



A BILL FOR AN ORDINANCE

RELATING TO COLLECTION AND DISPOSAL OF REFUSE

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose and intent. The purpose of this ordinance is to authorize the City to charge for City-provided refuse collection services.

SECTION 2. Section 9-1.2, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by adding new definitions of "Accessory dwelling unit", "Dwelling unit", and "Nonprofit organization" to be appropriately inserted and to read as follows:

"Accessory dwelling unit" means the same as defined under Section 21-10.1."

"Dwelling unit" means the same as defined under Section 21-10.1."

"Nonprofit organization" means an association, corporation or other entity, organized and operated exclusively for religious, charitable, scientific, literary, cultural, educational, recreational or other nonprofit purposes, no part of the assets, income or earnings of which inures to the benefit of any individual or member thereof, and whose charter or other enabling act contains a provision that, in the event of dissolution, the assets owned by such association, corporation or other entity shall be distributed to another association, corporation or other entity organized and operated exclusively for nonprofit purposes, and which further qualifies for exemption from the general excise tax provisions of HRS Chapter 237, as amended, and under Section 501 of the Internal Revenue Code of 1954, as amended."

SECTION 3. Section 9-1.5, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 9-1.5 Limitations to collection by refuse crews.**

The division shall not collect:

- (a) Any soil, rock, concrete, explosives, liquids, radioactive materials, construction debris, demolition debris, commercial cooking oil waste, or commercial FOG waste; except that used oil may be collected under a curbside collection service established pursuant to Section 2-23.2;
- (b) Any refuse, green waste, and other recyclable materials as designated by the director not prepared for collection as provided by Section 9-1.4;
- (c) Any refuse, green waste, and other recyclable materials as designated by the director not placed for collection as provided by Section 9-1.4;



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- (d) Any rubbish consisting of tree branches, plant cuttings, vines and other similar materials exceeding one cubic yard in volume for any single regular collection in manual collection areas;
- (e) Any refuse, green waste, and other recyclable materials as designated by the director placed for collection in a place which is unsafe or is likely to cause injury to the persons collecting said refuse, green waste, and other recyclable materials; or
- (f) Any refuse, green waste, and other recyclable materials as designated by the director, [from any business] where the [owner thereof shall have] party liable for the collection charges billed to a business, nonprofit organization, governmental building, dwelling unit, accessory dwelling unit, or multi-unit residential building has failed to pay the [service] collection charges [hereinafter provided.] set forth in this chapter."

SECTION 4. Section 9-3.3, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 9-3.3 Service to government buildings**

The division may provide refuse collection services to buildings of the federal, ~~and~~ state, and city governments upon request from the authorities responsible for such buildings. The charge for service to such governmental buildings, other than buildings used for residential purposes, shall be that which is applicable to a place of business. For services rendered to buildings used for residential purposes, the charges shall be ~~established by agreement. Such agreement shall be executed by the director of budget and fiscal services, with the recommendation of the director, on behalf of the city~~ that which is applicable to dwelling units, accessory dwelling units or multi-unit residential buildings, as set forth in this chapter."

SECTION 5. Chapter 9, Article 4, Revised Ordinances of Honolulu 1990, is amended by adding a new section to be appropriately designated and to read as follows:

**"Sec. 9-4. Collection charges for dwelling units, accessory dwelling units or multi-unit residential buildings receiving automated or manual refuse collection services.**

Monthly Charge for Collection. For all refuse collected and removed by the division on regularly scheduled collection days by automated or manual collection from dwelling units, accessory dwelling units or multi-unit residential buildings, there shall be a monthly charge assessed per dwelling unit, accessory dwelling unit or dwelling unit within a multi-unit residential building, in accordance with the following schedule:



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	<u>Monthly Charge</u>	<u>Effective date</u>
<u>Automated Collection Service</u>		
<u>Dwelling Unit, Basic Package:</u> <u>1 refuse cart, 1 mixed recyclable materials cart, and 1 green waste cart.</u>	<u>\$5.00 per dwelling unit</u>	<u>January 1, 2019</u>
<u>Dwelling Unit, Additional Carts:</u> <u>Up to 2 additional carts (up to a combined maximum total of 5 carts per dwelling unit).</u>	<u>\$2.50 per cart</u>	<u>January 1, 2019</u>
<u>Accessory Dwelling Unit Package:</u> <u>1 refuse cart and 1 mixed recyclable materials cart.</u> <u>Additional carts not allowed.</u>	<u>\$5.00 per accessory dwelling unit</u>	<u>January 1, 2019</u>
<u>Manual Collection Service</u>		
<u>Dwelling Unit</u>	<u>\$5.00 per dwelling unit</u>	<u>January 1, 2019</u>
<u>Accessory Dwelling unit</u>	<u>\$5.00 per accessory dwelling unit</u>	<u>January 1, 2019</u>

Collection charges under this section shall be billed to the sewer system customer liable for payment of sewer service charges for the dwelling unit, accessory dwelling unit, multi-unit residential building, or association of apartment owners of a multi-unit residential building; or to account applicants or properties not otherwise included.

Collection charges under this section include use of disposal facilities, as determined by the chief, for additional disposal. If a dwelling unit, accessory dwelling unit or multi-unit residential building does not pay a collection fee or its billed collection charges are delinquent, disposal of refuse at disposal facilities shall require payment of disposal charges set forth in Section 9-4.2."

SECTION 6. Section 9-4.1, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 9-4.1 Collection charges for businesses and nonprofit organizations.**



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(a) For Refuse Generated by Businesses and Nonprofit Organizations and Collected by Manual Collection.

(1) Unit Charges for Collection.

(A) Unit Charge for Collection Not Exceeding Two Times Per Week.

For all refuse collected and removed by the division on regularly scheduled collection days from places of business[,] and nonprofit organizations, but not exceeding two times per week, there shall be a unit charge or a minimum charge, whichever is greater, assessed against each business and nonprofit organization served by the division in accordance with the following schedule:

<b>Unit Charge</b>	<b>Minimum Charge</b>	<b>Effective Date</b>
<b>(per cubic foot)</b>	<b>(per month or fraction thereof)</b>	
<del>[\$1.00]</del> <u>\$2.00</u>	<del>[\$30.00]</del> <u>\$75.00</u>	<del>[July 1, 1997]</del> <u>July 1, 2018</u>

(B) Unit Charge for Collection In Excess of Two Times Per Week. For all refuse collected and removed by the division on regularly scheduled collection days from places of business and nonprofit organizations in excess of two times per week, there shall be a unit charge or a minimum charge, whichever is greater, assessed against each business and nonprofit organization served by the division in accordance with the following schedule:

<b>Unit Charge</b>	<b>Minimum Charge</b>	<b>Effective Date</b>
<b>(per cubic foot)</b>	<b>(per month or fraction thereof)</b>	
<u>\$6.00</u>	<u>\$150.00</u>	<u>July 1, 2018</u>

(C) Unit Charge for Pre-Paid Collection Bags. The director may authorize businesses and nonprofit organizations to use pre-paid collection bags purchased in advance to be used in lieu of other manual collection methods. Pre-paid collection bags shall be used in accordance with and collected under procedures determined by the director. The business or nonprofit organization using pre-paid collection bags shall be assessed a base charge for collection service and a unit charge for each pre-paid collection bag. The base charge and unit charge assessed against each business and nonprofit organization using the pre-paid collection bags shall be in accordance with the following schedule:



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<u>Unit Charge</u> <u>(per bag)</u>	<u>Base Charge for collection</u> <u>service</u> <u>(per month or</u> <u>fraction thereof)</u>	<u>Effective Date</u>
\$2.00	\$10.00	January 1, 2019

(2) Volumes of refuse shall be based on monthly averages determined by periodic measurements. New accounts shall be charged the minimum charge specified in paragraph (1) of this subsection per month during the period that the monthly average volume is being determined; provided, that after the average monthly volume is determined, retroactive adjustment of charges over the minimum may be made if deemed to be warranted, such determination to be made by the director of finance.

(b) For Refuse Generated by Businesses and Nonprofit Organizations and Collected by Automated Collection with 90-Gallon City-Issued Carts:

(1) Cart Deposit Charge. An initial cart deposit fee shall be charged for each business and nonprofit organization cart. Upon return of the cart to the city refuse division, a portion of the cart deposit fee shall be returned to the business or nonprofit organization. The difference between the deposit fee and the deposit return shall be retained by the city for administrative handling, including cart delivery. Carts are the responsibility of the business owner or nonprofit organization. Damaged carts under warranty will be repaired or replaced by the city. The city will collect the deposit fee for all carts issued to businesses and nonprofit organizations, including the carts issued prior to July 1, 1997.

<u>Deposit Fee</u> <u>(per cart)</u>	<u>Deposit Return</u> <u>(per cart)</u>	<u>Effective Date</u>
\$90.00	\$70.00	July 1, 1997

(2) Unit Charge. ~~[The unit charge for collection will be according to the following schedule:]~~ For all refuse collected and removed by the division from places of business and nonprofit organizations on regularly scheduled collection days, which shall not exceed two times per week, there shall be a monthly unit charge or a minimum charge, whichever is greater, assessed against each entity served by the division in accordance with the following schedule:



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<b>Monthly Unit Charge (per cart)</b>	<b>Minimum Charge (per month or fraction thereof)</b>	<b>Effective Date</b>
\$75.00	\$75.00	July 1, 1997

- (3) New Account Charge. New accounts shall be charged the minimum charge specified in paragraph (2) of this subsection."

SECTION 7. Section 9-4.3, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 9-4.3 Payments of charges.**

- (a) Collection and [disposal charges] Disposal Charges.
  - (1) Collection charges for all refuse collected by the division, except bulky wastes, shall be billed in advance by the director or the director's designated billing agency, such determination to be made by said director, and shall be paid within 30 days after the date of the bill.
  - (2) Collection charges for bulky wastes collected by the division shall be paid in advance of collection pursuant to appointment based bulky waste collection procedures established by the director.
  - (3) Disposal charges shall be paid at the time of disposal or billed monthly or bimonthly by the director [of budget and fiscal services] or the director's designated billing agency, such determination to be made by said director. Charges billed shall be paid within 30 days after the date of the bill.
- (b) Delinquent charges. Billed charges not paid within 30 days shall become delinquent and shall be subject to interest at the rate of one percent per month for each month or fraction thereof that such charges remain delinquent.
- (c) Partial payment of delinquent charges. If partial payment of a delinquent charge is made, the amount received shall first be credited to interest and then to principal."

SECTION 8. Section 9-4.4, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 9-4.4 Failure to pay charges.**

- (a) The director ~~[shall]~~ may discontinue collection and disposal service to any business, nonprofit organization, government building, dwelling unit, accessory dwelling unit, or multi-unit residential building for failure to pay any charge when due. The director shall resume service upon request for reinstatement of service by the business, nonprofit organization, authority responsible for the government building, dwelling unit, accessory dwelling unit, or multi-unit residential building



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and upon payment to the director of all delinquent charges including interest. There shall be a service reinstatement fee of [~~\$10.00~~] \$25.00 which shall be paid to the director at the time request for reinstatement of service is made.

- (b) A service fee of \$25.00 will be charged for handling a dishonored check.”

SECTION 9. Chapter 9, Article 4, Revised Ordinances of Honolulu 1990, is amended by adding a new section to be appropriately designated and to read as follows:

**“Sec. 9-4. Collection charges for multi-unit residential buildings and nonprofit organizations that utilize 3-cubic yard container front-loader services.**

- (a) Monthly Charge for Collection. For all refuse collected and removed by the division on regularly scheduled collection days by front-loader service in owner-provided 3 cubic yard containers from multi-unit residential buildings and nonprofit organizations, there shall be a monthly charge assessed for each 3 cubic yard container in accordance with the following schedule:

<u>Front Loader Service (for each 3-cubic yard container collected[])</u>	<u>Monthly Charge</u>	<u>Effective date</u>
	<u>\$314.00</u>	<u>July 1, 2018</u>

SECTION 10. Chapter 9, Article 4, Revised Ordinances of Honolulu 1990 is amended to by adding a new section to be appropriately designated and to read as follows:

**“Sec. 9-4. Collection charges for bulky wastes.**

- (a) For all bulky wastes collected and removed by the division after implementation of an appointment based collection system, there shall be charge of \$10.00 per cubic yard of waste or fraction thereof. The requestor of the bulky waste pick-up shall pay the bulky wastes collection charge in advance of the scheduled pick-up and in accordance with procedures determined by the director.
- (b) The director shall establish procedures to provide bulky waste collection on an appointment based system.”

SECTION 11. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL 19 (2018)

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SECTION 12. This ordinance shall take effect upon its approval.

INTRODUCED BY:

*[Signature]* (br)

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DATE OF INTRODUCTION:

**MAR 2 2018**

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Honolulu, Hawaii

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
KIRK CALDWELL, Mayor  
City and County of Honolulu

**FILED**  
**MAR 2 2020**  
PURSUANT TO ROH Sec. 1-2.4