

MODIFYING Chapter 730, “Commercial Waste Franchises,” of the Cincinnati Municipal Code by **AMENDING** Sections 730-1-C2, “Commercial Establishment,” 730-1-C3, “Commercial Waste,” and 730-5, “General Provisions,” to clarify requirements for commercial waste haulers, by providing that asbestos waste, right-of-way waste, and waste generated by public school districts does not qualify as commercial waste, and further providing that commercial waste haulers serving buildings and grounds owned and operated by the City of Cincinnati require franchises.

WHEREAS, Cincinnati Municipal Code Chapter 730, “Commercial Waste Franchises,” governs the collection of commercial waste in the City of Cincinnati and requires the payment of franchise fees; and

WHEREAS, Council wishes to clarify that asbestos waste, right-of-way waste, and waste generated by public school districts does not qualify as commercial waste, and further wishes to clarify the need for commercial waste haulers servicing City buildings to obtain franchises; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That existing Sections 730-1-C2, “Commercial Establishment,” 730-1-C3, “Commercial Waste,” and 730-5, “General Provisions,” of Chapter 730, “Commercial Waste Franchises,” of the Cincinnati Municipal Code are hereby amended to read as follows:

Sec. 730-1-C2. - Commercial Establishment.

“Commercial establishment” shall mean any building that does not constitute a dwelling. ~~“Commercial establishment” does not include any building owned or operated by the City of Cincinnati and used for the purpose of conducting City of Cincinnati operations.~~

Sec. 730-1-C3. – Commercial Waste.

“Commercial Waste” shall mean any of the following:

- (a) All waste generated by a commercial establishment; or
- (b) Construction and demolition debris generated in connection with:
 - (1) the construction, alteration, or demolition, in whole or in part, of a structure subject to regulation by the Ohio Building Code, including associated site improvements, utilities, and infrastructure; or

- (2) the construction of a new structure subject to regulation by the Residential Code of Ohio, including associated site improvements, utilities, and infrastructure; or
- (3) public infrastructure improvements.

“Commercial Waste” does not include:

- (a) Infectious waste, asbestos abatement waste, or hazardous waste; ~~or~~
- (b) Recyclable materials delivered to a legitimate recycling facility; or
- (c) Commercial waste or construction demolition debris generated by buildings or grounds, including public right-of-way, owned or operated by the City of Cincinnati or by a public school district located within the city limits of the city of Cincinnati.

Sec. 730-5. - General Provisions.

- (a) It is unlawful for any person to commence or engage in the business of providing commercial waste collection service within the city without first obtaining a franchise and entering into a franchise agreement with the city. No person may obtain a license, permit, permission, or other approval from the city in furtherance of providing commercial waste collection service within the city without first obtaining a franchise and entering into a franchise agreement with the city. In addition, all persons providing services to the City of Cincinnati or a public school district that would be classified as a commercial waste collection service but for the provisions of Sec. 730-1-C3 must first obtain a franchise and enter into a franchise agreement with the city before providing such services.
- (b) A franchise shall be awarded to a person only if that person completes an application for franchise or request for services and the person’s application or request for services submittal is selected as one of the most advantageous to the city under Sec. 730-7 and the criteria specified in the application or request for services.
- (c) Each franchisee shall comply with all laws of the city of Cincinnati, the state of Ohio, and the federal government. Each franchisee shall obtain and maintain all applicable licenses and permits required by federal, state, and local laws, rules, regulations, and orders of regulatory bodies.
- (d) A franchisee shall not be relieved of its obligation to comply with all requirements of this chapter and the franchise agreement by failure of the city to enforce compliance with such requirements.
- (e) The city reserves its right to grant franchises and similar rights to more than one (1) person.

- (f) Each franchisee shall totally enclose or securely cover any commercial waste that the franchisee is transporting within the city. Each franchisee shall immediately clean up any commercial waste that the franchisee spills on public or private property in the city.
- (g) A franchisee providing commercial waste collection services is not and shall not be deemed to be an agent or employee of the city. A franchisee shall be solely responsible for any losses or damages of any kind arising from its performance or nonperformance under its franchise. A franchisee shall indemnify, defend, and hold the city harmless against any and all claims and suits brought against the city resulting from the franchisee's performance or nonperformance under the franchise agreement.
- (h) All of the commercial waste collected by franchisees in the city shall be delivered to a licensed municipal solid waste landfill facility, licensed sanitary landfill facility, licensed solid waste transfer facility, or a licensed construction and demolition debris facility. Recyclable material shall be delivered to a legitimate recycling facility.
- (i) The execution of the franchise agreement and the issuance of a franchise and the renewal thereof is at the sole discretion of the city manager and shall not be construed as creating any vested rights in the franchisee. Each franchise is revocable in accordance with the terms of this chapter and the terms of the franchise agreement.
- (j) A franchise may not be assigned or transferred to another person.
- (k) A franchise authorizes a franchisee to provide commercial waste collection services in the city of Cincinnati.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2025

Aftab Pureval, Mayor

Attest: _____
Clerk

Additions indicated by underline; Deletions indicated by strikethrough.