Meeting Date: **4/17/2014**

Report Type: Consent

Report ID: 2014-00182

City of SACRAMENTO 06

City Council Report
915 I Street, 1st Floor
www.CityofSacramento.org

Title: Ordinance Adoption: Exemptions to the Mandatory Containerized Yard Waste Collection Programs (Passed for Publication 04/01/2014; Published 04/03/2014)

Location: Citywide

Recommendation: Pass an Ordinance amending sections 13.10.010 and 13.10.460 relating to exemptions to the mandatory containerized yard waste collection program.

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

Presenter: None

Department: General Services

Division: Containerized Greenwaste

Dept ID: 13001841

Attachments:

1-Description/Analysis

2-Ordinance redlined

3-Ordinance proposed

City Attorney Review

Approved as to Form
Sheri Chapman
3/28/2014 4:25:41 PM

Approvals/Acknowledgements

Department Director or Designee: Reina Schwartz - 3/26/2014 2:26:55 PM

James Sanchez, City Attorney Shirley Concolino, City Clerk Russell Fehr, City Treasurer
John F. Shirey, City Manager

Back to Report Table of Contents

Description/Analysis

Issue Detail: On April 18, 2013, the City Council passed Ordinance No. 2013-0009 amending Chapter 13.10 of the Sacramento City Code to accommodate solid waste program changes implemented on July 1, 2013. One of those changes was mandatory containerized yard waste collection for most residential solid waste customers in the City. Section 13.10.460 allows residents to request an exemption from the mandatory yard waste collection program if their property has vegetation on five percent or less of the exterior surface area outside the dwelling unit.

After implementation of the program changes on July 1, 2013, additional exemption criteria were deemed necessary to address certain conditions not contemplated with the original code. The proposed ordinance expands the exemption provision to include the following properties:

A. Residential property located on a parcel of land consisting of one or more acres and is located within an agricultural zone; or

B. Residential property within a planned development in which all residents of the planned development, or all residents within a specified area of the planned development that is acceptable to the City's Solid Waste Manager:

    1. Have requested the exemption; and

    2. Are required to pay an association for the costs of gardening or landscaping service that collects and removes substantially all of the yard waste generated from the front and back yards of the customer's property and the yard waste is diverted from landfill disposal in a manner that complies with all applicable laws.

The proposed changes address residents' concerns that were raised in response to the yard waste program changes in July 2013, and the Code changes are consistent with the City's goal of diverting yard waste from landfills.

Policy Considerations: The recommendations in this report are consistent with federal and state laws governing the safe collection and disposal of municipal solid waste, as well as the 2012 Solid Waste and Recycling Business Plan.

Economic Impacts: None

Environmental Considerations:

California Environmental Quality Act (CEQA): The Community Development Department has reviewed the proposed ordinance and has determined that adoption of the ordinance is exempt 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.

Sustainability: Solid waste collection is an essential municipal service that is critical to the health and safety of the community. The proposed ordinance is consistent with the Sustainability Master Plan goal to reduce carbon dioxide emissions by allowing additional residential solid waste customers to be exempted from the City's yard waste collection program while ensuring that the yard waste from the affected properties is diverted from landfill disposal and recycled in accordance with state law.

Commission/Committee Action: On March 18, 2014, the Law & Legislation Committee approved and forwarded the ordinance for City Council consideration.

Rationale for Recommendation: The proposed ordinance will amend and clarify the City Code by allowing certain residential solid waste customers to receive an exemption from the mandatory containerized yard waste collection program. Specifically, the proposed ordinance expands the exemption provision to include customers who reside on large parcels within an agricultural zone. These customers typically generate and recycle various organic materials like orchard waste, crop residue and animal manure from their agricultural operations, and yard waste can easily be incorporated into those existing management practices. The proposed ordinance also expands the exemption provision to include residents living in a planned development where an association maintains all landscaped areas, and the landscapers recycle yard waste in accordance with state law.

Financial Considerations: Solid waste customers who are granted an exemption from the mandatory containerized yard waste program will not pay the current collection fee of $10.35 per month. Staff estimates less than 100 customers will receive an exemption as a result of the proposed ordinance changes, so there is not a significant financial impact to the City.

Local Business Enterprise (LBE): No goods or services are being purchased as a result of this report.

Back to Report Table of Contents

ORDINANCE NO. 2014-xxx

Adopted by the Sacramento City Council

xxxxx, 2014

AMENDING SECTIONS 13.10.010 AND 13.10.460 OF THE SACRAMENTO CITY CODE, RELATING TO YARD WASTE COLLECTION EXEMPTIONS ~~EXCEPTIONS TO YARD WASTE COLLECTION~~

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

SECTION 1

A. A definition of "planned development" is added to Section 13.10.010 of the Sacramento City Code to read as follows:

> "Planned development" means a planned development as defined in California Civil Code section 4175, as that provision now exists or is hereafter amended or renumbered.

B. Except as amended by subsection A above, all provisions of section 13.10.010 remain unchanged and in full force and effect.

SECTION 2

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

13.10.460 Exemptions.

~~A. Customers may request an exemption from yard waste collection service for residential property. The exemption may be granted upon payment of any applicable service or processing fee established by city council resolution, and the solid waste manager's verification that the property has vegetation on five percent or less of the exterior surface area outside the dwelling unit(s).~~

~~B. No exemption shall be granted on the basis that the owner or tenant of residential property utilizes private gardening or landscaping services.~~

The solid waste manager may grant an exemption from the yard waste collection service required in Section 13.10.410 to a residential property owner, upon payment of any applicable service or processing fees established by city council resolution, and the solid waste manager's verification of one of the following bases of eligibility:

A. The residential property has vegetation on five percent or less of the exterior surface area outside the dwelling unit(s);

B. The residential property is located on a parcel of land consisting of one or more acres and is located within an agricultural zone; or

C. The residential property is within a planned development in which all residents of the planned development, or all residents within a specified area of the planned development that is acceptable to the solid waste manager:

1. Have requested the exemption; and

2. Are required to pay an association for the costs of gardening or landscaping service that collects and removes substantially all of the yard waste generated from the front and back yards of the customer's property and the yard waste is diverted from landfill disposal~~. yard waste~~ in a manner that complies with all applicable laws.

Back to Report Table of Contents

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2. Are required to pay an association for the costs of gardening or landscaping service that collects and removes substantially all of the yard waste generated from the front and back yards of the customer's property and the yard waste is diverted from landfill disposal in a manner that complies with all applicable laws.

B. Except as provided in A (3), no exemption shall be granted on the basis that the owner or tenant of residential property utilizes private gardening or landscaping services.