

CITY _____
ORDINANCE NO. ???

AN ORDINANCE AMENDING SECTION 000.00 OF THE CITY
CODE PERTAINING TO CITY MULTIFAMILY RECYCLING REQUIREMENTS.

The Code of the City of YOUR TOWN is hereby amended by adding section 000.000 to read as follows:

000.000. Required Recycling Services; Multiple Family Dwellings.

(1) Definitions. For purposes of this subsection, the following terms have the meanings indicated:

- (a) "Authorized recycler" means persons, including corporate entities, holding a current recycling permit issued by the city.
- (b) "Multiple family dwellings" means a building or a portion thereof containing nine or more dwelling units.
- (b) "Designated recyclables" means the following recyclable materials: aluminum cans; steel cans; glass jars and bottles; paper recyclables; plastic bottles; and corrugated cardboard.
- (c) "Aluminum cans" means disposable containers fabricated primarily of aluminum, commonly used for soda, beer, juice, water or other beverages.
- (d) "Steel cans" means all disposable containers fabricated primarily of steel or tin used for food and beverages.
- (e) "Glass jars and bottles" means unbroken jars and bottles, and containers (lids/caps and pumps removed) which are primarily used for packing and bottling of food and beverages.
- (f) "Paper" means newspapers; household office paper and mail; boxboard; and magazines/catalogs. No boxboard containers used for food product storage in the refrigerator or freezer are included.
- (g) "Plastic bottles" means all disposable bottles (lids/caps and pumps removed) fabricated from plastic and shaped with a neck.
- (h) "Corrugated cardboard" means cardboard material with double wall construction and corrugated separation between walls but not plastic coated cardboard.
- (i) "Collection" means the aggregation of recyclable materials as sorted, from the place at which it is generated and includes all activities up to the time

when it is processed at the facility designated by the owner of the multiple family dwelling.

(2) Business License. All authorized recyclers must maintain a current business license pursuant to the requirements set forth in SECTION ?? of the city code.

(3) Permits. Recycling permits to an authorized recycler shall be issued under the following terms, protocol and conditions:

(4) Term. The term of a recycling permit shall be for no more than ___ year(s) and shall expire on _____ of each year.

(5) Application. Applications for recycling permits shall be made to the city on forms provided by the city, no later than the deadline stated on the form. The application shall include the following information

(a) The name, business address of the applicant, and addresses where all of the applicant's vehicles will be stored;

(b) Applicant business ownership information, responsible official and contact person;

(c) City business license;

(d) Any other information requested by the city.

(6) Conditions. Applications for recycling permits shall be issued subject to the following conditions:

(a) Upon request of the city, the applicant shall make available to the city a list of clients that the authorized recycler will service in the city, a map of the authorized recycler's service area, detailed information regarding recycling services offered to customers, a listing of customers currently receiving recycling services, and classification of recyclables to be collected by the applicant.

(b) All records and facilities shall be subject to examination upon request by the city.

(7) Denial. After review of the permit application, the city may deny the issuance of a recycling permit based on information disclosed in the permit application. Denial of a permit may be based on an incomplete application, failure to demonstrate qualifications or financial responsibility necessary to comply with the requirements of this chapter, prior failure to supply required reports or other previous violations of any provisions of this chapter. Upon denial, the city shall provide the applicant written notification of the reasons therefore and shall include the effective date of such denial. Written notification of denial shall be delivered in person or first class mail to the applicant. An applicant may appeal the denial of a recycling permit in accordance with Section 5.16.010 of the municipal code.

(8) Transfer or assignment; delegation. Authorized recyclers may not transfer or assign recycling permits or delegate obligations there under to another person. No authorized recycler shall sell, transfer, delegate, assign, hypothecate, relinquish or surrender its interest in a permit to any person or entity or allow another person or entity to use its permit in any act for which a permit is required without the prior written consent of the city.

(9) Collection Services Required. The owner of a multiple family dwelling shall make available to the occupants of all dwelling units on the premise services for the collection of designated recyclables. The collection services shall be available on the premises and shall be provided on a regularly scheduled basis of at least twice a month for collection of at least four broad types of designated recyclable materials. The collection schedule and recycling containers capacity shall provide for regular removal of the recyclables such that there is adequate storage capacity available in the recyclable containers to avoid overflowing containers. The owner and owner's employees may provide the collection services personally, or the owner may contract with a collector licensed by the City to provide the services.

(10) Recycling Information Required. The owner of a multiple family dwelling shall provide information to the occupants of each dwelling unit which notifies the occupants of the availability of collection services, describes the procedures required to prepare the designated recyclables for collection, and identifies the dates and times of collection.

(11) Container Requirements. The owner of a multiple family dwelling shall provide containers for the collection of designated recyclables and shall maintain the containers in a clean and sanitary condition. The containers shall be sufficient in number and size to meet the demands for recycling services created by the occupants. The owner shall replace stolen or broken containers and purchase additional containers as needed. Containers shall be placed in a location on the premises which permits access for collection purposes but which does not obstruct pedestrian or vehicular traffic and shall comply with the City's zoning ordinance. Containers shall be equipped with self-closing lids. Containers shall be equipped with standardized labels identifying the type of material to be deposited.

(12) Transportation and Disposal. Upon collection by the owner, owner's employees, or licensed collector, that person shall deliver the designated recyclables to a recyclable material processing center, an end market for sale or reuse, or to an intermediate collection center for later delivery to a processing center or end market. It is unlawful for any person to transport for disposal or to dispose of designated recyclables in a mixed municipal solid waste disposal facility. Designated recyclables shall be transported in a covered vehicle so that the recyclables do not drop or blow onto any public street or private property during transport.

(13) Processing records. Authorized recyclers will authorize and direct facilities that process recyclables delivered by the authorized recyclers to submit records and evidence of the amount and type of those recyclables, the date of delivery thereof and

other data or reports reasonably requested by the city, directly to the city, at such time a facility routinely prepares those reports or upon request of the director.

(14) Scavenging Prohibited. It is unlawful for any person other than the owner or owner's authorized employees or contractor to collect, remove, or dispose of designated recyclables after the materials have been placed or deposited for collection. Owner or contractor's employee may not "scavenge" through recycling.

(15) Semi-Annual Report. Each owner of a multiple family dwelling shall file a semi-annual report (twice per year) with the City on a form to be provided by the City

recycling coordinator. The report shall contain, at a minimum, the following information:

- (a) name of owner;
- (b) address of multiple family dwelling;
- (c) number of dwelling units;
- (d) description of collection services made available to occupants, including location of containers, dates of collection and whether collection services are provided by owner, owner's employees, or a licensed collector;
- (e) description of methods used to inform occupants of availability of services, including a copy of any notice sent to occupants or posted on the premises and a record of the dates such notice was sent and locations posted;
- (f) tonnage for each type of material recycled;
- (g) name and address of licensed collector who provides collection services.

Should an authorized recycler fail to timely and fully submit, correct or complete a required report, or correct information as requested by the city, then the city may send notice of that failure stating that the authorized recycler must send in the report as requested by the city, within five business days of the date of the delinquent notice; and require payment of \$50.00 service charge, due and payable when the report is submitted. Should an authorized recycler fail to timely comply with the provisions of that notice, then the city may send the authorized recycler notice of a violation in accordance with Section 8.

(16) Enforcement.

a. Administrative penalties. Violation of this chapter shall be charged as an administrative fine as follows: a fine of \$200.00 for the first offense; a fine of \$300.00 for the second offense at the same location within a 12 month period; a fine of \$500.00 for the third offense at the same location within a 24 month period.

b. Suspension or revocation. Any authorized recycler shall be required to comply with all the provisions of this chapter and failure to observe any of those conditions shall result in a summary revocation of that authorized recycler's recycling permit by the city. The authorized recycler shall provide each of its customers written notification of termination of service within ten days of the date of the revocation of permit. The authorized recycler shall attach to the notice to its customers a listing of all eligible permitted authorized recyclers in the city.

(17) Insurance and Indemnification.

(a) Insurance. Each authorized recycler shall furnish the city a policy or certificate of comprehensive general automobile liability insurance insuring the authorized recycler against bodily injury, property damage and automobile liability in the sum of \$ _____ combined single limits. These limits shall be subject to annual review by the city for the purpose or reasonably adjusting to current insurance conditions and requirements. The insurance shall provide that the coverage is primary and that any insurance maintained by the city shall be excess insurance, shall be procured from an insurer authorized to do business in the state of Minnesota, shall name the city and its officers, employees and agents as additional insureds and shall not be cancelled or modified without first giving to the city thirty days' prior written notice.

(b) Indemnity. Each authorized recycler shall indemnify, defend and hold harmless the city and its officers, employees and agents against any and all claims, demands, losses, costs, expenses, obligations, liabilities, damages, recoveries and deficiencies, including interest, penalties, and reasonable attorneys fees, that the city shall incur or suffer, which arise, result from or relate to the collection, transportation or disposal (including sale) of recyclables by that person.

This ordinance shall be effective upon its publication.

Passed by the City Council of the City of YOUR TOWN this __ day of _____, 200__.