



MODEL ORDINANCE ESTABLISHING A PAY-AS-YOU-THROW PROGRAM FOR RESIDENTIAL MUNICIPAL SOLID WASTE*

** For a version with commentaries: [Model Ordinance Establishing a Pay-As-You-Throw Program for Residential Municipal Solid Waste, With Commentaries.](#)*

For supplemental resources: [Pay-As-You-Throw Resources Compilation.](#)

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1.0 FINDINGS

- 1.1 WHEREAS, approximately 146 million tons of municipal solid waste were landfilled in the United States in 2018, the majority of which consisted of materials—including plastics, paper and paperboard, glass, metals, and compostables—that could have gone to materials recycling or organics recycling;
- 1.2 WHEREAS, Pay-As-You-Throw (PAYT), a municipal solid waste collection system in which households are charged on the basis of the amount of trash they dispose of, significantly reduces trash disposal and increases materials recycling and organics recycling at the household level, thereby diverting municipal solid waste from landfills and incinerators, which in turn typically:
 - 1.2.1 Decreases greenhouse gas emissions from landfilled and incinerated municipal solid waste,
 - 1.2.2 Reduces the harmful public health and environmental impacts of landfills and incinerators,
 - 1.2.3 Decreases vehicle miles traveled by and emissions from municipal solid waste haulers,
 - 1.2.4 Lowers municipal solid waste management costs associated with disposal, and
 - 1.2.5 Reduces the need to expand and create new landfills, which are costly and disproportionately sited in low-income communities and communities of color;
- 1.3 WHEREAS, PAYT has been adopted in thousands of jurisdictions of various sizes, and according to surveys, more than 90 percent of residents in communities using PAYT report that they prefer PAYT to the previous system in place;
- 1.4 WHEREAS, PAYT can provide significant cost savings to [Municipal Government] and to local households that reduce trash disposal; and
- 1.5 WHEREAS, relative to a flat-fee system, PAYT results in fairer trash collection rates whereby, similar to unit-based pricing for electricity and other utilities, households that generate and dispose of more trash pay more, the [Municipal Government] hereby adopts the following measures.

2.0 GOALS AND PURPOSES. It is intended that this Ordinance No. ____ will enact a PAYT program to:

- 2.1 Decrease landfilling and incineration of municipal solid waste in favor of reduction, materials recycling, and organics recycling by raising awareness among and providing a financial incentive to households in [Municipality]; and
- 2.2 Establish a residential municipal solid waste management pricing scheme that promotes transparency, efficiency, and fairness by charging households according to the amount of trash they generate, in line with payment structures for other utilities such as water and electricity.

3.0 DEFINITIONS

- 3.1 **Compostables:** Organic materials that can be composted, including food waste, yard waste, compostable serveware, and other materials.
- 3.2 **Composting:** Biological decomposition of organic constituents under controlled conditions.
- 3.3 **Container:** A reusable receptacle provided by [Municipal Government] or a private hauler that has a tight-fitting cover to contain and store trash, recyclables, or compostables.
- 3.4 **Disposal:** The act of discarding municipal solid waste, typically by sending to landfills or incinerators.
- 3.5 **Extra compostables:** Compostables (as defined in Subsection 3.1) that overflow from the container provided for a household's given organics recycling service level.
- 3.6 **Extra recyclables:** Recyclables (as defined in Subsection 3.15) that overflow from the container provided for a household's given materials recycling service level.
- 3.7 **Extra trash:** Trash (as defined in Subsection 3.16) that overflows from the container provided for a household's given trash service level.
- 3.8 **Household:** One housing unit and all of its occupants, regardless of their relationship to one another.
- 3.9 **Materials recycling:** The activities involved in collecting and processing recyclables into raw materials to be used in lieu of virgin materials in the manufacturing of new products. Materials recycling does not include organics recycling, incineration, combustion, energy recovery, fuel generation, "chemical recycling," "advanced recycling," or hazardous chemical generation.

- 3.10 **Multifamily unit:** One of multiple households (as defined in Subsection 3.8) in a single building.
- 3.11 **Municipal solid waste:** Discarded materials resulting from residential, commercial, or institutional activities, including trash, recyclables, and compostables and generally excluding agricultural waste, manufacturing waste, and hazardous waste.
- 3.12 **Organics recycling:** The activities involved in collecting and processing compostables into new materials, particularly to be used as soil amendments, including through composting and anaerobic digestion.
- 3.13 **Pay-As-You-Throw (PAYT):** A municipal solid waste collection system in which households are charged in proportion to the amount of trash they generate and dispose of and are charged at a higher rate for trash than for recyclables and compostables. Also commonly referred to as “Save-As-You-Throw,” “unit-based pricing,” “volume-based pricing,” “variable rate pricing,” or “Save Money and Reduce Trash (SMART).”
- 3.14 **Private hauler:** A nongovernmental person or entity that is paid to collect, transport, or both collect and transport trash, recyclables, compostables, all three, or a combination thereof, including, but not limited to, those selected to operate in municipally designated franchise zones or similar systems. Typically, a private hauler contracts with or is licensed by the government.
- 3.15 **Recyclables:** Items that can be processed by means of materials recycling in lieu of being disposed of in landfills or incinerators.
- 3.16 **Trash:** Discarded materials resulting from residential, commercial, or institutional activities, excluding manufacturing waste and hazardous waste as well as recyclables or compostables that are separately collected and processed for materials recycling or organics recycling. Materials designated as trash are typically disposed of in landfills or incinerators.
- 3.17 **Undue hardship:** A condition occurring when a compliance burden is unreasonable or excessively costly for a household to bear.
- 3.18 **Waste service:** The collection, transport, and drop-off of municipal solid waste at a public or private facility for appropriate disposal or processing.
- 3.19 **Yard waste:** Leaves, branches, grass clippings, and other organic trimmings from a garden or yard.

4.0 FOUNDATIONAL PROGRAMS: MATERIALS RECYCLING AND ORGANICS RECYCLING

- 4.1 As foundational support for a PAYT program that reduces trash disposal, [Municipal Government] shall adopt programs for materials recycling and for organics recycling. These programs shall include curbside collection of household recyclables and compostables respectively.
- 4.2 [Municipal Government] and any private hauler that offers collection services for recyclables, compostables, or both recyclables and compostables pursuant to a municipal contract or license at a minimum shall:
- 4.2.1 Provide household curbside recyclables and compostables collection at the same intervals and on the same days of the week as curbside trash collection;
- 4.2.2 Comply with any standards set by [Municipal Government] that pertain to items accepted for materials recycling and organics recycling;
- 4.2.3 Decline to collect:
- 4.2.3.1 Trash commingled with recyclables, compostables, or both,
- 4.2.3.2 Recyclables commingled with trash, compostables, or both,
- 4.2.3.3 Compostables commingled with trash, recyclables, or both, and
- 4.2.4 Deliver recyclables and compostables only to recycling or processing facilities that comply with all applicable state and local laws and regulations.
- 4.2.4.1 [Municipal Government] shall monitor private hauler compliance with this Section’s materials recycling and compostables recycling mandates through its contracting and licensing processes.

5.0 ORGANICS RECYCLING ASSESSMENT

- 5.1 Given that PAYT programs are most successful when households are provided with regular curbside collection of compostables, [Municipal Government] shall assess the potential PAYT program impacts and feasibility of instituting or bolstering curbside compostables collection and processing that is consistent with Section 4 organics recycling requirements.
- 5.2 [Municipal Government] shall assess the impact and feasibility of the following:
 - 5.2.1 New or expanded pilot projects for curbside compostables collection and processing; and
 - 5.2.2 Interim and supplemental measures such as providing or increasing food scrap drop-off locations, offering backyard composting education and discounted backyard composting bins, and fostering community composting projects.

6.0 PAYT PROGRAM AND COMPONENTS

- 6.1 **Municipally Operated Solid Waste Collection Requirements:** [Municipal Government] shall establish a PAYT program for residential municipal solid waste.
 - 6.1.1 Pricing System
 - 6.1.1.1 [Municipal Government] shall employ a variable rate pricing system designed to incentivize households to generate less trash and to increase materials recycling and organics recycling.
 - 6.1.1.2 The pricing system shall be informed by input received pursuant to Section 8.
 - 6.1.2 Price Levels
 - 6.1.2.1 [Municipal Government] shall set unit-based price levels for service of trash containers of varying types, numbers, and sizes.
 - 6.1.2.1.1 [Municipal Government] shall set price levels for curbside pickup of extra trash that is not placed in the containers provided to households pursuant to this Ordinance.
 - 6.1.2.2 [Municipal Government] shall provide and service materials recycling and organics recycling containers free of charge or at a price level not to exceed the standard price of the lowest trash service level.
 - 6.1.2.2.1 [Municipal Government] shall offer curbside pickup of extra recyclables or compostables that are not placed in the containers free of charge (within specified limitations, if any) or at a price level not to exceed the standard price of the lowest trash service level.
 - 6.1.3 [Municipal Government] shall establish a process for setting reduced rates for, or providing waivers to, households for which the pricing system presents an undue hardship.
 - 6.1.4 Price levels shall be reviewed and revised by [Municipal Department] annually to ensure that households are appropriately incentivized to generate less trash and increase materials recycling and organics recycling.
- 6.2 **Private Hauler Contract Requirements**
 - 6.2.1 To the extent consistent with existing contractual provisions and obligations, [Municipal Government] shall revise existing contracts as practicable or enter new contracts for residential municipal solid waste collection, including trash collection, that require private haulers to establish a PAYT program by:
 - 6.2.1.1 Providing variously sized containers consistent with any municipal requirements;
 - 6.2.1.2 Setting unit-based price levels for use of variously sized, municipally approved or provided trash containers;
 - 6.2.1.3 Providing households the opportunity to select the size and number of trash containers that they receive;
 - 6.2.1.4 Monitoring and supporting customer compliance with collection requirements established pursuant to Section 13; and
 - 6.2.1.5 Complying with Section 12 reporting requirements.

6.2.2 [Municipal Department] shall review, at regular intervals, private hauler compliance with contractual provisions, including those required by this Section, and may impose any contractually authorized sanctions or penalties for noncompliance.

6.3 Licensed Private Hauler Requirements

6.3.1 [Municipal Department] shall review the pricing system and price levels of private haulers at the time of municipal license application and renewal. In addition to any existing criteria, license applications and renewals shall be granted only to private haulers that demonstrate they will establish a PAYT program by:

6.3.1.1 Providing variously sized containers consistent with any municipal requirements;

6.3.1.2 Setting unit-based price levels for use of variously sized municipally approved or provided household trash containers;

6.3.1.3 Providing households the opportunity to select the size and number of trash containers that they receive;

6.3.1.4 Monitoring and supporting customer compliance with collection requirements established by [Municipal Government] pursuant to Section 13; and

6.3.1.5 Complying with Section 12 reporting requirements.

6.3.2 [Municipal Department] shall review at regular intervals private hauler compliance with license provisions, including those required by this Section, and may impose sanctions or penalties for noncompliance to the extent consistent with applicable license or municipal code provisions, including but not limited to suspension or revocation of license.

7.0 MULTIFAMILY UNITS

7.1 The PAYT program shall apply to households in multifamily units that are serviced individually for collection of municipal solid waste.

7.2 [Municipal Government] shall assess the feasibility of including multifamily units with communal container(s) and collection point(s) shared among multiple households and shall adjust service as appropriate based on the assessment.

8.0 COMMUNITY ENGAGEMENT

8.1 [Municipal Government] shall consult residents of [Municipality] and other key stakeholders before and throughout design and implementation of the PAYT program, with particular attention to engaging individuals and community-based organizations from chronically excluded communities. Public engagement measures may include, but are not limited to:

8.1.1 Soliciting public comments;

8.1.2 Holding public meetings; and

8.1.3 Assembling a PAYT advisory committee that includes stakeholders from [Municipal Government], the waste management industry, and the community.

9.0 EQUITY/PREVENTION OF UNDUE HARDSHIP

9.1 [Municipal Government] shall establish a process by which households may apply for reduced price levels for waste collection, waivers of Subsection 13.1 collection requirements, or both.

9.2 All customer notice materials and outreach efforts conducted pursuant to this Ordinance shall be appropriately translated for households in communities with a substantial number of residents who speak languages other than English.

9.3 [Municipal Government] shall implement any other measures deemed necessary to ensure that no household in [Municipality] faces undue hardship as a result of implementation of this Ordinance, including but not limited to households with members who are low-income, elderly, or disabled or who speak languages other than English.

10.0 CUSTOMER NOTICE

- 10.1 Private haulers shall provide written notice to their affected customers of changes to their service as a result of instituting PAYT at least 90 days prior to PAYT implementation and thereafter on an annual basis. Notice shall include, but is not limited to, information about:
 - 10.1.1 The new rate structure;
 - 10.1.2 PAYT container size options;
 - 10.1.3 Resources on household municipal solid waste reduction and the benefits of PAYT; and
 - 10.1.4 Where to direct concerns about or report problems with complying with the PAYT program.
- 10.2 All customer notice materials shall be appropriately translated for households in communities with a substantial number of residents who speak languages other than English.

11.0 BILLING

- 11.1 Customers shall be billed directly for waste service at least monthly.
- 11.2 If multiple municipal services are included in one bill, waste service charges shall be an individual line item on all household bills.
- 11.3 Household bills shall delineate price levels by number and size of container(s).

12.0 PRIVATE HAULER REPORTING AND COMPLIANCE

- 12.1 All private haulers in [Municipality] shall submit a quarterly report to [Municipal Department] on or before [date corresponding to start of fiscal or calendar year], and quarterly thereafter, in an electronic format acceptable to [Municipal Department]. The report shall include, but is not limited to:
 - 12.1.1 Total number of customers served;
 - 12.1.2 Number of customers at each service level;
 - 12.1.3 Total amount of trash collected (expressed in tons);
 - 12.1.4 Total amount of recyclables and compostables collected (expressed in tons); and
 - 12.1.5 Total operational costs.
- 12.2 Reports submitted pursuant to this Section shall include a certification in a form acceptable to [Municipal Department].
- 12.3 [Municipal Department] may obtain relevant private hauler records to ensure compliance with the requirements of this Ordinance.

13.0 HOUSEHOLD REQUIREMENTS AND COMPLIANCE ASSISTANCE

- 13.1 Consistent with this Ordinance's PAYT mandate and [other applicable municipal code provisions], households shall:
 - 13.1.1 Place all municipal solid waste in the appropriate trash, recyclables, and compostables containers provided to them by [Municipal Government] or private hauler;
 - 13.1.2 Place only trash, recyclables, and compostables approved by [Municipal Government] in the containers;
 - 13.1.3 Keep trash, recyclables, and compostables separate from one another, placing each into its proper container; and
 - 13.1.4 Follow any specifications set by [Municipal Government] or private hauler regarding disposal of extra municipal solid waste that does not fit in the appropriate container provided.
- 13.2 [Municipal Government] shall set penalty procedures and amounts consistent with state and municipal law for any household that violates collection rules pursuant to Subsection 13.1 in an amount not to exceed [dollar amount consistent with comparable municipal code sections].
 - 13.2.1 [Municipal Department] shall consider equity impacts in setting penalties and developing enforcement strategies and priorities that are consistent with measures adopted pursuant to Section 9.

13.2.2 [Municipal Department] shall assess the adequacy of existing penalties for illegal dumping to determine whether they will support effective implementation of the PAYT program established in Section 6.

13.2.3 During the 12 months following the effective date of this Ordinance, [Municipal Government] shall not impose penalties for violations but shall provide warnings to violators.

13.2.4 Outreach and education materials shall be provided directly to any household that violates collection rules pursuant to Subsection 13.1.

14.0 ANNUAL REPORT ON PROGRAM EFFECTIVENESS

14.1 [Municipal Department] shall issue an annual public report on the effectiveness of the PAYT program.

15.0 SEVERABILITY

15.1 This Ordinance and the various parts thereof are hereby declared to be severable. If any provision, sentence, clause, phrase, or word of this Ordinance or any application of it is held to be invalid by a decision of a court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions or applications of this Ordinance.

16.0 EFFECTIVE DATE

16.1 This ordinance takes effect [number of days] after its [adoption/publication].