# REPORT TO COUNCIL
# City of Sacramento

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**915 I Street, Sacramento, CA 95814-2604**
**www. CityofSacramento.org**

**Consent**
**April 7, 2009**

**Honorable Mayor and**
**Members of the City Council**

**Title: ORDINANCE AMENDING CHAPTER 13.10 OF THE CITY CODE RELATING TO RECYCLING**

**Location/Council District:** Citywide

**Recommendation:** Adopt an Ordinance amending section 13.10 of the Sacramento City Code, adding Article VII mandating recycling and participation by residential property owners in the City's existing curbside recycling collection service.

**Contacts:** Shelle Smallwood, Billing Manager, 808-4928
Jamille Moens, Business Services Division Manager, 808-5988

**Presenter:** N/A

**Department:** Utilities

**Division:** Business Services

**Organization No:** 14001631

**Description/Analysis:**

**Issue:** The California Integrated Waste Management Act (AB 939) requires local jurisdictions to divert a minimum of fifty percent of discarded materials away from disposal in landfills. The Department of Utilities provides a city-wide curbside recycling collection service to all residential properties receiving garbage services, which is a critical component of the City's ongoing measures to meet the state-mandated diversion requirement. The curbside recycling program is currently funded by three sources: 1) grant funding received from the Department of Conservation (DOC); 2) revenues from the purchase of recyclables by BLT Enterprises, Inc.; and 3) rates paid by customers who are provided the recycling service. DOC grant funding and payments received from BLT, however, can vary from year to year and are not guaranteed. Additionally, the current City Code does not explicitly require the collection and recycling of recyclable materials generated from residential properties or that

recyclables be separated from household garbage when deposited in containers to avoid contamination.

**Policy Considerations:** In order for the City's curbside recycling collection program to be effective in meeting the state-mandated diversion requirement and to offset the collection and processing costs by selling recyclables that are collected, it is necessary to mandate the collection and recycling of recyclable materials generated from residential properties in the same way that residential properties are required to subscribe to garbage collection services. Without an effective recycling program, the City would not be able to comply with the state-mandated diversion requirement. Businesses and commercial properties are already required to recycle and subscribe to a recycling collection service under the Sacramento Regional Solid Waste Authority Business Recycling Ordinance.

**Environmental Considerations:**

**California Environmental Quality Act (CEQA):** Staff's recommendation is exempt from CEQA pursuant to Section 15308 of the CEQA Guidelines, which exempts actions taken by regulatory agencies to assure the maintenance, restoration, enhancement or protection of the environment. Implementation of the proposed ordinance will contribute to the enhancement of the environment by keeping waste out of landfills.

**Commission/Committee Action:** The Law and Legislation Committee approved and forwarded the proposed ordinance for City Council consideration on March 3, 2009.

**Sustainability Considerations:** Adopting the proposed ordinance is consistent with Sustainability Master Plan goals to conserve resources and reduce consumption of waste and materials by recycling, reducing City's dependence on landfills and costs associated with landfill use, and reducing greenhouse gas emissions associated with transporting waste to landfills located in remote areas.

**Rationale for Recommendation:** California Integrated Waste Management Act (AB 939) requires local jurisdictions to divert a minimum of fifty percent of discarded materials away from disposal in landfills. The City's residential curbside recycling program is an existing service that has been provided since 1990 as a result of the state mandate. The proposed ordinance would explicitly mandate participation in order to ensure the City is able to meet the state mandated diversion requirements.

**Financial Considerations:** The cost for the City's recycling program is off-set by grant funds received from DOC and revenues from the purchase of recyclables. The City applies annually or bi-annually for two state grants that are currently available from the DOC through the California Redemption Value (CRV) funds. The City will continue to apply for the grants as long as they are available. Additionally, the City has an agreement with BLT, the City's waste and recycle hauler for the purchase of recyclables collected by the City. Payments are based upon the market value of the recyclables, which fluctuates periodically and has recently declined as a result of the economy in this current fiscal year. In addition,

the BLT agreement has a ten percent contamination threshold in place which, if exceeded, can reduce the amount of payment from BLT. Because the amount of grant funding and payments received for the sale of recyclables are dependent upon fluctuating variables, the available money to maintain the recycling program may vary. The proposed ordinance will ensure there is a guaranteed source of funding to continue the City's recycling program.

The rates for the curbside recycling collection service are included and will continue to be included in the yearly Solid Waste Service Fees and Charges approved and adopted by the City Council.

**Emerging Small Business Development (ESBD):** Not applicable. No goods or services are being purchased.

Respectfully Submitted by: _____
Jamille Moens
Business Services Manager

Approved by: _____
Marty Hanneman
Assistant City Manager/
Director of Utilities

Recommendation Approved:

_____
for Ray Kerridge
City Manager

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**Attachment 1**

## BACKGROUND

As an on-going measure to meet the state-mandated diversion requirement, the City implemented a residential curbside recycling collection service program in 1990, which was made available to all residential properties. The program included the addition of a recycling container for recyclables to be disposed of separately from garbage. Prior to offering a recycling container, the City provided a recycling crate. The recycling container provided is serviced by a separate garbage-free truck for the hauling and sorting of usable recyclables at the BLT recycling transfer station.

Similar to the garbage collection service, a significant amount of labor and equipment is used to provide the availability of a curbside recycling program to all residential customers. Twenty routes have been established with a weekly guaranteed service frequency, which covers all residences citywide who receive garbage service. The City also provides delivery, replacement, exchanges, and repairs of recycling containers as needed.

Outreach costs and special services associated with the curbside recycling program, such as recycling in the park, are also in place to educate customers and ensure the City reduces contamination of the recyclable materials and meets AB 939 requirements.

The City has an approved rate for residential recycling service, but the City Code does not explicitly require the collection and recycling of recyclable materials generated from residential properties. Additionally, because there is no requirement to segregate recyclables from household garbage, customers contaminate the recyclable materials by either depositing garbage into the recycling containers or throwing recyclables into the garbage containers. Both practices result in a reduction of usable recyclables being re-used and diverted from the landfill and reduced revenues received from BLT.

Several California municipalities, including Pittsburg, Oakland, San Jose, and San Diego, that provide garbage and recycling services have established mandatory recycling and/or participation in their recycling program. The municipalities have either required payment of recycling fees regardless of actual use or have imposed a recycling surcharge to cover the costs of maintaining a recycling program and meeting the state-mandated diversion requirement.

**Attachment 2**

# ORDINANCE NO.

## Adopted by the Sacramento City Council

## Date Adopted

### AN ORDINANCE AMENDING CHAPTER 13.10 OF TITLE 13 OF THE SACRAMENTO CITY CODE RELATING TO RECYCLING

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 13.10 of Title 13 of the Sacramento City Code is amended by adding Article VII to read as follows:

**Article VII**

**Recycling**

**13.10.670 Findings and Purpose**

A. The City council finds and determines as follows:

1. The California Integrated Waste Management Act, commonly known as AB 939 (California Public Resources Code sections 40000 et seq.), requires local jurisdictions to divert a minimum of fifty percent of discarded materials away from disposal in landfills.

2. The recycling of paper, cardboard and other recyclable materials collected from City residents is a critical component of the City's ongoing measures to meet the mandatory diversion requirement imposed by state law, and without an effective recycling program the City would not be able to comply with this requirement.

3. In addition, providing for the collection and recycling of recyclable materials generated by City residents protects and promotes the public health, safety and welfare by (a) reducing the City's dependence on landfills and thereby reducing costs and environmental effects associated with landfill use, (b) conserving resources by recycling materials for reuse rather than disposing these materials in landfills, (c) offsetting the City's collection and processing costs by selling the recyclables that are collected, and (d) reducing greenhouse gas emissions associated with transporting waste to landfills.

B. The purpose of this article is to mandate the collection and recycling of recyclable materials generated from residential properties to ensure that the City continues to meet state-mandated diversion requirements, reduce landfill dependency, conserve resources, reduce greenhouse gas emissions, and advance the City's ongoing efforts to create a more sustainable City.

**13.10.680 Definitions**

"Director" means the Director of the Department of Utilities or his or her designee.

"Recycling container" means a bin, can, container or any other type of receptacle provided and designated by the City for the deposit of recyclables for the curbside collection service.

"Recyclable" means any item designated by the City to be deposited in the recycling containers including, but not limited to, glass, plastic containers, aluminum cans, newspapers, magazines, cardboard, paper, and certain packaging materials.

"Solid waste" means and includes all putrescible and nonputrescible solid and semisolid wastes, including garbage, garden refuse, recyclables, refuse, rubbish, and waste matter.

"SWA" means the Sacramento Regional Solid Waste Authority.

All other terms used in this article shall have the same meaning as provided elsewhere in this chapter.

**13.10.690 Curbside recycling collection service – Use required.**

To meet the mandatory diversion requirement imposed by state law, and to protect and promote the health, safety and welfare of City residents, it shall be mandatory for all owners of residential property in the City to participate in the curbside recycling collection service provided by the City in accordance with the provisions of this article.

**13.10.700 Liability for Payment of Fee**

A. Because the service is mandatory, all owners of residential properties shall pay the curbside recycling collection service fees, regardless of actual use or the amount of recyclables actually deposited in the recycling containers.

B. If any residential property is unoccupied for a period of at least one month, curbside recycling collection service in conjunction with garbage service may be suspended upon request and payment of a fee to cover the City's administrative costs to verify the property is vacant and to suspend service. In addition, the property owner will be required to pay a charge for the ongoing garbage and curbside recycling

collection program costs that the City continues to incur during the period that collection service is suspended. The reduced charge shall apply to each vacant dwelling unit of the residential property while the property is unoccupied. Curbside recycling collection and garbage service shall be immediately commenced when the property is again occupied.

C. The rates, fees, and charges described in this article shall be established by resolution of the City council.

**13.10.710 Collection of fees**

The fees for curbside recycling collection service shall be billed periodically and collected in accordance with the provisions of Chapter 13.12 of this code.

**13.10.720 Segregation of recyclables**

A. Every owner, tenant, or occupant of a residential property in the City shall separate recyclables from other solid waste generated on the property and the recyclables for collection by the City shall be deposited only in the recycling containers.

B. It shall be unlawful for any person to deposit any solid waste other than recyclables in the recycling containers.

**13.10.730 Minimum service**

The minimum level of service for residential properties shall be as set forth in this article, subject to all other applicable federal, state and local laws, including, without limitation, as follows:

A. Except as provided in subsection B, below, one standard size (sixty-four (64) gallon) recycling container per week shall be the minimum recycling collection service for a single-family dwelling and for each dwelling unit of a duplex, triplex, or fourplex; provided that the director may, in his or her discretion, determine that a different standard size container and/or less than one standard size container per unit may satisfy the minimum service requirement for each unit of a particular duplex, triplex, or fourplex or for each single family residence in a mobilehome park.

B. The owners of residential properties shall be required to participate in the type and frequency of collection service that will, in the opinion of the director, cause all recyclables to be removed from the properties so there will be no accumulation, collection, and keeping of recyclables outside of the recycling containers.

C. Owners, occupiers and other persons in control of commercial properties in the City shall comply with the requirements for recycling collection service in the manner and according to the terms and provisions of Title IV of the SWA Code, Business Recycling Ordinance.

D. Owners, occupiers and other persons in control of commercial properties in the City may elect to participate in the recycling collection services provided by private entities pursuant to Section 13.10.150 of this chapter, provided that upon the termination of services provided by private entities, such owners, occupiers and other persons forthwith shall participate in the recycling collection service provided by another private entity or by the City.

**13.10.740 Program regulations**

The director shall have the authority to establish regulations, procedures and requirements necessary to operate the curbside recycling collection service program, which shall become effective when adopted by resolution of the City council.

**13.10.750 Recycling Containers**

A. The recycling containers shall be placed for collection in accordance with the provisions of Section 13.10.190 of this code, unless different requirements are specified in the program procedures and requirements. No recycling containers shall be placed on or in any street, sidewalk, footpath, or any public place whatsoever, except in accordance with the provisions of Section 13.10.190 of this code, unless different requirements are specified in the regulations, procedures and requirements established under this article.

B. Only City-provided and designated recycling containers may be used for the curbside collection service. Recycling containers shall be maintained in good order so that such containers shall have no sharp, rough or jagged edges likely to cause injury. Notice to the City shall be provided when a recycling container is damaged, missing or stolen.

C. The director may adopt standards for the capacity and type of recycling containers that will be used to facilitate the collection of recyclables from property, places and premises upon which recyclables are generated or accumulated. In establishing such standards, the director shall consider health and safety factors; the nature and extent of the activity conducted on such property, places and premises; the type of recyclables generated or accumulated; and the location, construction or other physical characteristics of such property, places and premises.

**13.10.760 Ownership of recyclables**

Recyclables deposited in recycling containers shall become the property of the City when the recycling containers are placed curbside for collection service.

**13.10.770 Depositing recyclables in streets and public places**

A. It is unlawful and a misdemeanor for any person to throw or deposit any recyclables or to cause, permit or allow the same to be thrown or deposited upon any street, alley, gutter, park or other public way or to throw or deposit the same in or upon

any premises or vacant lot, whether public or private property, or in any water or waterway or upon the levees or banks adjacent thereto, within the City except: (1) in the recycling containers; or (2) as otherwise specifically provided in this chapter.

B. Any person violating this section or causing, permitting or allowing this section to be violated, shall be guilty of a misdemeanor and shall be guilty of a separate offense for each and every day, or portion thereof, during which a violation of this section is committed, continued, permitted, caused or allowed.

Adopted by the City of Sacramento City Council on by the following vote:

Ayes:

Noes:

Abstain:

Absent:

_____
MAYOR

Attest:

_____
City Clerk

Passed for Publication:
Published:

Effective: