

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 21,  
SECTIONS 21-1.3 AND 21-9.1, KAUAI COUNTY CODE 1987, AS  
AMENDED, RELATING TO INTEGRATED SOLID WASTE  
MANAGEMENT TO ESTABLISH VARIABLE RATES  
THE COLLECTION OF RESIDENTIAL AND  
COMMERCIAL REFUSE (PAY AS YOU THROW)**

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BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

**SECTION 1. FINDINGS AND PURPOSE.** The purpose of this bill is to establish variable rates for the collection of residential and commercial refuse (Pay as You Throw) by amending Section 21-1.3 and Section 21-9.1 of the Kauai County Code 1987, as amended, relating to Integrated Solid Waste Management.

**Wasted Resources:** In 2013, residents and businesses on Kauai discarded over 77,000 tons or 5.1 pounds per capita of materials for disposal. An estimated 60% of these discarded materials could have been reused, recycled or put to other beneficial use, which could have resulted in significant environmental benefits and resource savings.

**Variable Rates:** Increasingly, state and local governments across the United States are requiring that waste generators pay variable rates (Pay as You Throw or PAYT) or be charged for refuse and garbage collection services that incrementally increase when the volume of disposed refuse increases (such as charges for the use of 32, 64 or 96-gallon carts). In addition, these governments charge less or do not charge fees for recyclables and /or organics collection services to encourage recycling and discourage disposal.

**Voluntary Options:** Currently, the County of Kauai provides its residents with voluntary options to reduce their waste management costs and conserve landfill capacity. Residents who wish to take full advantage of the variable rate incentives can be encouraged to use the County recycling drop-off bins (for example, Kauai Recycles), commercial recycling drop-off bins (for example, the Kauai Resource Center at the Lihue Refuse Transfer Stations), private sector Redemption Centers (for example, private centers for the deposit/redemption (HI-5) of beverage containers), and County greenwaste drop-off sites at all refuse transfer stations.

**Avoided Disposal Cost Component of Variable Rates:** Diverting materials from disposal saves and reduces both operating and capital disposal costs (landfill capacity is preserved; landfill life is extended; and siting, design, permitting and construction costs for new cells are deferred). Therefore, the incremental variable rates represents the proportionate operational and capital costs of collecting, transporting and disposing of more materials, as well as the avoided future costs of landfill development and disposal.

**County Service:** The County of Kauai has historically provided municipal solid waste management services to protect the public's health and safety.

**Fairness / Equity:** Increasingly, other local governments are funding municipal solid waste management costs through service fees proportionate to use,

as is done for water, sewer and electric utilities. Some residents and businesses perceive that paying for one's own service, and not subsidizing some one else's greater service, is more equitable.

**Zero Waste Resolution:** In 2011 the Kaua'i County Council passed a resolution incorporating the principles of Zero Waste Management into all areas of County government. Implementing the concept of Pay As You Throw is an essential element of incentivizing waste reduction, achieving maximum diversion, and reaching our Zero Waste goals.

**Full Costs:** Currently, residential refuse collection and disposal, costs the County roughly \$60.00 per household per month. These costs are currently subsidized for real property tax revenue. Even the small portion of the costs that are currently reflected in the property tax collection, do little to raise the public's awareness of the full cost of Solid Waste Management.

SECTION 2. Section 21-1.3 of the Kaua'i County Code 1987, as amended, is amended by amending the definition of "Benefitted Property" and "Serviceable Property" and by adding the definition of "Variable Residential Refuse Collection Assessment" to read as follows:

"Benefitted Property" means real property on which there is a dwelling unit [or place of business, which generates refuse, garbage or solid waste.] or units. Multiple units on a single piece of property shall each be considered to be an separate benefitted property.

"Serviceable Property" means a residence which is accessible from a public road by County collection vehicles. May also include properties on private roads where access agreements have been negotiated.

"Variable Residential Refuse Collection" means a surcharge amount for refuse collection service that varies based on the volume of a "cart" for automated refuse collection or the number of 32-gallon receptacles for manual refuse collection."

SECTION 3. Section 21-9.1 of the Kaua'i County Code 1987, as amended, is hereby amended as follows:

**"Sec. 21-9.1 County Refuse Collection Fees from Businesses, Commercial, Non-residential, Transient Vacation Rental, Homestay, and Residential Generators.**

(a) Business, Commercial, Transient Vacation Rental, Homestay, and other Non-residential Collection Fees. Business, commercial, educational, transient vacation rental, homestay, and other nonresidential establishments may not receive refuse collection service provided by the County unless an application is received and approved by the County Engineer. Refuse collection fees, for a calendar month, for such classification shall be as follows:

**[MONTHLY BUSINESS, COMMERCIAL, TRANSIENT VACATION RENTAL, HOMESTAY, AND OTHER NON-RESIDENTIAL COLLECTION FEES FOR WEEKLY MANUAL REFUSE COLLECTION SERVICE**

**Monthly Business, Commercial, Transient Vacation Rental, Homestay, and Other Nonresidential Collection Fees for Weekly Manual Refuse Collection Service**

Number of trash containers each collection	Monthly fee for weekly collection
Up to three (3) each thirty-two (32) gallon container*	\$84.00
Each additional increment of three (3) each thirty-two (32) gallon container	\$84.00

\*Minimum charge for each person or business

**Monthly Business, Commercial, Transient Vacation Rental, Homestay, and Other Nonresidential Collection Fees for Weekly Automated Refuse Collection Service**

Number of carts each collection	Monthly fee for weekly collection
One (1) each ninety-six (96) gallon cart*	\$84.00
For each additional ninety-six (96) gallon cart	\$84.00

\*Minimum charge for each person or business]

**MONTHLY BUSINESS, COMMERCIAL, TRANSIENT VACATION RENTAL, HOMESTAY, AND OTHER NON-RESIDENTIAL COLLECTION FEES FOR WEEKLY MANUAL OR AUTOMATED REFUSE COLLECTION SERVICE**

**COMMERCIAL REFUSE COLLECTION ASSESSMENT**

	<u>Effective 7/01/2015</u>
<u>Size or Number of Carts</u>	<u>Monthly Fee For Weekly Collection</u>
<u>Automated Collection: Assessment for One (1) 64-gallon cart **</u>	<u>\$64.00</u>
<u>Automated Collection: Assessment for One (1) 96-gallon cart</u>	<u>\$84.00</u>
<u>Manual Collection: Assessment for two (2) 32-gallon receptacles **</u>	<u>\$64.00</u>
<u>Manual Collection: Assessment for Up to three (3) 32-gallon receptacles</u>	<u>\$84.00</u>

\*\*Minimum charge for each person or business

Prior to requesting additional carts, receptacles, or service, a business shall subscribe to the maximum standard level of service (96-gallon automated cart or three (3) 32-gallon manual receptacles).

<u>Automated Collection: Assessment for each additional 64-gallon cart</u>	<u>\$64.00</u>
<u>Automated Collection: Assessment for each additional 96-gallon cart</u>	<u>\$84.00</u>

[(b) Residential Refuse Collection Assessment. All properties in the County that are classified "serviceable," for refuse collection services provided by the Department, shall receive a refuse collection assessment according to the schedule below. The Refuse collection assessment for a calendar month, for such classification shall be as follows:

**RESIDENTIAL REFUSE COLLECTION ASSESSMENT**

	<b>Effective 7/01/2011</b>
Base Monthly Assessment for Collection per Benefitted Property	\$6.00
Manual Curbside Collection: Assessment for up to three (3) Receptacles	\$6.00
Automated Curbside Collection: Assessment for one (1) 96-gallon Receptacle	\$6.00
Manual Collection: Assessment for up to three (3) Additional Receptacles	\$12.00
Automated Curbside Collection: Each Additional 96-gallon receptacle	\$12.00

Any residence that qualifies for an exemption under Section 5A-11.4(d) of the Kaua'i County Code shall receive a fifty percent (50%) reduction in the applicable refuse collection assessment specified in this Section.]

(b) Residential Refuse Collection Assessment. All properties in the County that are classified "serviceable," for refuse collection services provided by the Department, shall pay a *Base Monthly Refuse Collection* assessment according to the schedule below. Beginning July 1, 2015, the County will provide the option of selecting a 64 or 96-gallon automated cart for residential refuse collection. Some areas, as determined by the County Engineer may continue to receive manual collection. The *Variable Residential Refuse Collection Assessment* for a calendar month, for each option shall be as follows:

## RESIDENTIAL REFUSE COLLECTION ASSESSMENT

	<b>Effective 7/01/2015</b>
<u>Size or Number of Carts</u>	<u>Monthly Fee For Weekly</u>
<u>Base Monthly Assessment per Benefitted Property</u>	<u>\$6.00</u>
<u>Automated Curbside Collection: Assessment for one (1) 64-gallon cart</u>	<u>\$4.00</u>
<u>Automated Curbside Collection: Assessment for one (1) 96-gallon cart</u>	<u>\$12.00</u>
<u>Manual Curbside Collection: Assessment for two (2) 32-gallon receptacles</u>	<u>\$4.00</u>
<u>Manual Curbside Collection: Assessment for three (3) 32-gallon receptacles</u>	<u>\$12.00</u>

Prior to requesting additional carts, receptacles, or service, a resident must subscribe to the maximum standard level of service (96-gallon automated cart or three (3) 32-gallon manual receptacles).

<u>Automated Collection: Assessment for each additional 64-gallon cart</u>	<u>\$10.00</u>
<u>Automated Collection: Assessment for each additional 96-gallon cart</u>	<u>\$18.00</u>
<u>Manual Collection: Assessment for two (2) additional 32-gallon receptacles</u>	<u>\$10.00</u>
<u>Manual Collection: Assessment for three (3) additional 32-gallon receptacles</u>	<u>\$18.00</u>

Any residence that qualifies for an exemption under Section 5A-11.4 (d) of the Kaua'i County Code shall receive a fifty percent (50%) reduction in the applicable refuse collection assessment specified in this section.

(c) Other Automated Refuse Collection Fees.

1) County-provided carts are the responsibility of the owner and/or occupant. If the Department determines the County-provided cart must be replaced due to intentional damage by the owner and/or occupant and not due to normal wear and tear of the cart, the owner shall be assessed a unit

fee of \$100 per cart. Payment shall be made in full to the County prior to replacement of the cart.

(2) The service fee for deactivating and reactivating refuse collection services at the same residence within one (1) year shall be \$50. Payment shall be made in full prior to reactivation of the Account.

(3) The service fee for upsizing or downsizing the size of the automated refuse collection cart once delivered shall be:

- a) There shall be no charge for "downsizing."
- b) A service fee of twenty dollars (\$20) per exchange will be assessed to residents requesting a larger size cart. However one (1) free cart exchange will be allowed within the first six (6) months.
- c) Payment shall be made in full prior to delivery of the new cart.

(d) Service Charges for Residential Refuse Collection.

(1) Annual service charges shall be based on the effective date of the Ordinance codified in this Section and thereafter the fiscal year beginning July 1st of any year; however, where collection services are commenced after July 1st of any year, the annual assessment shall be prorated accordingly on a monthly basis. Regular billings shall be made in accordance with the real property tax assessment billing cycle. Such bills shall be payable together with the real property tax assessments.

(2) Owners may pay for one (1) refuse receptacle per legally permitted dwelling unit. Assessments or fees for any additional receptacles shall be paid in advance of receiving collection services. Credits may be issued against any future collection assessment and shall be issued only upon termination of all refuse collection services."

SECTION 4. If any provision of this Ordinance or application thereof to any person, persons, or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. Material to be deleted is bracketed. New material is underscored. When revising, compiling, or printing this Ordinance, the brackets, bracketed material, and underscoring need not be included.

SECTION 6. This Ordinance shall take effect on July 1, 2015.

Introduced by: /s/ JAY FURFARO  
(By Request)

DATE OF INTRODUCTION:

**August 27, 2014**

Līhu'e, Kaua'i, Hawai'i

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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2551, Draft 1, which was adopted on second and final reading by the Council of the County of Kaua'i at its meeting held on October 8, 2014 by the following vote:

FOR ADOPTION:	Bynum, Chock, Hooser, Yukimura, Furfaro	TOTAL - 5,
AGAINST ADOPTION:	Rapozo	TOTAL - 1,
EXCUSED & NOT VOTING:	Kagawa	TOTAL - 1,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Līhu'e, Hawai'i  
October 9, 2014

  
Ricky Watanabe  
County Clerk, County of Kaua'i

ATTEST:

  
Jay Furfaro  
Chairman & Presiding Officer

DATE OF TRANSMITTAL TO MAYOR:

October 9, 2014

Approved this 15<sup>th</sup> day of

October, 2014.

  
Bernard P. Carvalho, Jr.,  
Mayor  
County of Kaua'i