Title: (Pass for Publication) Ordinance Amending Chapter 13.10 of the Sacramento City Code Relating to Release of Liability, Emergency Removal of Debris, and Garbage Collection Service

Recommendation: 1) Review an Ordinance amending Chapter 13.10 of the Sacramento City Code relating to release of liability for claw collection services on private streets, garbage collection services, and emergency removal of debris; and 2) pass for publication the Ordinance as required by Sacramento City Charter § 32 with the Ordinance to be adopted on January 24, 2017.

Location: Citywide

Contact: Terrance Davis, Integrated Waste General Manager, (916) 808-4949, Department of Public Works

Presenter: None

Department: Public Works, Recycling and Solid Waste Division

Attachments:
1-Description/Analysis
2-Redline Ordinance Revisions for Chapter 13.10
3-Clean Copy Ordinance Revisions for Chapter 13.10
Description/Analysis

**Issue Detail:** The Recycling and Solid Waste Division (RSWD) recommends the following revisions to Chapter 13.10 of the Sacramento City Code to improve service and increase operational efficiencies:

**Emergency Debris Removal**
In the event of natural disasters or other emergencies, RSWD may be required to remove debris on private property. Generally, disaster-related debris removal qualifies for public assistance through Federal Emergency Management Agency (FEMA) if such removal is in the public interest. FEMA also requires an applicant seeking such public assistance to provide proof of its legal authority to remove disaster-related debris from private property. This authority must be applicable to the condition representing the immediate threat and not merely the applicant’s uniform level of services. Currently, the City’s Code is silent on the matter. Establishing City Code Article VII and its following Sections 13.10.800 to 13.10.840 and amending Section 13.10.010 is necessary to meet FEMA’s requirements for this public assistance.

**Release of Liability for Collection Services on Private Streets**
Currently, the City Code releases the City from liability arising from damage to private streets for RSWD’s lawn and garden collection service under Section 13.10.410. However, RSWD provides other residential collection services on private streets that involve the same equipment, such as illegal dumping and household junk collection services. Appropriately then, release of liability should be extended to the other residential collection services provided on private streets. To implement this general release of liability, the proposed amendment includes a new definition for “claw collection service” to include all RSWD services provided with claw collection equipment. In addition, the proposed amendments to Sections 13.10.180 and 13.10.410 would create a general release of liability for claw collection services on private streets. Clarifying and moving this language from Chapter 13.10.410 and into Article I General Provisions, Chapter 13.10.180 would release the City of liability arising from any damage to private streets caused by claw loaders while removing providing the City’s collection services as requested.

**Garbage Collection Services**
Lastly, in 2012, RSWD ceased providing commercial solid waste and recycling bin collection services to eliminate rate subsidies (thereby increasing compliance with State Proposition 218) and focused on core residential collection services. Since that time, RSWD has provided limited bin collection services using a front-loading refuse truck for mixed-use residential properties (three to five units) where there is inadequate space to store multiple containers to meet minimum service requirements. Staff has determined that the current cost to provide bin
collection services using a front-loading refuse truck exceeds the revenue collected.

Staff recommends that Section 13.10.210 of the City Code be modified to provide the Solid Waste Manager with the authority to adjust the minimum service levels for residential mixed-use customers. Such authority will permit these customers to retain bin service that meets their limited space needs, and seek service from a private hauler. By transitioning these customers to a private hauler, RSWD will resolve the current rate subsidy issue by eliminating front load collection services and redirect existing staff and resources to other areas within residential collection operations.

**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. The recommendations in this report are also consistent with FEMA's requirements for public assistance for disaster-related debris removal as outlined in section VI of the Public Assistance Program and Policy Guide FEMA Recovery Policy 104-009-2 (January 1, 2016 edition), 42 U.S. Code section 5170(a) *et seq.*

**Economic Impacts**: Not applicable.

**Environmental Considerations**: The proposed Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), 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**: RSWD collection services are essential municipal services, critical to the health and safety of the community. Implementation of the proposed changes to the City Code is necessary to align with the City of Sacramento General Plan, Emergency Response and Disaster Preparedness goals.

**Commission/Committee Action**: On December 13, 2016, the Law and Legislation Committee approved and forwarded the Ordinance for Council consideration.

**Rationale for Recommendation**: The proposed Ordinance is intended for three purposes. First, it will align the City of Sacramento with FEMA's requirements for public assistance for disaster-related debris removal as outlined in section VI of the Public Assistance Program and Policy Guide FP 104-009-2 (January 1, 2016 edition). In addition, it provides release of liability for the City's claw collection services on private streets in general, rather than applying it exclusively to the City's lawn and garden collection services on private streets. Lastly, the
proposed Ordinance provides for a feasible and cost-effective remedy to the City's declining use of front-loading refuse trucks from limited bin collection services in mixed-used properties.

The adoption of the proposed Ordinance is scheduled for January 24, 2017 due to staff scheduling.

**Financial Considerations:** Implementing the proposed Ordinance satisfies requirements for FEMA's public assistance program for disaster-related debris removal, enabling the City to apply to FEMA to recover costs related to emergency debris removal. Further, the proposed changes to release of liability for the City's collection services on private streets would release the City of liability arising from any damages to private streets that may arise from by the City's provision of claw collection services while removing any debris from private streets as requested by private property owners, not just lawn and garden material. Lastly, the proposed changes will strengthen the Solid Waste Manager's authority to manage residential collection services and related fees in the most cost-effective way allows the division to redirect resources to core residential collection services.

**Local Business Enterprise (LBE):** Not applicable.
AN ORDINANCE AMENDING CHAPTER 13.10 OF THE SACRAMENTO CITY CODE RELATING TO RELEASE OF LIABILITY FOR CLAW COLLECTION SERVICES ON PRIVATE STREETS, GARBAGE COLLECTION SERVICES, AND EMERGENCY REMOVAL OF DEBRIS

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

SECTION 1.

Section 13.10.010 of the Sacramento City Code is amended to read as follows:

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:

“Claw collection service” means a city collection service provided by a tractor with a claw bucket attachment.

“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, or an association managing a condominium project billed for collection service pursuant to subsection (A)(1) of Section 13.04.220 A.1. As used herein, “association” and “condominium project” have the meanings specified in Section 13.12.010.

“Debris” means building and construction materials, garbage, refuse, wreckage, spoiled or ruined household goods, and similar material.
“Disaster” means a sudden event that causes great damage or loss of life as declared by federal, state, or local government.

“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.
“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.

“Private property” means all property that is not owned or controlled by a governmental entity, including private or gated residential communities, and streets, roads, and roadways contained therein that have not been dedicated to public use or have not been accepted for maintenance by the city or other governmental entity.

“Private street” means a street that has not been dedicated to public use or has not been accepted for maintenance by the city or other governmental entity, including streets within a gated community.

“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 thirty-six (36) inches in length, four (4) inches in diameter, or forty (40) pounds in weight.

SECTION 2.

Section 13.10.180 is added to the Sacramento City Code to read as follows:

13.10.180 Release of liability for claw collection service on a private street.

If claw 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 claw collection service. The request for the claw 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 claw collection service.

SECTION 3.

Section 13.10.210 of the Sacramento City Code is amended to read as follows:

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, unless the solid waste manager determines that service is not feasible for a specific property.

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.

SECTION 4.

Section 13.10.410 of the Sacramento City Code is amended to read as follows:

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, 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.

DC. 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.

SECTION 5.
Article VII is added to chapter 13.10 of the Sacramento City Code, to read as follows:

**Article VII. Emergency Removal of Debris**

**13.10.800 Emergency removal of debris.**

A. Upon the declaration of a disaster, the city has the authority to enter onto, and may remove debris from, private property when the city manager determines the debris poses an immediate threat to life, public health, safety, or welfare of the community. The city manager’s determination must be based on one or more of the following findings:

1. The debris significantly:
   a. Hinders rescue vehicles from rendering emergency services;
   b. Causes damage due to its type, extent, and nature;
   c. Presents a danger of being transported by wind or water into the surrounding areas, increasing the cost of recovery and removal;
   d. Prevents garbage collection service; or
   e. Impacts disaster recovery efforts.

2. The removal of debris by the city is necessary to:
   a. Effectuate orderly and expeditious restoration of city-wide utility services, including, but not limited to, power, water, sewer, and telephone services;
   b. Effectuate an orderly and efficient manner of removal because of its volume;
   c. Prevent the production of mold;
   d. Prevent interference with drainage or water runoff in the event of rainfall;
   e. Prevent disease, illness, or sickness to those residing or working in the area;
   f. Prevent contaminants from leeching into the soil or groundwater;
   g. Prevent substantial negative or adverse effects on emergency repairs to property;
   h. Ensure the economic recovery of the affected community; or
   i. Eliminate immediate threats of significant damage to improved property.

B. Upon the declaration of a disaster, the city manager may:

1. Accept funds from the federal government or the state of California for the purpose of removing debris from publicly or privately owned land or water.
2. Authorize the federal government to remove such debris and, in the case of removal of debris from private property, agree to indemnify the federal government against any claim arising from such removal.

C. Whenever the city manager provides for removal of debris pursuant to this section, employees of the city or individuals appointed by the city manager are authorized to enter upon private land or waters and perform any tasks necessary to the removal.

D. Except in cases of willful misconduct or gross negligence, any employee or individual the city manager authorizes to perform duties necessary to the removal of debris pursuant to this article shall not be liable for death of or injury to persons or damage to property.

13.10.810 Immunity, indemnification, and hold harmless.

A. The city shall not be liable for any claim based upon the exercise or performance, or the failure to exercise or perform a discretionary function or duty, in carrying out the provisions of this article.

B. As part of any request for federal funding for debris removal from private property in accordance with this article, the city shall indemnify and hold harmless, to the extent lawfully allowed, the United States, its officers, agents, employees, and contractors from any claims arising from the city’s negligence in the removal of debris from private property. Nothing in this article shall be construed as a waiver of the city’s sovereign immunity beyond that allowed by state law and the California Constitution.

13.10.820 Emergency roadway clearance.

Nothing in this article limits the city, within the first 72 hours after a disaster is declared, from clearing and pushing debris from all streets, both public and private, as necessary to ensure necessary access for the movement of emergency vehicles, including police, fire, rescue, and public utility vehicles.

13.10.830 No requirement to remove debris.

Nothing in this article requires the city to remove debris from any property.
ORDINANCE NO.

Adopted by the Sacramento City Council

[Date Adopted]

AN ORDINANCE AMENDING CHAPTER 13.10 OF THE SACRAMENTO CITY CODE RELATING TO RELEASE OF LIABILITY FOR CLAW COLLECTION SERVICES ON PRIVATE STREETS, GARBAGE COLLECTION SERVICES, AND EMERGENCY REMOVAL OF DEBRIS

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

SECTION 1.

Section 13.10.010 of the Sacramento City Code is amended to read as follows:

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:

“Claw collection service” means a city collection service provided by a tractor with a claw bucket attachment.

“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, or an association managing a condominium project billed for collection service pursuant to section 13.04.220 A.1. As used herein, “association” and “condominium project” have the meanings specified in section 13.12.010.

“Debris” means building and construction materials, garbage, refuse, wreckage, spoiled or ruined household goods, and similar material.
“Disaster” means a sudden event that causes great damage or loss of life as declared by federal, state, or local government.

“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.

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

“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.
“Planned development” means a planned development as defined in California Civil Code section 4175.

“Private property” means all property that is not owned or controlled by a governmental entity, including private or gated residential communities, and streets, roads, and roadways contained therein that have not been dedicated to public use or have not been accepted for maintenance by the city or other governmental entity.

“Private street” means a street that has not been dedicated to public use or has not been accepted for maintenance by the city or other governmental entity, including streets within a gated community. “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, 4 inches in diameter, or 40 pounds in weight.

SECTION 2.

Section 13.10.180 is added to the Sacramento City Code to read as follows:

13.10.180 Release of liability for claw collection service on a private street.

If claw 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 claw collection service. The request for the claw 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 claw collection service.

SECTION 3.

Section 13.10.210 of the Sacramento City Code is amended to read as follows:

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, unless the solid waste manager determines that service is not feasible for a specific property.

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.

SECTION 4.

Section 13.10.410 of the Sacramento City Code is amended to read as follows:

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, 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. 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.

SECTION 5.

Article VII is added to chapter 13.10 of the Sacramento City Code, to read as follows:

Article VII. Emergency Removal of Debris

13.10.800 Emergency removal of debris.

A. Upon the declaration of a disaster, the city has the authority to enter onto, and may remove debris from, private property when the city manager determines the debris poses an
immediate threat to life, public health, safety, or welfare of the community. The city manager’s
determination must be based on one or more of the following findings:

1. The debris significantly:
   a. Hinders rescue vehicles from rendering emergency services;
   b. Causes damage due to its type, extent, and nature;
   c. Presents a danger of being transported by wind or water into the surrounding areas,
      increasing the cost of recovery and removal;
   d. Prevents garbage collection service; or
   e. Impacts disaster recovery efforts.

2. The removal of debris by the city is necessary to:
   a. Effectuate orderly and expeditious restoration of city-wide utility services, including, but
      not limited to, power, water, sewer, and telephone services;
   b. Effectuate an orderly and efficient manner of removal because of its volume;
   c. Prevent the production of mold;
   d. Prevent interference with drainage or water runoff in the event of rainfall;
   e. Prevent disease, illness, or sickness to those residing or working in the area;
   f. Prevent contaminants from leeching into the soil or groundwater;
   g. Prevent substantial negative or adverse effects on emergency repairs to property;
   h. Ensure the economic recovery of the affected community; or
   i. Eliminate immediate threats of significant damage to improved property.

B. Upon the declaration of a disaster, the city manager may:

1. Accept funds from the federal government or the state of California for the purpose of
   removing debris from publicly or privately owned land or water.

2. Authorize the federal government to remove such debris and, in the case of removal of
   debris from private property, agree to indemnify the federal government against any claim
   arising from such removal.

C. Whenever the city manager provides for removal of debris pursuant to this section,
   employees of the city or individuals appointed by the city manager are authorized to enter upon
   private land or waters and perform any tasks necessary to the removal.
D. Except in cases of willful misconduct or gross negligence, any employee or individual the
city manager authorizes to perform duties necessary to the removal of debris pursuant to this
article shall not be liable for death of or injury to persons or damage to property.

13.10.810 Immunity, indemnification, and hold harmless.

A. The city shall not be liable for any claim based upon the exercise or performance, or the
failure to exercise or perform a discretionary function or duty, in carrying out the provisions of
this article.

B. As part of any request for federal funding for debris removal from private property in
accordance with this article, the city shall indemnify and hold harmless, to the extent lawfully
allowed, the United States, its officers, agents, employees, and contractors from any claims
arising from the city’s negligence in the removal of debris from private property. Nothing in this
article shall be construed as a waiver of the city’s sovereign immunity beyond that allowed by
state law and the California Constitution.

13.10.820 Emergency roadway clearance.

Nothing in this article limits the city, within the first 72 hours after a disaster is declared, from
clearing and pushing debris from all streets, both public and private, as necessary to ensure
necessary access for the movement of emergency vehicles, including police, fire, rescue, and
public utility vehicles.

13.10.830 No requirement to remove debris.

Nothing in this article requires the city to remove debris from any property.