

# ORDINANCE NO. 2009-019

Adopted by the Sacramento City Council

April 7, 2009

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

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

### Section 1.

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

### Article VII

### Recycling

#### 13.10.670 Findings and Purpose

- A. The City council finds and determines as follows:
1. The California Integrated Waste Management Act, commonly known as AB 939 (California Public Resources Code sections 40000 et seq.), requires local jurisdictions to divert a minimum of fifty percent of discarded materials away from disposal in landfills.
  2. The recycling of paper, cardboard and other recyclable materials collected from City residents is a critical component of the City's ongoing measures to meet the mandatory diversion requirement imposed by state law, and without an effective recycling program the City would not be able to comply with this requirement.
  3. In addition, providing for the collection and recycling of recyclable materials generated by City residents protects and promotes the public health, safety and welfare by (a) reducing the City's dependence on landfills and thereby reducing costs and environmental effects associated with landfill use, (b) conserving resources by recycling materials for reuse rather than disposing these materials in landfills, (c) offsetting the City's collection and processing costs by selling the recyclables that are collected, and (d) reducing greenhouse gas emissions associated with

transporting waste to landfills located in remote areas.

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

#### **13.10.680 Definitions**

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

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

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

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

"SWA" means the Sacramento Regional Solid Waste Authority.

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

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

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

#### **13.10.700 Liability for Payment of Fee**

- A. Because the service is mandatory, all owners of residential properties shall pay the curbside recycling collection service fees, regardless of actual use or the amount of recyclables actually deposited in the recycling containers.
- B. If any residential property is unoccupied for a period of at least one month, curbside recycling collection service in conjunction with garbage service may be suspended upon request and payment of a fee to cover the City's

administrative costs to verify the property is vacant and to suspend service. In addition, the property owner will be required to pay a charge for the ongoing garbage and curbside recycling collection program costs that the City continues to incur during the period that collection service is suspended. The reduced charge shall apply to each vacant dwelling unit of the residential property while the property is unoccupied. Curbside recycling collection and garbage service shall be immediately commenced when the property is again occupied.

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

#### **13.10.710 Collection of fees**

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

#### **13.10.720 Segregation of recyclables**

- A. Every owner, tenant, or occupant of a residential property in the City shall separate recyclables from other solid waste generated on the property and the recyclables for collection by the City shall be deposited only in the recycling containers.
- B. It shall be unlawful for any person to deposit any solid waste other than recyclables in the recycling containers.

#### **13.10.730 Minimum service**

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

- A. Except as provided in subsection B, below, one standard size (sixty-four (64) gallon) recycling container per week shall be the minimum recycling collection service for a single-family dwelling and for each dwelling unit of a duplex, triplex, or fourplex; provided that the director may, in his or her discretion, determine that a different standard size container and/or less than one standard size container per unit may satisfy the minimum service requirement for each unit of a particular duplex, triplex, or fourplex or for each single family residence in a mobilehome park.
- B. The owners of residential properties shall be required to participate in the type and frequency of collection service that will, in the opinion of the director, cause all recyclables to be removed from the properties so there will be no accumulation, collection, and keeping of recyclables outside of the recycling containers.

- C. Owners, occupiers and other persons in control of commercial properties in the City shall comply with the requirements for recycling collection service in the manner and according to the terms and provisions of Title IV of the SWA Code, Business Recycling Ordinance.
- D. Owners, occupiers and other persons in control of commercial properties in the City may elect to participate in the recycling collection services provided by private entities pursuant to Section 13.10.150 of this chapter, provided that upon the termination of services provided by private entities, such owners, occupiers and other persons forthwith shall participate in the recycling collection service provided by another private entity or by the City.

#### **13.10.740 Program regulations**

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

#### **13.10.750 Recycling Containers**

- A. The recycling containers shall be placed for collection in accordance with the provisions of Section 13.10.190 of this code, unless different requirements are specified in the program procedures and requirements. No recycling containers shall be placed on or in any street, sidewalk, footpath, or any public place whatsoever, except in accordance with the provisions of Section 13.10.190 of this code, unless different requirements are specified in the regulations, procedures and requirements established under this article.
- B. Only City-provided and designated recycling containers may be used for the curbside collection service. Recycling containers shall be maintained in good order so that such containers shall have no sharp, rough or jagged edges likely to cause injury. Notice to the City shall be provided when a recycling container is damaged, missing or stolen.
- C. The director may adopt standards for the capacity and type of recycling containers that will be used to facilitate the collection of recyclables from property, places and premises upon which recyclables are generated or accumulated. In establishing such standards, the director shall consider health and safety factors; the nature and extent of the activity conducted on such property, places and premises; the type of recyclables generated or accumulated; and the location, construction or other physical characteristics of such property, places and premises.

#### **13.10.760 Ownership of recyclables**

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

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

- A. It is unlawful and a misdemeanor for any person to throw or deposit any recyclables or to cause, permit or allow the same to be thrown or deposited upon any street, alley, gutter, park or other public way or to throw or deposit the same in or upon any premises or vacant lot, whether public or private property, or in any water or waterway or upon the levees or banks adjacent thereto, within the City except: (1) in the recycling containers; or (2) as otherwise specifically provided in this chapter.
- B. Any person violating this section or causing, permitting or allowing this section to be violated, shall be guilty of a misdemeanor and shall be guilty of a separate offense for each and every day, or portion thereof, during which a violation of this section is committed, continued, permitted, caused or allowed.

Adopted by the City of Sacramento City Council on April 7, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

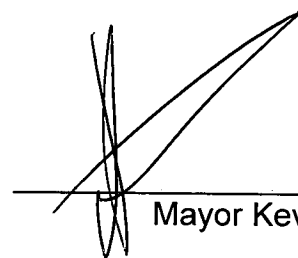
Noes: None.

Abstain: None.

Absent: None.

Attest:

  
Shirley Concolino, City Clerk

  
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Mayor Kevin Johnson

Passed for Publication: March 31, 2009  
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