000.00 or more, franchisee shall pay to the city the cost of conducting the audit. Upon audit notification, a franchisee shall deliver all financial and other books and records to the city at no cost to the city. Each franchisee shall allow city auditors to copy any financial related source documents when deemed necessary to substantiate an audit finding.

(Ord. No. 10440, § 7, 5-19-88; Code 1980, § 22-18.13; Ord. No. 12258, § 2, 7-25-02; Ord. No. 12599, § 2, 10-14-04; Ord. No. 12885, § 1, 2-8-07; Ord. No. 13194, § 2, 9-27-10)

**Editor's note**— Ord. No. 12599, § 2, adopted October 14, 2004, changed the title of § 22-57 from "List of qualifications for franchises; term; nontransferability; rules and regulations" to "List of qualifications for franchises; term; nontransferability; rules and regulations; tests, inspections and audits."

Sec. 22-58. - Revocation of franchise.

- (a) The city reserves unto itself the power to revoke all franchises pursuant to this chapter of the Code.
- (b) The violation of any of the terms and conditions of this Code which endanger the public health, safety and welfare or the violation of any of the terms and conditions of the franchise shall be cause for revocation of a franchise.
- (c) The director may revoke a franchise for a violation or violations as aforementioned and may immediately declare such franchise null and void, and upon such declaration, franchisee shall immediately cease all operations, and shall be considered to have forfeited said franchise and the rights acquired thereunder. Should the director decide to revoke a franchise, he/she shall provide the franchisee with notice of such revocation and the reasons therefore. Upon receipt of such notice, the franchisee may appeal said revocation to the city manager or the city manager's designee and the appeal and hearing thereon shall be conducted in accordance with the procedures set forth in section 22-49.

(Ord. No. 10128, § 1, 7-10-86; Code 1980, § 22-18.14; Ord. No. 11837, § 2, 9-28-99; Ord. No. 12599, § 2, 10-14-04; Ord. No. 13194, § 2, 9-27-10)

Sec. 22-59. - Procedure upon violation of sections 22-46 through 22-58.

Any violation of sections 22-46 through 22-58 herein may result in action taken by the director pursuant to section 22-93 herein, and such action shall be cumulative in nature and not the exclusive action available to the director.

(Ord. No. 10128, § 1, 7-10-86; Code 1980, § 22-18.15)

Secs. 22-60—22-85. - Reserved.

## **APPENDIX H - STAKEHOLDER FEEDBACK**

## APPENDIX H – STAKEHOLDER FEEDBACK

Provided below is a summary of the stakeholder feedback received from the business community, multi-housing association, and commercial waste haulers during the March 23rd stakeholder meetings hosted by the Steering Team. The names of the contact persons and respective organizations providing the individual comments have been excluded to maintain confidentiality. Please note that the comments provided below do not represent an exhaustive list, but attempt to summarize the feedback received from attendees.

- How is the diversion rate measured in the City? This should be clarified in the context of the City’s goals. We agree that the City needs to establish a baseline to measure progress towards diversion goals.
- To foster more diversion, the location of the processing and disposal facilities (i.e. organics, composting) is important. For example, hauling of organics to the present processing facilities creates a larger carbon footprint than is preferred. Need more localized materials processing options.
- “Agile business owners” are capable of negotiating good pricing for services and foster diversion without the City’s direct involvement.
- One size does not fit all and the City’s implementation of a new program may not accommodate all business types.
- The state solid waste management tax of 17% of the sales price as applied to the collection of mixed municipal solid waste creates an incentive for commercial generators to divert materials from disposal through recycling and composting.
- Small businesses do not have the same collection and diversion service options as large businesses because of the lack of economies of scale, space for containers, and less bargaining power. In addition, for some small businesses, there may be language barriers that preclude entering into a contract that reflects their best interests.
- If the critical issue is lack of hauler data, then the focus of the City’s efforts should be to create a mechanism to gather needed information/data and not preclude businesses “freedom of choice” to contract for preferred waste management services.
- We do not support a “pay to play” system such as the implementation of a franchise based program.

- Many businesses already rebid collection services on a frequent basis to maintain competitive pricing (e.g. one to three years). Concerned about contract length in zoned franchise type system. May preclude businesses from reducing costs through competitive bidding system.
- Must balance cost impacts to businesses with incremental diversion benefits.
- Prefer “carrot” (incentives) to “stick” (regulations) approach to regulating commercial collection services.
- Need to leverage the various business associations within Minneapolis to be the “champions” of diversion.
- Recommend partnering with Hennepin County to provide additional technical assistance and outreach to businesses.
- Need to measure “waste reduction” and account for this activity in measuring progress towards meeting waste diversion goals.
- Should consider the life cycle costs analysis (LCA) of waste management activities when promoting recycling and organics recovery programs. For example, is there a benefit of collecting organics if they need to be transported outside the City for processing?
- Select licensed haulers do have scales on their vehicles to gather weight data on quantities of materials collected.
- Recommend gathering more data (i.e. larger sample size beyond those benchmarked communities) measuring the scope of the increase in diversion linked to varying strategies (e.g. outreach, organized collection) as part of the study.
- More research and analysis should be completed addressing the best practices for multi-unit family recycling. Select community programs exist in the Twin Cities that may offer insight into effective diversion approaches. City could consider pulling multi-family from commercial sector and treating more like residential sector. Cities like St. Paul and Roseville include all multi-family in City recycling contract.
- Sustainability is very important to many businesses. Through the current system, building managers/owners are able to be very flexible to meet needs of their tenants.
- Waste diversion goals should be established in the context of broader environmental goals such as sustainable materials management and life cycle analyses.
- Study did not thoroughly evaluate opinions from the entire CIM sector for the in benchmarked communities. There may be some stakeholders who believe changes made in their respective cities’ are positive while others consider the changes as negative.

- What types of haulers are licensed? (e.g. Shredding) How does this impact calculating commercial waste diversion? City staff shared that they do not receive data on garbage, recycling or organics tonnages from any hauler – which is a primary reason the study was conducted – to determine how to gather better data.
- Need to re-evaluate how goals are measured. Ultimate goal is waste reduction, not weight recycled.
- City could help promote and provide more assistance to businesses.
- Recommendation to address downtown core differently than other areas of the City. Need more discussion on this issue.
- Concern for family-owned haulers going out of business with an organized collection system.
  - In other cities – some haulers form consortiums.
  - Small companies are inherently disadvantaged.
  - In other cities, how many local businesses were put out of business due to franchising.
- Reminder to businesses that Energy benchmarking software has a waste component also (EPA Waste Wise). Encourage buildings to consider this reporting mechanism.
- The Study needs to evaluate additional programs beyond those benchmarked to gather more data and provide data driven recommendations.
- Education and outreach, and establishing good reporting from haulers should be first strategies to move the needle.
- Franchises may put many haulers out of business.
- Report should also include a criterion for degree of harm to businesses and haulers.
- Many customers prefer freedom of choice in selecting a hauler.
- More accurate approach to get tonnage data is via flow control through a centralized processing/disposal location.
- If City moves forward with franchising, the service contracts should require good labor practices and address other community issues.
- Recommend consideration of strategies and options short of franchising.
- Preferred strategies begin by addressing high volume generators.
- Concern over how strategies and options may affect national company waste collection contracts.



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