

**Meeting Date: 5/21/2013**

**Report Type:** Consent

**Report ID:** 2013-00407

**Title: (Pass for Publication) Ordinance Amendment: Amendments to Chapter 13.10 of the Sacramento City Code Relating to Solid Waste Management**

**Location:** Citywide

**Issue:** On April 18, 2013, the City Council adopted an ordinance amending Chapter 13.10 of the Sacramento City Code relating to Solid Waste Management. The final version of the ordinance adopted by City Council inadvertently excluded minor language changes to five sections; the applicable sections will be corrected through this ordinance amendment.

**Recommendation:** Review an ordinance amending sections 13.10.010, 13.10.070, 13.10.100, 13.10.410, and 13.10.460 of Chapter 13.10 of the Sacramento City Code, relating to Solid Waste Management; and 2) pass for publication the ordinance title as required by Sacramento City Charter Section 32(c), with the ordinance to be adopted May 28, 2013.

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

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

**Department:** General Services

**Division:** Solid Waste Admin Services

**Dept ID:** 13001711

**Attachments:**

1-Description/Analysis

2-Ordinance Redline

3-Ordinance Clean

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**City Attorney Review**

Approved as to Form  
Sheri Chapman  
5/14/2013 11:38:18 AM

**City Treasurer Review**

Reviewed for Impact on Cash and Debt  
Russell Fehr  
5/3/2013 10:38:46 AM

**Approvals/Acknowledgements**

Department Director or Designee: Reina Schwartz - 5/9/2013 12:19:24 PM

## Description/Analysis

**Issue Detail:** On April 18, 2013, the City Council adopted Ordinance No. 2013-0009 amending Chapter 13.10 of the Sacramento City Code, relating to Solid Waste Management. The ordinance codifies the policies and procedures for solid waste collection services previously approved by City Council and voters in 2012. The final version of the ordinance adopted by City Council inadvertently excluded minor language changes to five sections that are corrected through this ordinance amendment.

**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 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 City Manager has approved bringing the minor language changes forward in this ordinance amendment directly to City Council without additional Law and Legislation Committee review, pursuant to the Council Rules of Procedure (Chapter 13, section (B)(1)(b)(i)).

**Rationale for Recommendation:** These amendments to Chapter 13.10 of the Sacramento City Code are necessary to make minor administrative corrections to the ordinance, which were inadvertently left out of the document adopted by City Council on April 18, 2013.

**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 loose in the streets (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.

## ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

### AN ORDINANCE AMENDING SECTIONS 13.10.010, 13.10.070, 13.10.100, 13.10.410, AND 13.10.460 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.

A. The definition of “Customer” in Section 13.10.010 of the Sacramento City Code is amended to read as follows:

“Customer” means the owner of the property to which city collection service is rendered pursuant to this chapter, or an association managing a condominium project billed for collection service pursuant to subsection A.1 of section 13.04.220. As used herein, “association” and “condominium project” have the meanings specified in section 13.12.010.

B. Except as specifically amended in subsection A above, Section 13.10.010 of the Sacramento City Code remains unchanged and in full force and effect.

#### SECTION 2.

Section 13.10.070 of the Sacramento City Code is amended to read as follows:

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

A. If a residential dwelling property unit 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 dwelling unit 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 dwelling unit 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.

### SECTION 3.

- A. Subsection E is added to Section 13.10.100 of the Sacramento City Code, to read as follows:

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

- B. Except as amended in subsection A above, Section 13.10.100 of the Sacramento City Code remains unchanged and in full force and effect.

### SECTION 4.

- A. Subsection B of Section 13.10.410 of the Sacramento City Code is amended to read as follows:

- 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.

- B. Except as amended in subsection A above, Section 13.10.410 of the Sacramento City Code remains unchanged and in full force and effect.

### SECTION 5.

Section 13.10.460 of the Sacramento City Code is amended to read as follows:

#### **13.10.460 Exemption.**

- A. Customers may request an exemption from yard waste collection service for residential property. The exemption may be granted, upon ~~application~~ payment of any applicable service or processing fee established by city council resolution, and the solid waste manager's verification that 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(s), ~~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.

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:

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Ayes:

Noes:

Abstain:

Absent:

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

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Effective: