THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: January 10, 2023

Subject: Amendment to Chapter 15 of the City Code of Ordinances

Staff Resource(s): Jes Foster, Public Works Sanitation Division Manager
Bridget Herring, Sustainability Director

Action Requested: Adoption of an ordinance amending Chapter 15, Solid Waste Management, of the Code of Ordinances related to yard waste collection to prohibit plastic bags for curbside brush and leaf collection, effective August 1, 2023.

Background:

- In Spring 2018, the Public Works Sanitation Division began accepting biodegradable paper yard waste bags in brush and leaf collection operations.
- In Fall 2018, the City began an ongoing campaign to promote the use of paper bags and reusable containers in brush and leaf collection operations.
- In March 2022, the Sustainability Advisory Committee on Energy and the Environment (SACEE) was asked to review and make recommendations on a plastic reduction policy followed by a presentation to the Council Governance Committee.
- At the July 20, 2022, SACEE meeting, the committee voted unanimously to support a revision to Chapter 15 of the City Code prohibiting the use of plastic bags for curbside leaf collection.
- At the September 14, 2022, Governance Committee meeting, the committee voted 3-0 to recommend to the full City Council a phased plastic reduction strategy.
- At the October 11, 2022, City Council meeting, Council voted 7-0 to direct staff to revise City Code to prohibit plastic bags for curbside leaf and brush collection as Phase 1 of a plastics reduction strategy.

Council Goal(s):

- A Clean and Healthy Environment

Committees(s):

- Sustainability Advisory Committee on Energy and the Environment, July 20, 2022, voted 7-0 to support prohibition of plastic bags for brush/leaf collection
- Governance Committee, September 14, 2022, voted 3-0 to recommend to the full City Council a phased plastic reduction strategy

Pro(s):

- Implements phase one of the plastic reduction strategy as adopted by City Council by eliminating the use and disposal of approximately 120,000 bags annually
- Supports Council Resolution 14-27 to reduce waste by 50% by 2035
- Addresses one of Council's strategic priorities to improve core service delivery.
- Additionally, this will improve staff safety and enhance community cleanliness by eliminating a source of litter that impacts communities and clogs stormwater drains.
- Builds on previous outreach and education initiatives that will be supported through existing resources already planned and budgeted with the Communications and Public Engagement Department, Sustainability Department, and Public Works Sanitation Division.

Con(s):

- There may be an increased cost to residents currently utilizing plastic bags for curbside leaf collection of approximately $0.10/bag.
- Paper bags can be purchased in bulk, particularly during non-peak leaf season, for the same price as or less than plastic lawn bags.

- Alternatively, residents may choose to make a one-time purchase of reusable containers of $20-$30 for infinite use.

Fiscal Impact:

- Funding in the amount of $20,000 has been identified within the Public Works Department operating budget to support implementation of the plastic leaf bag ban.
- Funding will be used for education and outreach about the ordinance change and for the one-time purchase and distribution of 30,000 leaf bags to residents. Education and outreach materials have already been created and are scheduled to be deployed through the Communications and Public Engagement Department.
- Paper bags may cost up to $0.10 more per bag than some plastic bags.

Suggested Motion:

- Motion to adopt an ordinance amending \Chapter 15, Solid Waste Management, of the City Code of Ordinances related to yard waste collection to prohibit plastic bags for curbside brush and leaf collection, effective August 1, 2023.

Attachment(s)

- Ordinance

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 15, SOLID WASTE MANAGEMENT, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO AMEND BRUSH AND LEAF COLLECTION OPERATIONS

WHEREAS, the City Council of the City of Asheville has the authority pursuant to Article II of the City Charter, to adopt changes to its General Ordinances; and

WHEREAS, North Carolina General Statutes 130A-309A and C, authorize cities to assess local solid waste collection services and capacity in order to meet local needs and to protect human health and the environment and allow for local ordinances and regulations to provide solid waste management standards which are stricter or more extensive than those imposed by the State solid waste management program and rules; and

WHEREAS, Chapter 15, Solid Waste Management, of the City Code of Ordinances specifies operational processes for the collection of brush trimmings and leaves; and

WHEREAS, on the 11th of October, 2022, City Council directed the City Manager to work with staff to revise Chapter 15 of the City Code to prohibit plastic bags for curbside leaf and brush collection; and

WHEREAS, this revision aligns with the City Council strategic priority to improve and expand core services; and

WHEREAS, this revision will enhance community cleanliness by eliminating a source of litter that impacts communities and clogs storm drains; and

WHEREAS, this revision supports Resolution 14-27 to reduce waste by 50% by 2035;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 15 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Amend Section 15.1 Definitions as follows:

i. Add the term and definition:

Biodegradable paper yard waste bags. A bag that is designated for the use of yard waste containment and is biodegradable such that it can be processed and/or composted with the brush trimmings and/or leaves which it contains.

ii. Amend the definition of “Brush trimmings” to add this additional sentence to the end of the paragraph:

Grass clippings are not included in brush trimmings, and shall not be collected by the City.

iii. Amend and replace in its entirety the definition of “Brush trimmings containers” to read:

Brush trimmings containers. Biodegradable paper yard waste bags or personal

reusable brush containers in a serviceable condition which, when full, do not weigh more than 50 pounds, except paper bags, which shall not weigh more than 25 pounds when full.

iv. Add the term and definition:

Leaf or *leaves*. The foliage of trees.Grass clippings are not included in the definition of leaves, and shall not be collected by the City.

v. Under the definition of 'Refuse receptacle', add the sub-term and definition:

Reusable brush container. Any rigid plastic container used for yard waste containment, or other reusable yard waste storage device as approved in writing by the Solid Waste Manager. A reusable brush container shall have a capacity of not less than 10 gallons or more than 32 gallons, shall weigh no more than 50 pounds when full, shall not accumulate rainwater, and shall be clearly marked to designate contents as 'Brush' or 'Leaves'.

vi. Remove in its entirety the term "Two-ply kraft paper bags" and its definition

b. Amend and replace in its entirety, subsection (f) of section 15-38, Requirements for certain types of waste material, with a new subsection (f) that reads:

"(f) *Brush trimmings.* All brush trimmings shall be collected by the city when placed at curbside for collection by 7:00 a.m. on the Monday of the collection week as determined by the solid waste manager. Loose brush trimmings shall not be placed on storm drains, or on or under utility guy wires, low-hanging utility wires, utility pedestals, meter boxes, or other utility structures. If brush trimmings are placed in reusable brush containers, such containers shall not weigh more than 50 pounds, shall not accumulate rainwater, and shall be clearly marked as "brush" or "leaves". Approved biodegradable paper yard waste bags containing brush trimmings shall not weigh more than 25 pounds. No tree trunks, stumps, branches, limbs or shrubbery trimmings larger than six inches in diameter, longer than four feet, or weighing more than 50 pounds shall be collected by the City. Tree and shrubbery limbs shall have protruding branches trimmed and may be placed in piles at curbside only if placed separately from thorny vegetation. Thorny vegetation, if placed at curbside for collection, shall be cut in lengths not to exceed two feet and shall be placed in separate piles from other tree and shrubbery trimmings. No grass clippings shall be collected with brush trimmings."

c. Amend and replace in its entirety, subsection (h) of section 15-38 with a new subsection (h) that reads:

"(h) *Leaves:* Leaves shall be stored for collection in approved biodegradable paper yard waste bags or in approved marked reusable brush containers designated as "brush" or "leaves." The contents of such containers shall not extend above the rim thereof and shall be contained so as to prevent rainwater accumulation and to prevent the elements from carrying or depositing contents upon any street, sidewalk, public, or private property. Approved paper bags and reusable brush containers containing leaves clearly marked "brush" or "leaves"

shall be placed at curbside for collection by 7:00 a.m. on the Monday of the collection week as determined by the solid waste manager. No grass clippings shall be collected with leaves."

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective August 1, 2023.

Read, approved, and adopted this 10th day of January, 2023.

_____ _____

City Clerk Mayor

Approved as to form:

_____

City Attorney