

Chapter 7 Solid Waste Ordinance and Franchise Agreement

Staff Attachment: Overall Impact Summary

Sources reviewed: Current Chapter 7 ordinance; 070726 Solid Waste Update - Exhibit A; CWD Franchise Agreement 2026 Draft.

- Current Chapter 7 combines ordinance provisions and contract-administration provisions in one chapter.
- The proposed package separates the materials: Chapter 7 contains customer, sanitation, property maintenance, and code-compliance provisions; the franchise agreement contains service levels, rates, billing, performance, insurance, bonds, and contract terms.
- The current ordinance has 26 sections. The proposed ordinance has 8 sections, incorporates the franchise agreement by reference, and expressly confirms the exclusive franchise already stated in the agreement.

Overall Impact Change List

Area	Current Chapter 7	Proposed Ordinance / Agreement	Change
Overall format	Chapter 7 contains definitions, service levels, contractor obligations, billing, insurance, bond, termination, notices, and other contract terms.	Chapter 7 contains definitions and customer/sanitation provisions. The CWD Franchise Agreement contains service, rate, performance, and contract-administration terms.	Reorganized between Code and Agreement.
Franchise agreement incorporation and exclusivity	No separate section divides Code provisions from agreement provisions or expressly cross-references the exclusive franchise.	Proposed Sec. 7-110 incorporates the franchise agreement by reference, states which document controls by subject matter, and confirms the exclusive franchise for covered services.	Clarified / cleanup.
Term and contractor	Existing Chapter 7 reflects the current CWD arrangement.	Agreement term runs September 1, 2026 through August 31, 2031, with one five-year renewal option. Agreement Article 2 grants an exclusive franchise for listed services and excludes KISD campuses and facilities.	Updated contract term and scope.
Definitions	Definitions appear in Sec. 7-100 and include contract-administration terms.	Definitions are updated. Added terms include approved service guidelines, franchise agreement, commercial container, solid waste container, and recycling bin. Contract-administration terms are reduced or moved to the agreement.	Modified.
Residential collection	Residential service levels are stated in Sec. 7-120.	Residential service levels are stated in Agreement Article 5. Residential customer set-out duties are stated in proposed Sec. 7-120.	Moved to Agreement; customer rules retained in Code.
Brush, bulky waste, yard waste, and leaf collection	Quantity limits and yard-waste/leaf collection provisions are stated in Chapter 7.	Quantity limits and yard-waste service are stated in Agreement Article 5. Annual leaf collection is stated in Agreement Article 8 and includes up to eight special Saturday collection dates. Annual residential cart wash is added.	Moved to Agreement; modified.
Recycling, HHW, and E-Waste	Residential recycling, optional small business recycling, HHW, and E-Waste service are stated in Sec. 7-120.	Recycling, optional commercial recycling, HHW, and E-Waste service are stated in Agreement Article 5 and Exhibits B-C. Proposed Secs. 7-120 and 7-140 prohibit HHW and E-Waste in regular collection locations.	Moved to Agreement; clarified in Code.
Commercial collection	Commercial service, billing, container standards, and related duties are stated in Sec. 7-120.	Commercial service, billing, and container lease provisions are stated in Agreement Articles 5 and 21. Commercial customer premises duties are stated in proposed Sec. 7-130.	Split between Agreement and Code.
City facilities, events, and special programs	No-charge City services, City facility recycling, storm debris right of first refusal, first-Saturday landfill/transfer station access, and annual leaf collection are stated in Sec. 7-150.	These provisions are stated in Agreement Article 8. The agreement adds up to 50 annual claw/brush truck hours at no additional charge and annual residential cart washing.	Moved to Agreement; expanded.

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Customer duties	Residential duties are stated in Sec. 7-130.	Residential customer duties are stated in proposed Sec. 7-120. Commercial customer duties are separately stated in proposed Sec. 7-130.	Expanded customer-facing Code provisions.
Acceptable and unacceptable waste	Unacceptable waste is addressed mainly through definitions and service provisions.	Proposed Sec. 7-140 separately identifies acceptable and unacceptable waste rules for residential, recycling, brush, bulky, commercial, roll-off, and compactor collection.	Clarified Code provision.
Spillage, animals, and unsafe access	Contractor spillage and vicious-animal language appears in Secs. 7-200 and 7-210.	Proposed Sec. 7-150 addresses customer cleanup, commercial overflow, animal restraint, blocked containers, and unsafe access. Contractor obligations are retained in Agreement Articles 13 and 14.	Clarified in Code; contractor terms moved to Agreement.
Customer service, complaints, and performance charges	Customer service and non-performance charges are stated in Secs. 7-170 and 7-180.	Agreement Articles 10 and 11 include customer-service hours, same-day/next-day response, route supervisor meetings, missed-collection charges, spill charges, complaint-call charges, and records charges.	Moved to Agreement.
Reporting and records	Reporting requirements are stated in Sec. 7-230.	Agreement Article 16 requires daily and monthly reports, monthly and annual cumulative totals, and annual-review summaries. Audit/records provisions are included in Agreement Articles 21 and 23.	Moved to Agreement.
Rates, billing, franchise fee, and adjustments	Sec. 7-280 cites an 8.28% franchise fee. Sec. 7-290 contains the current rate-adjustment language.	Agreement Article 21 and Exhibit A use a 6.9% franchise fee. Exhibit A lists rates, including residential total of \$22.97 and senior/disabled residential total of \$21.09 for billing illustration. Article 22 fixes rates for years 1-2 and sets adjustment caps for years 3-5 unless Council approval is obtained.	Moved to Agreement; fee and rate methodology updated.
Bond, insurance, indemnity, and compliance	Bond, insurance, compliance, discrimination, and indemnity provisions are stated in Secs. 7-240 through 7-270 and Sec. 7-330.	These provisions are stated in Agreement Articles 17 through 20 and Article 26.	Moved to Agreement.
Termination, interruption, force majeure, notices, and disputes	Termination, interruption in service, force majeure, notices, and miscellaneous contract provisions are stated in Secs. 7-300 through 7-350.	These provisions are stated in Agreement Articles 23 through 28.	Moved to Agreement.
Assignment and order of precedence	Current Sec. 7-350 allows assignment to a parent, affiliate, or subsidiary without City consent and to a third party with City Council consent.	Agreement Article 28 requires City consent for assignment, subject to the stated standard, and adds contract-document incorporation and order-of-precedence provisions.	Modified.
Administration and compliance	Current Chapter 7 includes service compliance and customer notice provisions throughout, but does not separately consolidate Chapter 7 administration.	Proposed Secs. 7-160 and 7-170 consolidate administration, correction, and standard Code compliance language for Chapter 7 violations. The language supports cleanup and compliance when voluntary correction is not achieved.	Clarified / cleanup; no new billing item.