

**Meeting Date: 4/18/2013**

**Report Type:** Consent

**Report ID:** 2013-00109



**Title: Ordinance Amendment: Solid Waste Management (Passed for Publication on 4-2-13, Published on 4-5-13)**

**Location:** Citywide

**Issue:** The proposed ordinance is intended to codify the policies and procedures for solid waste collection services previously approved by City Council and the voters in 2012.

**Recommendation:** Pass An Ordinance repealing Articles I through V and Article VII, reenacting Articles I through V, and amending Article VI, of Chapter 13.10 of the Sacramento City Code relating to solid waste management.

**Contact:** Steve Harriman, Integrated Waste General Manager,(916) 808-4949, Department of General Services

**Presenter:** Steve Harriman, Integrated Waste General Manager, (916) 808-4949, Department of General Services

**Department:** General Services

**Division:** Solid Waste Admin Services

**Dept ID:** 13001711

**Attachments:**

1-Description/Analysis

2-Attachment 1-Summary of Major Code Changes

3-Ordinance

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**City Attorney Review**

Approved as to Form

Joe Robinson

4/1/2013 5:44:48 PM

**City Treasurer Review**

Reviewed for Impact on Cash and Debt

Russell Fehr

3/28/2013 10:27:27 AM

**Approvals/Acknowledgements**

Department Director or Designee: Reina Schwartz - 3/29/2013 12:40:59 PM



## Description/Analysis

**Issue Detail:** On December 4, 2012, the City Council directed staff to implement the following changes to the City’s residential solid waste collection services, consistent with the 2012 Solid Waste and Recycling Division Business Plan approved by the City Council on June 26, 2012.

1. Implement year-round containerized yard waste collection on a weekly basis for all City residential solid waste customers.
2. Provide Loose-in-the-Street (LITS) yard waste collection service for all City residential solid waste customers annually in November, December, and January.
3. Restore the Appointment Based Neighborhood Cleanup Program (ABNCU) annually from February through October, which was suspended in FY2009/10 for budgetary reasons.
4. Implement a “dump coupon” program allowing residents to deliver up to five cubic yards of waste to the Sacramento Recycling and Transfer Station at no charge to the resident.
5. Shift the curbside recycling program from weekly to biweekly (every other week) collection.

Numerous revisions to City Code Chapter 13.10 are necessary as part of the implementation of these service changes, including:

1. Defining minimum service requirements and exemptions to minimum service.
2. Modifying the lawn and garden services provision to reflect the passage of Measure T on November 6, 2012.
3. Prohibiting the deposit of refuse in yard waste and recyclable containers.

Additionally, many other sections of the garbage collection and disposal code were either outdated, missing information, or required clarification, simplification, and reorganization based on customer confusion about City solid waste services. Due to the significant volume of modifications, staff determined it was best to repeal six of the seven articles of Chapter 13.10 and reenact new Articles reflecting the necessary changes. Attachment 1 summarizes the major changes being made to Chapter 13.10.

**Policy Considerations:** The recommendations in this report are consistent with federal and state laws governing the safe collection and disposal of municipal solid waste, and mandates for recycling and waste reduction and the City’s 2012 Solid Waste and Recycling Business Plan.

**Economic Impacts:** None

### Environmental Considerations:

**California Environmental Quality Act (CEQA):** The Community Development Department, Environmental Planning Manager has reviewed the proposed ordinance and has determined that adoption of the ordinance is exempt from the California Environmental Quality Act (CEQA), under CEQA Guidelines, Section 15061(b)(3). The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the

environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. As noted below, implementation of the revised residential solid waste programs will actually reduce environmental impacts associated with these services.

**Sustainability:** Solid waste collection is an essential municipal service that is critical to the health and safety of the community. Implementation of the revised residential solid waste programs is consistent with the Sustainability Master Plan goal to reduce carbon dioxide emissions and lower the City's carbon footprint by reducing the number of collection vehicles. The implementation of the recommended service level changes will reduce carbon emissions generated by the City's solid waste fleet by an estimated five percent, fuel consumption by 83,000 gallons, and truck miles by 87,000 annually on City streets.

**Commission/Committee Action:** On March 19, 2013, the Law and Legislation Committee approved and forwarded the ordinance for Council consideration. The Committee's approval included direction to staff to revise a provision of the ordinance, that requires solid waste containers to be stored within or behind a structure or other barrier which screens the view of the containers from the street, to provide more flexibility for locations where the resident cannot store their containers in a location fully screened from public view. Staff is proposing the following modifications to the text of section 13.10.100(C) of the ordinance to provide greater flexibility:

- C. Except when containers are placed for collection service in accordance with subsection B above, containers shall be placed in a storage location within, **adjacent to**, or behind a structure, building, fence, landscaping, or other barrier approved by the solid waste manager, which **substantially** screens the view of the containers from the street or public right-of-way.

**Rationale for Recommendation:** The proposed ordinance is intended to codify the policies and procedures for solid waste collection services previously approved by City Council and the voters in 2012. The amendment of Chapter 13.10 of the Sacramento City Code is necessary to implement code changes related to the revised residential service collection programs and re-organize and update other sections to reduce customer confusion and clarify the intent of the code.

**Financial Considerations:** Implementation of the residential service changes associated with the Solid Waste and Recycling Business Plan will increase the efficiency of the City's solid waste operation and provide stabilized collection programs under the existing rate structure. The typical single family residential solid waste customer currently with containerized service will see no changes in their overall monthly solid waste bill through June 30, 2015. The typical single family residential solid waste customer who currently subscribes to the LITS program will see a reduction of \$3.36 on their monthly solid waste bill with their transition to containerized service.

**Emerging Small Business Development (ESBD):** No goods or services are being purchased as a result of this report.



### Summary of Major Code Changes

Code Section	Description
Chapter Name	Modifies the Chapter name from "Garbage Collection and Disposal" to "Solid Waste Management," providing clarity that the chapter relates to all City solid waste services.
Chapter Articles reorganized	Revises Article I to include general provisions applicable to all Solid Waste services; subsequent articles provide specific provisions to each type of solid waste service.
Definitions	Relocates all Chapter definitions to the general provisions article. Removes outdated definitions, definitions unreferenced in the Chapter, multiple definitions for the same term, and clarifies the definitions for garbage, recycling and yard waste.
Refuse Containers	Adds language prohibiting the deposit of refuse in yard waste and recyclable containers. Adds detailed requirements regarding the storage of containers out of public view.
Scavenging	Adds language prohibiting the scavenging from loose in the street yard waste and neighborhood cleanup piles.
Neighborhood Cleanup Program	Adds provisions for the seasonal neighborhood cleanup program.
Commercial Yard Waste customer definition	Revises the definition of commercial yard waste customers from 51 or more units to 5 or more units, consistent with the definitions for garbage and recycling service. Effective 7/1/13, the City will no longer provide commercial yard waste service.

<b>Code Section</b>	<b>Description</b>
Minimum Service and Exemptions	Redefines minimum service for yard waste as one container per residential parcel. Requires yard waste service for all residential customers including those without curbs or gutters, customers utilizing private gardening services, and customers on private streets bordering the public right-of-way. Provides for exemptions to yard waste collection for bare lots (less than five percent vegetation).
Yard Waste Service Levels	Redefines the yard waste collection program to reflect year-round containerized collection and seasonal loose in the street collection.



**ORDINANCE NO.**

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE REPEALING ARTICLES I THROUGH V AND ARTICLE VII, ADDING ARTICLES I THROUGH V, AND AMENDING ARTICLE VI, OF CHAPTER 13.10 OF THE SACRAMENTO CITY CODE, RELATING TO SOLID WASTE MANAGEMENT**

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

**SECTION 1**

The title of Chapter 13.10 of Title 13 of the Sacramento City Code is amended to read “Solid Waste Management.”

**SECTION 2**

Article I through Article V and Article VII of Chapter 13.10 of the Sacramento City Code are repealed.

**SECTION 3**

Article I through Article V are added to Chapter 13.10 of the Sacramento City Code, to read as follows:

**Article I. General Provisions**

**13.10.010 Definitions.**

In this chapter, the following words and terms shall have the following meanings, except where a different meaning is provided elsewhere in this chapter:

“City manager” means the city manager or the city manager’s designee.

“Collection service” means the periodic gathering, collection, transportation, recycling, sale, reconstitution, recovery, or disposal of refuse generated within the city.

“Commercial property” means improved property that is not residential property as that term is defined in this section.

“Container” means any bin, can, receptacle, or any other type of receptacle or depository designated by the city for the deposit, storage, and collection of refuse. A container also may be described as an automatic lift container, cart, drop box, roll-off, or compactor container.

“Customer” means the owner of the property to which city collection service is rendered pursuant to this chapter.

“Department” means the city department responsible for providing collection services under this chapter.

“Director” means the director of the department, or the director’s designee.

“Division” means the city’s recycling and solid waste division.

“Downtown collection area” means that area located in the city and consisting of the area bounded on the north by H Street from Front Street to 10th Street, and by I Street from 10th Street to 16th Street; on the west by the Sacramento River from H Street to N Street; on the south by N Street from Front Street to 7th Street, and by L Street from 7th Street to 16th Street; and on the east by 16th Street from I Street to L Street.

“Dwelling unit” means any building or portion of a building used or designed for use as a residence by an individual or any group of individuals living together, but not including units rented or leased for temporary residency, such as motel and hotel rooms.

“Garbage” means household and kitchen waste; animal, vegetable, and putrescible waste associated with the preparation, consumption, handling, or storage of edible materials; and any nonputrescible material mixed in the same container with or contaminated by putrescible waste. Garbage does not include source-separated recyclables or yard waste.

“Garden refuse” has the same meaning as yard waste.

“Green waste” has the same meaning as yard waste.

“Hazardous waste” means hazardous waste as defined in section 41041 of the California Public Resources Code, as amended from time to time.

“Infectious waste” means infectious waste as defined in title 14, section 17225.36 of the California Code of Regulations, as amended from time to time.

“Lawn and garden service” means the periodic collection and disposal of yard waste and the periodic sweeping of city streets.

“Neighborhood cleanup program” means the collection and disposal of refuse scheduled either by appointment or by neighborhood, in accordance with the requirements and schedule established by the solid waste manager.

“Recyclables” means any material designated by the city to be deposited in the recycling containers, including glass, plastic containers, aluminum cans, newspapers, magazines, cardboard, paper, and certain packaging materials.

“Refuse” means solid waste, recyclables, and yard waste; but does not include any matter included in the definition of hazardous waste or infectious waste in this section.

“Rendered” when used to describe collection service being rendered, means that collection service is provided or otherwise made available for use, irrespective of actual usage.

“Residential mixed-use property” means residential property combined with office, commercial, or retail use on a single parcel.

“Residential property” means any property containing any building or structure or group of buildings or structures, each containing less than five individual dwelling units, on a single parcel; or containing any number of residential condominium units; or containing a mobilehome park. For example, a single parcel containing a duplex and a fourplex is residential property.

“Seasonal loose-in-the-street collection service” means the collection and disposal, as part of lawn and garden service, of yard waste that is deposited in the street during the months of November, December, and January, or during such other time period that is determined by the solid waste manager, in accordance with the requirements established by the solid waste manager.

“Solid waste” means all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage; ashes; industrial waste; demolition and construction waste; discarded home and industrial appliances; abandoned vehicles and vehicle parts; dewatered, treated, or chemically fixed sewage sludge that is not hazardous waste; manure; dirt; soil, rock, gravel, sand, or other aggregate material; and other discarded solid and semisolid waste; but not including recyclables or yard waste.

“Solid waste manager” or “manager” means the city’s integrated waste general manager responsible for managing the division.

“Source-separate” means keeping recyclables or yard waste independently containerized or clearly segregated from solid waste at the point of generation for the purpose of reuse or recycling.

“SWA” means the Sacramento Regional Solid Waste Authority joint powers authority.

“SWA Code” means the collective ordinances adopted by the Board of Directors of SWA.

“SWA franchisee” means a commercial hauler or collection service provider possessing a valid franchise issued by SWA pursuant to Title I of the SWA Code, as those provisions may be amended from time to time.

“Tenant” means the occupant or person in control, where different than the owner, of any property in the city.

“Yard waste,” also referred to as “garden refuse” or “green waste,” means materials generated from the maintenance or alteration of landscapes that will decompose or putrefy, including leaves; grass cuttings and garden trimmings; weeds and roots from which all dirt

has been removed; and shrubbery and tree trimmings, of which no single piece shall exceed 36 inches in length, four inches in diameter, or 40 pounds in weight.

**13.10.020 Refuse collection service.**

- A. Collection service. Except as otherwise provided in this chapter, the division shall render collection service to residential properties within the city.
- B. Collection districts. The director may divide the city into as many districts deemed necessary for collection service and may fix the day for the collection service in the districts.

**13.10.030 Authority of solid waste manager.**

The solid waste manager has authority to establish and enforce rules and regulations consistent with the provisions of this chapter, and approved by the director, concerning the storage, accumulation, collection, transportation, recycling, reconstitution, recovery, and disposal of refuse. This authority includes the discretion to:

- A. Require any person or entity receiving collection service anywhere in the city, whether such service is provided by the city or by another collection service provider, to implement specified measures to prevent the accumulation of refuse outside the containers used by the person or entity, or to prevent the containers from creating a hazard or interference with the use of any public right-of-way. Such measures may include, but are not limited to, requiring that containers be locked, and restricting or prohibiting the placement of containers on city streets, alleys, or sidewalks;
- B. Determine the type, frequency, and means of collection service that will cause all refuse to be removed from the property so there will be no accumulation, collection, or keeping of refuse outside of the containers as to create a public nuisance, or health or safety hazard; and
- C. Determine that a different size container or different number of containers may satisfy the minimum service requirements specified for collection service under this chapter.

**13.10.040 Establishment of rates.**

Rates, fees, and charges for the collection services specified in this chapter are established, and shall be charged for the collection services. The amounts of the rates, fees, and charges for collection services shall be set from time to time by ordinance or resolution of the city council. The portion of the lawn and garden service rate attributable to street sweeping shall be separately set forth.

### **13.10.050 Billing and collection.**

The rates, fees, and charges for collection services shall be billed and collected in accordance with chapter 13.12.

### **13.10.060 Liability for payment.**

Customers to whom collection services are rendered by the city are responsible and liable for payment of the rates, fees, and charges for the collection services, regardless of the actual usage of or the amount of refuse actually deposited in the containers.

### **13.10.070 Suspension of garbage and recycling collection service.**

- A. If a residential property is vacant and uninhabited for a period of at least 30 consecutive days, the customer may request that garbage and recycling collection service be temporarily suspended upon payment of a fee to cover the city's administrative costs to verify the property is vacant and does not generate garbage and recyclables. The customer shall pay a reduced charge for the ongoing garbage and recycling collection program costs that the city continues to incur during the period collection services are suspended. The reduced charge shall apply to each vacant dwelling unit of the residential property. Garbage and recycling collection service shall be immediately restored when the property is again occupied.
- B. Suspension of collection service for vacant property does not apply to lawn and garden service unless the director determines that suspension of lawn and garden service is warranted where refuse will not be generated or accumulated on a property due to unique or unusual circumstances, and such circumstances pertain to the property itself, not to the property owners or inhabitants.

### **13.10.080 Unauthorized collection service and hauling.**

- A. No person may render collection service, transport, or haul refuse produced, kept, or accumulated in the city except in accordance with this section.
- B. This section does not apply to the following persons:
  - 1. The owner or tenant of a residential property when collecting or transporting refuse generated on the property to a lawful disposal location. This subsection shall not be construed to relieve any person from paying the rates, fees, and charges pursuant to section 13.10.060;
  - 2. A SWA franchisee;
  - 3. Any federal, state, or local public agency, or any employee, agent, or contractor thereof, when collecting or transporting refuse generated by the

public agency under a system of refuse collection and transportation operated and maintained by the public agency;

4. Any person collecting and transporting hazardous waste and infectious waste, regardless of its source, in accordance with federal, state, and local laws, rules, and regulations;
5. Any person collecting or transporting by-products of water, sewage, or drainage treatment, including sludge, sludge ash, grit, and screenings; or
6. Any person engaged in the business of servicing residential and commercial properties, and the employees thereof, when collecting or transporting refuse consisting of by-products of the services provided to the property to a lawful disposal location.

#### **13.10.090 Refuse containers.**

- A. Every owner or tenant of any improved property in the city that generates refuse shall have and, at all times, keep on the property, suitable and sufficient watertight containers, and shall cause to be deposited in such containers, and not elsewhere, all refuse accumulating on the property. The containers shall have tightly fitted covers, and shall not leak or permit the escape of odors.
- B. Only city-provided containers may be used for collection services rendered by the city.
- C. The solid waste manager may adopt standards for the capacity and type of refuse container to be used for rendering collection service. In establishing such standards, the solid waste manager shall consider health and safety factors; the nature and extent of the activity conducted on the property; the type of refuse produced or accumulated; and the location, construction, or other physical characteristics of the property.
- D. No person, other than the customer who has contracted for collection service or is billed the rates, fees, and charges for the collection service or a person with such customer's consent, shall deposit refuse into a container provided by the city or by a SWA franchisee.
- E. Any person violating this section is guilty of an infraction.

#### **13.10.100 Placement of containers for collection.**

- A. Containers placed for collection service shall be placed:
  1. Together in one location adjacent to the property where collection service is rendered;

2. Within two feet of the street curb or edge of road right-of-way in front of any fence or other barrier or enclosure and readily accessible from the street or alley where collection service is rendered;
  3. At least three feet from any obstruction, such as automobiles, trailers, motor homes, fences, lampposts, or mailboxes; and
  4. In a manner that provides the collector with unimpeded access to the containers.
- B. Containers shall be placed for collection service no earlier than 12 hours prior to the scheduled collection day, and shall be removed from the public right-of-way not later than 12 hours after the scheduled collection day.
- C. Except when containers are placed for collection service in accordance with subsection B above, containers shall be placed in a storage location within, adjacent to, or behind a structure, building, fence, landscaping, or other barrier approved by the solid waste manager, which substantially screens the view of the containers from the street or public right-of-way.
- D. Except as otherwise provided in this chapter, no container shall be placed, kept, stored, or located on or in any street, sidewalk, alley, or any public place in a manner that impedes traffic or drainage or creates a hazard to public health or safety, or the public welfare.

**13.10.110 Hours of collection.**

Refuse shall be collected within the city only between the hours of 4:00 a.m. and 7:00 p.m. (or 8:00 p.m. during daylight savings time) of the same day.

**13.10.120 Scavenging prohibited.**

- A. No person shall open, look into, search through, or remove any of the contents from a container.
- B. No person shall search through or remove any of the contents from refuse deposited in the streets in conjunction with the neighborhood cleanup program or the seasonal loose-in-the-street yard waste collection program operated pursuant to this chapter.
- C. This section does not apply to the following persons:
  1. The customer receiving the collection service or who is billed the rates, fees, and charges for the collection service, or a person with the customer's consent;
  2. Any employee, agent, or contractor of a SWA franchisee that owns or maintains the container in the performance of their duties; or

3. Any employee, agent, or contractor of any city, county, state or federal government agency in the performance of their duties.

D. Any person violating this section is guilty of an infraction.

**13.10.130 Depositing refuse prohibited; exception; reward for information.**

A. No person shall accumulate, store, keep, throw, place, deposit, or dump refuse:

1. In any water or waterway, or upon the levees or banks adjacent thereto; or
2. Anywhere else on improved or unimproved public or private property, except in the containers designated for this purpose, or as otherwise allowed under this chapter.

B. A reward of five hundred dollars (\$500.00) will be paid by the city to the person furnishing information to the authorities leading to the arrest and conviction of any person violating the provisions of this section. The reward shall be paid to the person furnishing information leading to the arrest upon conviction of the person arrested. The city manager may adopt guidelines for administering the reward program that shall become effective upon council approval.

**13.10.140 Burying or burning refuse prohibited.**

No person shall bury or burn refuse anywhere within the city.

**13.10.150 Violations.**

A. In addition to any other remedy allowed by law, any person who violates this chapter is subject to criminal sanctions, civil actions, and administrative penalties under chapter 1.28.

B. Violations of this chapter are a public nuisance.

C. Any person who violates this chapter is liable for civil penalties of not less than two hundred fifty dollars (\$250.00), and not more than twenty-five thousand dollars (\$25,000.00), for each separate violation and for each day the violation continues.

D. Any person who violates a provision of this chapter is guilty of a misdemeanor, punishable by a fine in accordance with section 36900 of the California Government Code, except where it has been provided by this chapter that the violator is guilty of an infraction.

E. All remedies prescribed under this chapter are cumulative and the election of one or more remedies does not bar the city from the pursuit of any other remedy for the purpose of enforcing the provisions of this chapter.

### **13.10.160 Appeals.**

Any person adversely and directly affected by any determination made or action taken by the solid waste manager or the director pursuant to this chapter may appeal the determination or action to the city council in accordance with chapter 1.24. The notice of appeal shall be filed with the city clerk not later than ten days after the date of the determination or action.

### **13.10.170 Program regulations.**

The director has the authority to establish regulations, procedures, and requirements for collection service under this chapter, which shall become effective when adopted by resolution of the city council.

## **Article II. Garbage Collection.**

### **13.10.200 Purpose.**

The purpose of this article is to protect the public health, safety, and welfare of all the citizens of the city by requiring that the accumulation, collection, removal, and disposal of garbage from lands, buildings, apartments, hotels, and all other premises within the city be handled in a manner that provides for the greatest good and the least possible inconvenience and impact to the city and city residents and businesses.

### **13.10.210 Garbage collection service—Use required.**

- A. All owners of residential property and residential mixed-use property in the city where garbage is created, generated, accumulated, or produced shall subscribe to garbage collection service provided by the city in the manner and in accordance with the provisions of this chapter and chapter 13.12.
- B. All owners or tenants of commercial property in the city where garbage is created, generated, accumulated, or produced shall subscribe to garbage collection service provided by a SWA franchisee.

### **13.10.220 Minimum service.**

Subject to applicable federal, state, and local laws and regulations, and other applicable provisions of this chapter, the minimum level of garbage collection service is specified in this section.

- A. Residential property.
  - 1. Each dwelling unit shall have one 32-gallon automatic lift container or equivalent, as determined by the solid waste manager.
  - 2. Garbage collection service shall be not less frequent than one pickup per week.

- B. Commercial property. Commercial property where garbage is produced or accumulated shall receive the type and frequency of service necessary, in the opinion of the solid waste manager, to prevent the accumulation or keeping of garbage on the premises for a period longer than one week, and to meet applicable sanitation requirements.

**13.10.230 Garbage removal.**

Notwithstanding section 13.10.220, the owners of residential property shall subscribe to the type and frequency of collection service necessary, in the opinion of the solid waste manager, to prevent the accumulation or keeping of garbage on the property for a period longer than one week, and to meet applicable sanitation requirements.

**13.10.240 Hazardous and infectious wastes.**

The City will not collect hazardous or infectious waste either alone or mixed with other refuse that normally would be collected by the city. Collection and removal of such wastes must be conducted in compliance with applicable federal, state, and local laws, rules, and regulations.

**13.10.250 Neighborhood cleanup programs.**

Garbage collection service may include neighborhood cleanup programs. The time and manner of deposit, together with any limitation upon the nature and extent of materials to be deposited, shall be determined by the solid waste manager and communicated to the customer or neighborhood where the program is conducted.

**13.10.260 Private collection service provider.**

- A. Collection service rendered to commercial properties by any SWA franchisee shall comply with applicable provisions of this chapter, the SWA Code, and other applicable laws, rules, and regulations.
- B. No person who is not a SWA franchisee shall: (1) engage in the collection, transportation, or disposal of refuse within the city; or (2) operate as, or represent to the public that the person is, a collector, transporter, or disposer of refuse within the city.

**Article III. Recycling**

**13.10.300 Purpose and findings.**

- A. The purpose of this article is to mandate the collection and recycling of recyclables generated from residential properties to protect the public safety, health, and welfare; 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.
- B. 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 50 percent of discarded materials away from disposal in landfills;
2. The recycling of paper, cardboard, plastic, glass, and other recyclables 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; and
3. Providing for the collection and recycling of recyclables 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; and (c) reducing greenhouse gas emissions associated with transporting waste to landfills located in remote areas.

#### **13.10.310 Recycling collection service—Use required.**

To meet the mandatory diversion requirements imposed by state law, and to protect and promote the health, safety, and welfare of city residents, all owners of residential property and residential mixed-use property in the city shall subscribe to the recycling collection service provided by the city in the manner and in accordance with the provisions of this chapter and chapter 13.12.

#### **13.10.320 Minimum service.**

Subject to applicable federal, state, and local laws, rules, and regulations, and other applicable provisions of this chapter, the minimum level of recyclable collection service is specified in this section.

- A. Residential property.
  1. Each dwelling unit shall have one 64-gallon automatic lift container or equivalent, as determined by the solid waste manager.
  2. The frequency of recycling collection service shall be determined by the director, consistent with any service level requirements approved or adopted by the city council.
- B. Commercial property. The owners and tenants of commercial properties in the city shall comply with the requirements for recycling collection service as set forth in title

IV of the SWA Code, Business Recycling Ordinance, as those provisions may be amended from time to time.

### **13.10.330 Ownership of recyclables.**

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

### **13.10.340 Segregation of recyclables.**

- A. Every owner or tenant of residential property in the city shall source-separate recyclables from other refuse generated on the property. The recyclables shall be deposited only in the recycling container provided by the city.
- B. No person shall deposit any refuse or materials other than recyclables in the recycling containers. Any person violating this section is guilty of an infraction.

## **Article IV. Lawn and Garden Service**

### **13.10.400 Purpose and findings.**

- A. The purpose of this article is to mandate lawn and garden service to protect the public safety, health, and welfare; to ensure that the city continues to meet state-mandated diversion requirements; to reduce landfill dependency; to conserve resources; to reduce greenhouse gas emissions; and to advance the city's ongoing efforts to create a more sustainable city.
- B. The city council finds and determines as follows:
  - 1. The collection and disposal of yard waste, and street sweeping, protect the public health, safety, and welfare, by requiring that the accumulation, collection, removal, and disposal of yard waste, and street sweeping, be handled in a manner that provides for the greatest good and the least possible inconvenience and impact to the city and city residents;
  - 2. 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 50 percent of discarded materials away from disposal in landfills;
  - 3. The collection and disposal of yard waste diverts yard waste away from disposal in landfills, and is a critical component of the city's ongoing measures to meet the mandatory diversion requirement imposed by state law, and without an effective yard waste collection and disposal program the city would not be able to comply with this requirement; and

4. In addition, providing for the collection and disposal of yard waste protects and promotes the public health, safety, and welfare by reducing the city's dependence on landfills by disposing of yard waste outside of landfills, and thereby reducing costs and environmental effects associated with landfill use.

**13.10.410 Lawn and garden service for residential properties – Use required; exceptions.**

- A. Except as provided otherwise in this chapter, all owners of residential property in the city shall subscribe to the lawn and garden service provided by the city in the manner and in accordance with the provisions of this chapter and chapter 13.12.
- B. For purposes of lawn and garden service under this article, any residential condominium, residential stock cooperative, mobilehome park, residential mixed use property, or residential property on a private street, is not required to subscribe to the yard waste collection service provided by the city, but may request yard waste collection service, subject to any limitations and requirements established by the solid waste manager, including the minimum level of yard waste collection service, and the time, manner, and place of the deposit. Yard waste from any of the properties described in this subsection B shall not be deposited in the streets of the city or in city-provided yard waste containers without obtaining the prior written authorization of the solid waste manager.
- C. If seasonal loose-in-the-street collection service is provided by request to any residential property on a private street, the city is not responsible or liable in any manner for any damage to the private street arising from the city's loose-in-the-street collection service. The request for loose-in-the-street collection service by the resident or homeowner's association constitutes an unconditional waiver of any and all claims, whether known or unknown, for damage of any kind to the private street arising from the city's loose-in-the-street collection service.
- D. Notwithstanding subsection B of this section, all owners of residential property in the city, including vacant lots, shall subscribe to street sweeping service if the parcel has concrete curbs and gutters and is contiguous to a public street.

**13.10.420 Minimum service for residential property.**

Subject to applicable federal, state, and local laws and regulations, and other applicable provisions of this chapter, the minimum level of lawn and garden service for residential property is specified in this section.

- A. Each property shall have one 96-gallon yard waste container.
- B. The frequency of lawn and garden collection service shall be determined by the director, consistent with any service level requirements approved or adopted by the city council.

### **13.10.430 Deposit of yard waste.**

- A. No person may place, deposit, dump, or accumulate, or cause to be placed, deposited, dumped, or accumulated, any yard waste on or in any street, public right-of-way or easement, gutter, curb, or sidewalk within the city, except where such deposits are expressly authorized under this chapter.
- B. Customers may place and deposit yard waste in the streets for collection service in connection with the seasonal loose-in-the-street collection service or neighborhood cleanup program, subject to any requirements and limitations established by the solid waste manager.
- C. Yard waste deposited in the streets for collection service pursuant to this section shall not:
  - 1. Exceed two cubic yards per parcel;
  - 2. Be placed on any sidewalk, within a set of undulations, or in a manner that impedes traffic or drainage, or creates a hazard to public health or safety, or to the public welfare; or
  - 3. Be placed in the streets for collection service earlier than seven days prior to the scheduled collection day.

### **13.10.440 Lawn and garden service for commercial properties; street sweeping service required.**

Yard waste from commercial properties shall not be deposited in the streets or in city-provided yard waste containers without obtaining the prior written authorization of the solid waste manager, subject to any limitations and requirements established by the solid waste manager. In authorizing the deposit of yard waste from commercial properties, the solid waste manager shall determine and specify the minimum level of yard waste collection service, and the time, manner, and place of the deposit. Owners of any commercial property in the city, including vacant lots, shall subscribe to street sweeping service in the manner and in accordance with the provisions of this chapter and chapter 13.12, if the parcel has concrete curbs and gutters and is contiguous to a public street.

### **13.10.450 Segregation of yard waste.**

- A. Customers shall source-separate yard waste from other refuse generated on the property. Yard waste shall be deposited only in the yard waste container provided by the city.
- B. No person shall deposit any refuse or materials other than yard waste in the yard waste containers. Any person violating this section is guilty of an infraction.

### **13.10.460 Exemption.**

- A. Customers may request, upon application and payment of any applicable service or processing fee established by resolution of the city council, an exemption from yard waste collection service rendered by the city if the residential property has vegetation on five percent or less of the exterior surface area outside the dwelling unit, as determined by the solid waste manager.
- B. No exemption shall be granted on the basis that the owner or tenant of residential property utilizes private gardening or landscaping services.

## **Article V. Downtown Collection Area**

### **13.10.500 Purpose and findings.**

- A. The purpose of this article is to protect and maintain the public health, safety, and welfare by establishing additional special requirements for refuse collection services rendered in the downtown collection area.
- B. The city council finds and determines as follows:
  - 1. That excessive litter, debris, and refuse consistently accumulate in the alleys where collection services are rendered in the downtown collection area;
  - 2. That the excessive accumulation of litter, debris, and refuse in the downtown collection area alleys adversely affects the health, safety, and welfare of the downtown area by creating an unclean and malodorous condition;
  - 3. That this unclean and malodorous condition is caused, in part, when persons who do not subscribe to collection services in accordance with the provisions this chapter, deposit excessive amounts of refuse in the containers located in the downtown collection area alleys, or when refuse is removed from the containers and deposited in the alleys by persons looking for food, recyclable materials, or other such items;
  - 4. That although the activities described in the preceding paragraph are prohibited, the excessive accumulation of litter, debris, and refuse in the downtown collection area alleys continues, so that additional methods of preventing such accumulation are needed; and
  - 5. That establishing special requirements to prevent the excessive accumulation of litter, debris, and refuse in the downtown collection area alleys will more effectively protect and maintain the health, safety, and welfare of the downtown area.

**13.10.510 Special requirements.**

In addition to any and all requirements for collection services under this chapter, the owners and tenants of properties in the downtown collection area are required to comply with all of the requirements in this section.

- A. All front-load commercial bins shall be equipped with locks and shall remain locked at all times, except when refuse or recyclables are being deposited or collected in accordance with the provisions of this chapter.
- B. All front-load commercial bins shall have the name, address, and telephone number of the owner, and of the tenant, if different than the owner, written on the front of the container with either paint or some form of indelible ink.
- C. No container shall be placed or located in such a manner that blocks or impedes passage through the alley or through any doorway of any building adjoining the alley, even if the building is abandoned or out of use.

**SECTION 4**

- A. All references in Article VI (“Old Sacramento Collection District”) of Chapter 13.10 of Title 13 of the Sacramento City Code to the section numbers listed below, under the heading “Prior Section Numbers,” are renumbered to the corresponding section numbers listed below under the heading “Amended Section Numbers.”

<u>Prior Section Numbers</u>	<u>Amended Section Numbers</u>
13.10.560	13.10.600
13.10.570	13.10.610
13.10.580	13.10.620
13.10.590	13.10.630
13.10.600	13.10.640
13.10.610	13.10.650
13.10.620	13.10.660
13.10.630	13.10.670
13.10.640	13.10.680
13.10.650	13.10.690

13.10.660

13.10.700

- B. Except for the renumbering of the sections as set forth above, the provisions of Article VI shall remain unchanged and in full force and effect.

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: