



ORDINANCES & FRANCHISE AGREEMENTS

Sample language to improve bulky item disposal

Using funding from the Mattress Recycling Council, the city of San Rafael conducted a six-month pilot program to improve bulky item collection at multifamily properties. The results informed the creation of a city ordinance amendment and additional franchise agreement language.

Sample Multifamily Dwelling Fee Ordinance

An ordinance amending the City of ____ Municipal Code adding Section (c) “Multifamily Bulky Item Fee Collection” and setting the charges for this fee and creating a special fund for the receipt of revenue and the payment of costs for the Multifamily Bulky Item Fee Collection Program.

**THE PEOPLE OF THE CITY OF ____ DO ORDAIN
AS FOLLOWS:**

New Sections are added to the city of ____ Municipal Code to read:

Section 1 – Multifamily Bulky Item Collection Funding For all costs related to the collection, transfer, recycling, and/or disposal of bulky items collected from Multifamily dwellings by the City of ____ including, but not limited to, salaries, direct and indirect overhead, equipment, and debt, there is hereby imposed a Multifamily Bulky Item Fee for the dwelling classifications listed:

- A. **Owners of Multifamily Dwellings and Apartment Buildings.** ____ per month or any fraction of a month for each apartment unit, effective ____.
- B. **Owners of Individual Units in Multifamily Dwellings.** ____ per month or any fraction of a month or any fraction of a month for each apartment unit, effective ____.
- C. Certain Multifamily dwellings may qualify for full or partial exemptions to their fee. The City Manager or their designee may grant exemptions or discounts under the following conditions:
 - i. There are at least ____ staff members on-site dedicated to trash disposal, recycling, and organics diversion.
 - ii. There is a private collection of bulky items at least ____ per week.
 - iii. Extraordinary circumstances result in substantial vacancies for an extended period.
 - iv. The following Multifamily dwellings are exempt from payment of the Multifamily Bulky Item Fee:
- D. Multifamily Bulky Item Fee Special Revenue Fund.
 - i. There is hereby created in the Treasury of the City of ____ a special fund named the “Multifamily Bulky Item Fee Special Revenue Fund” for the deposit of all revenues received from the collection of the Multifamily Bulky Items established in Section of the City of ____ Municipal Code.
 - ii. All money in the Revenue Fund may be pledged to secure, and shall be set aside and used for, the payments of principal and interest, installment payments, lease payments, and associated expenses as may be directed by Council resolutions related to financing those activities and costs for which the Multifamily Bulky Item Fee is authorized from time to time. Any available and remaining money may be used for those activities and costs for which the Multifamily Bulky Item Fee is authorized and may be approved by the Council. The Revenue Fund shall be administered by the ____.
 - iii. All earnings of the Revenue Fund shall remain in the Revenue Fund. Money in the Revenue Fund shall not be subject to reversion to the General Fund or Reserve Fund of the City.

The City Clerk shall certify the passage of this ordinance and have it published per Council policy.

Sample Franchise Agreement Language

Free MFD Dumping at ____ .

CONTRACTOR shall annually distribute free dump vouchers to SFD and MFD Service Recipients entitling each household to dump one (1) load of acceptable material at the (solid waste facility) during a calendar year, at no additional charge to the Service Recipient, provided the load does not exceed ____.

The first distribution of dump vouchers shall be for the calendar year _____. Unless otherwise agreed by CONTRACTOR, acceptable material shall be limited to material they will accept at no charge to service recipients. CONTRACTOR shall distribute the vouchers by mail by ____ each year. Vouchers shall be distributed to SFD and MFD Property Managers through standard U.S. mail.

Policy Options

The city of San Rafael's cross-departmental team tasked with determining a policy solution explored these possibilities:

Option 1: Require Bulky Item Management in Municipal Code and Switch to Drop Off Voucher in Franchise Agreement

Require Generators to Dispose of Large Items from Multifamily Dwelling (MFD) and Single Family Dwelling (SFD) Properties in Municipal Code Language

- Strengthen municipal code language to require MFD and SFD property managers to provide options for managing bulky items from tenants.
 - Prevent blight and prohibit the presence of large, bulky items outside of trash enclosures or weekly collection bins on or adjacent to the subject property for more than 48 hours.
 - Require property managers to notify tenants of the voucher program once annually and post a bilingual flyer at the MFD entry point and/or in any common areas.
- Code enforcement officer to conduct site visits and notify property managers of violations.
 - Conduct outreach to educate the property manager about the voucher program.
 - Validate if the property manager has notified tenants of the availability of the voucher program on an ongoing basis through posted signage or annual notices.
 - Fine property managers that do not coordinate bulky item management and have accumulated waste not in bins or have received notifications of violations.

Franchise Agreement Changes Required to Implement Drop Off Voucher

- Change bulky item scheduled pickup to universal voucher program franchise agreement language.
 - May apply to MFD and SFD.
- Match the current SFD service level for bulky items in the voucher language.
- Set service level per unit at one (or more) annually.
- Allow voucher use by property managers, residents, or a designated party.

Option 2: A City Ordinance Requiring and Funding Bulky Item Pickups Through Assessments On Multifamily Dwelling (MFD) Properties.

City Ordinance

A standalone ordinance that will create a new funding source and account to fund bulky item management at MFDs. See page 1 for example language.

- Strengthen municipal code language to require MFD and SFD property managers to provide options for managing bulky items from tenants.
 - Prevent blight and prohibit large bulky items outside the trash enclosure or weekly collection bins on or adjacent to the subject property for more than 48 hours.
 - Require property managers or Homeowners Associations (HOAs) to notify occupants of the pickup program once annually and to have a bilingual flyer at an entry point to the MFD and/or in any common areas.
- Code enforcement officer to conduct site visits and notify property managers of violations.
 - Conduct outreach to educate the property manager about the pickup program.
 - Validate if the property manager has notified occupants of the availability of the pickup program on an ongoing basis through posted signage or annual notices.
 - Fine property managers and HOAs that do not coordinate bulky item management and have accumulated waste not in bins or have received notifications of violations.
- Would not require changing SFD service.

Funding Management

- Must institute a process and identify the party that conducts billing and pickup services.
- Funds staff time, overtime expenses, equipment, and the disposal of bulky items.
- Report annually on revenue and expenditure to ensure the program remains fully funded.
 - Adjust assessment as needed to cover costs.

Identifying Appropriate Subject Properties

This ordinance is standalone and not tied to the Franchise Agreement, so it must identify who it applies to.

- Ordinance applies to MFDs with three or more units.
- Condos, townhouses, and other occupant-owned properties that directly subscribe to regular waste collection may be exempted from fee.
 - Still subject to code enforcement, and they will have the option of scheduled pickup.
 - For properties with combined waste service for multiple units the property manager or HOA should be identified as the responsible party.