

**Amended Ordinance 35 - 22**

**By: Lori Ann Feibel**

**An Ordinance to amend Section 1060, in order to require recycling service to be provided at commercial, institutional, and multi-family properties within the City of Bexley.**

**WHEREAS**, The City of Bexley Zero Waste Plan has been adopted by Bexley City Council via Resolution 09-17; and

**WHEREAS**, the City of Bexley Zero Waste Plan calls for expanding recycling services to multifamily residential properties, businesses, and institutions; and

**WHEREAS**, the City of Bexley created recycling for single family households in 1990.

**WHEREAS**, governmental regulations are required in order for greenhouse gas emissions to not exceed more than 2 degrees above pre-industrial levels.

**WHEREAS**, significant action must be taken by municipalities prior to 2030, as determined by the International Panel on Climate Change; and

**WHEREAS**, environmental issues are human rights, health, and safety issues; and

**WHEREAS**, the United States is anticipated to re-commit to the Paris Accord in 2021; and

**WHEREAS**, the City of Bexley administration has been assisting with the creation of concepts for universal recycling, including pricing and legislative models; and

**WHEREAS**, the City of Bexley administration, with the support and assistance of the Environmental Sustainability Advisory Committee has been exploring concepts for universal recycling in Bexley; and

**WHEREAS**, in the Spring of 2020, the Environment, Economy, Development and Sustainability program of the School of Environment and Natural Resources at the Ohio State University assisted with researching similar programs throughout the country, and

**WHEREAS**, a substantial amount of waste would be diverted from the landfill and recycled as a result of universal recycling;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

**Section 1.**

1060.01 Definitions be amended to add the following definitions:

**“Commercial Property” means any contiguous building that has a commercial use and is located within a commercial zoning district. The calculation of square footage for a Commercial Property is based on the total square footage of the contiguous building.**

“Multifamily Property” means a property that contains more than one dwelling unit, and includes condominium complexes.

“Institutional Property” means a property used for educational or religious purposes, or as a supervised residential facility with 24-hour onsite staff, and which has a contiguous facility footprint in excess of 10,000 square feet.

**Section 2.**

That new Section “1060.16 Recycling Service at Commercial, Institutional, and Multifamily Properties” be created as follows:

1060.16 Recycling Service at Commercial, Institutional, and Multifamily Properties

- (a) All Commercial, Institutional, and Multifamily Residential properties shall be provided with onsite single-stream recycling collection service, with the following minimum criteria.
- a. Collection to occur on a weekly basis at a minimum.
  - b. Minimum capacities:
    - i. In the case of Commercial Properties under 10,000 square feet, a minimum recycling capacity of a 96 gallon toter shall be provided for single stream recycling.
    - ii. In the case of Commercial Properties in excess of 10,000 square feet, a minimum recycling capacity of four yards shall be provided for single stream recycling.
    - iii. In the case of Multifamily Properties, a recycling capacity of 24 gallons per unit, with a minimum of one 96 gallon toter provided for single stream recycling.
    - iv. **In the case of Mixed-Use Properties in which the property contains more than one use categorized in this section, minimum capacity for each use shall be independently calculated and total capacity shall be the sum of those individual calculations.**
    - v. Institutional Properties shall create a recycling plan that adequately services the recycling capacity of their institutions, which shall be

submitted to the City by **October 1, 2023**, and which shall be fully implemented after review and approval by the Environmental Sustainability Advisory Committee Executive Committee (ESACEC).

(b) Administrative Exceptions:

- a. In instances of commercial users with specialized recycling needs, or where single stream recycling service would be less impactful than a customized recycling service, an exception may be provided after review and approval by the ESACEC. In such cases, a minimum 96 gallon single stream toter may still be required by the ESACEC.
- b. In instances of commercial or Multifamily environments where site plans do not allow for adequate capacity, lesser onsite capacity may be allowed if combined with more frequent pickup, subject to review and approval by the ESACEC.
- c. Lesser onsite capacity may be allowed if capacity is provided by adjoining shared facilities, subject to review and approval by the ESACEC.

(c) Commercial, Multifamily, and Institutional negotiated rates

- a. The City shall negotiate with a hauler for weekly single-stream recycling service to Multifamily, Commercial, and Institutional properties, to be billed to properties on a quarterly basis. In instance of properties in which a pre-existing contract prohibits using the City's contracted hauler, or in which property owners are able to obtain comparable service which is in compliance with this Chapter, properties may apply for exemption from the quarterly recycling rate, subject to review by the ESACEC.

(d) Right of Appeal of ESACEC Decisions

- a. Any decision rendered per this Section by the ESACEC may be appealed to a review board comprised of the President of Council, the Service Chair of Council, and the Auditor. The decision of the review board shall be final.

(e) Charges

- a. To provide necessary funds for equipment, personnel and other expenses in connection with the collection and disposal of recyclable materials as specified in this Chapter, a monthly charge shall be assessed based upon the following schedule:
  - i. **96 Gallon Toter: \$9.02 per month**
  - ii. **2 Yard Dumpster: \$72.50 per month**
  - iii. **4 Yard Dumpster: \$83.33 per month**
  - iv. **6 Yard Dumpster: \$95.00 per month**
  - v. **8 Yard Dumpser: \$118.00 per month**
  - vi. **10 Yard Dumpster: \$175.00 per month**
- b. Monthly charges shall be payable quarterly in advance, commencing **January 1, 2024**.

- c. Whenever service begins between payment periods, a payment at the rate of one twelfth of the current annual charge per month, for the balance of the current period, shall be made before service commences.
- d. For periods of ten days or less in any one month, no charge shall be made, but eleven days or more shall be charged for a full month.
- e. No refund shall be made for any part of a payment if service is discontinued during such period.

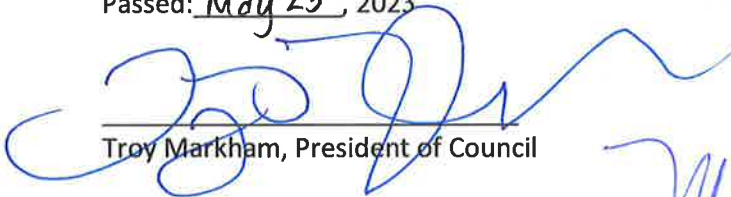
**(f) Limitations on Private Waste Hauling Contracts**

- a. **Waste Hauling Contracts for properties covered by 1060.16 that are executed on or after the effective date of this ordinance may not prohibit property owners from exclusively receiving City-provided recycling services.**

**Section 2.**

That this Ordinance shall go into effect and be in force from and after the earliest period allowed by law.

Passed: May 23, 2023



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Troy Markham, President of Council

Attest:



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Matt McPeek, Clerk of Council

Approved: May 23, 2023



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Ben Kessler,  
Mayor

First reading: September 13, 2022  
Second Reading: September 27, 2022  
Third Reading: October 11, 2022