

HOW TO IMPLEMENT A LOCAL ORDINANCE TO INCREASE RECYCLING

Many local governments want to increase recycling in their communities and recognize the role certain ordinances can play in driving higher participation and materials recovery. Developing and ushering ordinances through adoption, however, can be challenging. Below are some tips on how to approach local policy development.

1.

CLEARLY IDENTIFY THE OPPORTUNITY OR ISSUE AND EXPLORE WHETHER POLICY MAY BE EFFECTIVE IN ADDRESSING IT.

Seek information to clearly understand the issue/opportunity that you want to address, and what is needed to bring about the desired change. Through this research, work to ensure that the ordinance you are considering is indeed an appropriate tool. In addition, use the research results to build a case statement that defines the problem and the benefits of the ordinance you are considering to address it.

2.

EXAMINE EXISTING ORDINANCES IN THE JURISDICTION.

Make sure that no policy already exists in your jurisdiction to address this need/opportunity. It may be that what is needed is a revision to an existing ordinance, not an entirely new ordinance. Or an ordinance may exist but is not being enforced. Also, seek to identify other ordinances that might impact or be impacted by the ordinance you are considering. A meeting with the county/town solicitor can help identify this information and confirm that an ordinance could be an appropriate tool.

3.

EXAMINE SIMILAR ORDINANCES THAT HAVE BEEN IMPLEMENTED IN OTHER JURISDICTIONS.

Identify other communities similar to yours that have passed policies with positive results to build a case in support of policy implementation. By reviewing multiple ordinances you will begin to develop ideas regarding how best to succinctly and clearly draft yours. You may also be able to identify an existing ordinance that you can use as a model, modifying it as appropriate.

4.

IDENTIFY ONE OR MORE CHAMPIONS TO PROMOTE THE POLICY AND SHEPHERD ITS ADOPTION.

Champions ideally should be well respected, influential and able to build the necessary coalitions, engage key stakeholders, craft the ordinance language and usher proposals through the policy adoption process. This might be a council member, staff member, other elected official, or member of a board or commission. This champion, if knowledgeable about the industry, can also help identify potential allies and foes, and potential concerns certain stakeholders might have with the ordinance.

5.

TALK TO INTERESTED PARTIES TO UNDERSTAND THEIR POINTS OF VIEW AND BUILD A BROAD SUPPORT BASE.

During the ordinance development process, it is critical to seek input from stakeholders who would be directly impacted by the ordinance, in addition to others who may support or oppose its adoption. Some communities hold public meetings or workshops where the ordinance being considered is presented and interested parties can share their thoughts, ideas and concerns. This allows for a wide array of perspectives to be considered and can provide an opportunity to address concerns immediately. It may also prompt ordinance revisions that can enhance the likelihood of its adoption. For example, small haulers may not be able or willing to purchase vehicles to collect recyclables but may be open to subcontracting to another hauler. Many jurisdictions explicitly allow for this in their ordinances. Similarly, overly onerous reporting requirements could result in strong opposition. An ordinance will ultimately be stronger and face less resistance if stakeholders have had the opportunity to contribute to its development.

6.

DRAFT THE ORDINANCE AND OBTAIN TOWN/COUNTY SOLICITOR REVIEW.

Based on stakeholder input and research, develop a draft ordinance for your jurisdiction, or provide input to others who are preparing the draft ordinance. Ensure that the jurisdiction's solicitor reviews the draft ordinance. He or she will be able to ensure that the requirements of the ordinance are within the jurisdiction's purview, that the ordinance is in alignment with state and other local ordinances, and that terminology is consistent with existing local ordinances.

7.

INTRODUCE THE DRAFT ORDINANCE.

Every jurisdiction is unique in their ordinance development and approval process. However, typically an ordinance is introduced by a member of the governing body (e.g., a town council member) and a public hearing is held to officially record public comment. In some jurisdictions the draft ordinance must be read multiple times at public meetings before a vote can be held. Be present at the public meetings and have a variety of other supporters at each public hearing to voice support for and address concerns about the ordinance. Some advocates may not feel comfortable speaking, but encourage them to attend and support other speakers, as appropriate.

8.

THANK THE SUPPORTERS, INTERESTED PARTIES AND ELECTED OFFICIALS.

After the ordinance has been voted upon, take time to thank all who participated in the process, particularly the champion, elected officials and advocates. Include key supporters, as appropriate, in future activities related to the policy implementation process.

Informing the Public and Garnering Support

The appropriate moment during the ordinance development process to begin to inform the public and garner support depends upon several factors. These include the complexity of the issue, the level of controversy, the certainty that the ordinance will be introduced, etc. If an ordinance might be controversial but you are certain it will be introduced, it will likely be beneficial to be proactive in informing the public before rumors begin. If the ordinance seems widely supported, or if you are not certain that it will be introduced, it may be beneficial to wait until it is actually introduced. Below are examples of strategies to build stakeholder support.

- Meet individually with or email town council members/other elected officials and influential members of appropriate committees. (Be aware of your local open meetings laws.)
- Publish letters to the editor in local papers, especially the local paper of record.
- Develop a petition that advocates can have residents sign in support of the ordinance.
- Hold workshops to inform the public, hear concerns and answer questions. If a local jurisdiction has a similar ordinance in place that works well, consider having an appropriate member of that community attend to speak about that jurisdiction's experience, and/or respond to questions, as appropriate.
- Speak at public meetings, such as Chamber of Commerce meetings and neighborhood association meetings.
- Encourage advocates to reach out to elected officials and decision makers (e.g., town council members) to voice their support for the ordinance. Make this easy for them by providing sample emails and email addresses or phone numbers.