Solid Waste Ordinances

Local governments are charged with protecting human health and the environment for their community. The Missouri Solid Waste Management Law, passed in 1972, allowed local governments to enact ordinances setting standards for the storage, collection, transportation, processing or disposal of solid wastes. In 1991, the MARC Solid Waste Management District developed model ordinance provisions for curbside collection of recyclable materials and yard waste.

Cities and counties in the District have the primary responsibility for putting the solid waste management plan, adopted in 1994, into practice. Local governments, not the District, have the legal authority needed to implement the plan and this authority includes the ability to enact ordinances setting standards for the storage, collection, transportation, processing or disposal of solid wastes and recyclables.

Many communities have had ordinances governing solid wastes for many years, but the way we handle our trash is rapidly changing. It may be time for your community to examine its ordinances related to trash and recycling and make them fit the changing needs of your residents.

This brief will highlight some common local ordinance components and suggested steps for enforcement.

What ordinances can do for your community

Residential Recycling Services: *Curbside recycling is the most effective way to capture recyclables from the residential waste stream.*

Example: All licensed trash haulers who operate in Johnson County, Kan. are required to offer recycling as part of their services.

*Every licensed hauler under this code shall provide unlimited curbside recycling at least bi-weekly to its residential customers as a part of its basic residential hauling service, and the charge for such recycling services shall be included in the hauler's basic service charges and not as an optional service.* (Johnson County Code, Part II - General Resolutions, Chapter 66 - Solid Waste, Appendix G - Code Of Regulations for Solid Waste Management, Article 4. - Implementation of Solid Waste Management Plan, Sec. 5. - Implementation of Solid Waste Reduction Requirements)

Special Event Recycling: *More local fairs and festivals are providing recycling for attendees.*

Example: Kansas City, Mo., requires those obtaining permits for festivals, neighborhood block parties, parades or street closures in entertainment districts to collect and manage recyclable materials.

*...The applicant is responsible for collecting and managing recyclable materials and trash generated in conjunction with the festival in accordance with procedures established by the Director, and for post-event cleanup of the streets, sidewalks and public ways...* (Kansas City, Part II - Code of Ordinances, Chapter 70 - Traffic and Vehicles, Sec. 70-39. Authority of director to close streets, sidewalks and other travelways; authority to establish emergency parking restrictions)
Tonnage and Participation Reporting: **Assess your community recycling program.**

Example: Gladstone and Belton require licensed haulers to report tonnages collected and residential recycling participation rates both quarterly and annually.

> All persons engaged in the business of collecting, transporting, processing or disposing of solid waste, yard waste, or recyclables within the city shall submit to the city on a quarterly basis a report on the solid waste, yard waste, and recyclables collected within the city, on a form approved by the city containing the information required in this section. Such information shall include by type for solid waste, yard waste, and recyclables, the methods of disposal and location, amounts disposed of by volume and/or weight and customer participation rates. (Gladstone, Code of Ordinances, Title II - Public Health, Safety And Welfare, Chapter 115. - Solid Waste And Litter, Article 1. - In General, Division I. – Generally, Sec. 2.115.220. - Reporting Required)

> All licensed residential waste haulers shall provide completed reports on a quarterly and annual basis. Reports shall include residential recycling participation rates, identification of problems, and copies of receipts from either an approved processor/broker or a purchaser of materials. (Belton, Part II - Code Of Ordinances, Chapter 11 - Health And Sanitation, Article IV. - Solid Waste, Division 3. - Waste Collectors, Subdivision V. - Administrative Requirements, Sec. 11-336. - Documentation)

Outreach and Education: **Make sure the recycling message is getting out to your residents.**

Example: Mission requires licensed haulers to conduct public education and awareness programs.

> Each solid waste and recyclable materials contractor shall implement public education and awareness programs in coordination with the City to educate the general public and waste generators of the importance of recycling and waste minimization. (Mission, Code of Ordinances, Title II - Public Health, Safety And Welfare, Chapter 235: Solid Waste Collection, Disposal And Recycling, Section 235.280: Education, Promotion And Marketing)

Multi-Family Recycling Services: **Consider expanding recycling services to multi-family residences in your community.**

Example: Beginning in 2015, haulers who provide trash services to Lenexa multi-family properties will be required to offer recycling as part of their services.

> On or before January 1, 2015, each licensed refuse hauler which provides solid waste collection service to multifamily residential customers must provide, as a part of their basic service charge and not as an optional service, collection of an unlimited volume of recyclables. (Title 2 Business Regulations, License Taxes And Fees, Chapter 2-11 Solid Waste Business Regulations, Article 2-11-C-1 Mandatory Unlimited Residential Recycling)

Pay-As-You-Throw Billing Rates: **When service rates depend on the amount of trash set out at the curb, more residents will recycle.**

Example: In Johnson County, Kan. trash haulers must charge their residential customers for trash service based on the volume of waste put out at the curb for disposal.

> From and after January 1, 2012, every hauler required to be licensed under this Code shall have a volume based rate structure for its residential customers which meets the following requirements:
(i) The volume based rate structure shall apply to all residential property and must be based upon the total volume or weight of the containers or bags of solid waste collected for the customer's regular collection cycle.

(ii) The volume based rate structure shall establish a base charge for the customer's regular collection cycle and shall contain maximum volume or weight of solid waste that may be disposed of at the base charge. The maximum volume or weight of solid waste which may be disposed of at the base charge shall not exceed the equivalent of a 95/96 gallon container.

(iii) The volume based rate structure shall include an appropriate charge for the collection of solid waste which is in excess of the maximum volume or weight allowed in the base charge, and the additional charge shall be in an amount which is sufficient to establish a clear financial incentive for customers to reduce solid waste disposal in area landfills.

(iv) The volume based rate structure for the regular collection cycle shall be based upon the total volume of the containers or bags placed for collection and not on the actual volume of trash, or the rate may be based upon actual weight. For purposes of this Code, the manufacturer’s stated volume for a container, whether paper, plastic or metal, shall be deemed accurate.

(v) Additional container and bag charges associated with a volume based rate structure shall be administered through a readily identifiable system, such as attachable tags, marked containers or designated bags which shall be made available for sale to the customer. (Johnson County Code, Part II - General Resolutions, Chapter 66 - Solid Waste, Appendix G - Code Of Regulations for Solid Waste Management, Article 4. - Implementation of Solid Waste Management Plan, Sec. 5. - Implementation of Solid Waste Reduction Requirements)

An enforcement effort is only as strong as the ability to impose penalties authorized in local codes. The goal of any enforcement program should not be to punish code violators, but rather to gain compliance with solid waste and recycling ordinances.

If there is a city/county ordinance that requires recycling, it, should have appropriate mechanisms to enforce the ordinance. If fines are used, they should be substantial enough to show that obeying this law is important to the community. To do less sends the message that recycling is insignificant and has no value.

Strategies to increase compliance include:

- Inserting a section in the ordinance for “Penalty for Violation”, indicating the sanctions to be employed by the city/county for failure to perform in conformance with ordinance and regulatory requirements.
- Publicizing enforcement actions or activities through local media. The effectiveness of a program will be greater if it has a high profile.
- Putting written procedures/policies in place. Adhering to written procedures and policies makes it easier for local officials to defend actions when issuing a citation.

SOURCES: SWANA Technical Policy; Wisconsin Business Recycling Toolkit; Local ordinances