

# RECYCLING CENTER STANDARDS AND SOLUTIONS TO ADDRESS NUISANCE ACTIVITY AT RECYCLING CENTERS

# City Attorney's Office

# Safety, Wellness, and Youth Committee November 15, 2023

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TODAY'S ISSUE

To receive updates on recycling center permits and standards in the City of Riverside, and solutions that can address nuisance activity that may occur at these centers.

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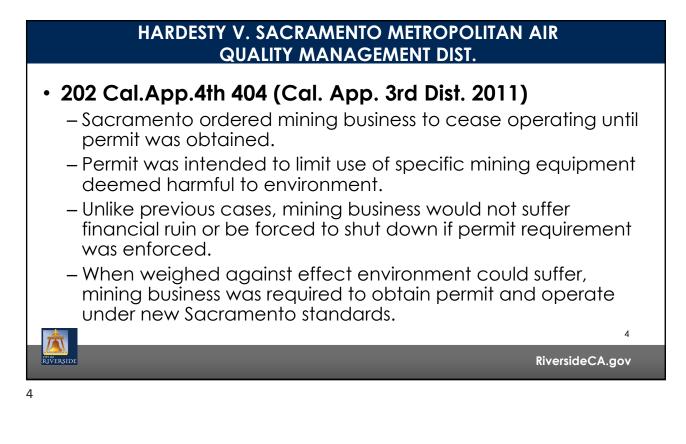
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## **RECYCLING CENTER PERMITS AND STANDARDS** Current Riverside Municipal Code (RMC) Standards (Adopted in 2019 via Ord. 7487) - Chapter 19.385: Recycling centers must adhere to specific standards, such as maintaining a clean area. - Chapter 19.870: Recycling centers must apply for a City recycling center permit annually. Recycling Center Permits Pre-Ordinance 7487 - Recycling centers need only apply for a permit once, and it would last indefinitely. Also, standards for cleanliness were more relaxed. - Older recycling centers can be required to apply for permit annually, but have not been required to adhere to Chapter 19.385, due to City's impression that they have a fundamental vested right to operate. RiversideCA.gov RIVERSID

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# SOLUTIONS: EXTRAORDINARY POLICE RESPONSE BILL

- RMC Chapter 9.60
  - Allows City to hold business occupant or property owner financially responsible for extraordinary police responses to property.
  - Extraordinary Police Response includes:
    - Response of three or more officers and a supervisor to a single emergency response;
    - Second emergency response to same property within a 30-day period; or
    - Third emergency response to same property within a 90-day period.
- Joint Project Between RPD, Finance Department, and City Attorney's Office
  - Incident reports are gathered for specified time period.
  - Information about responding officers is obtained (including salaries and time spent on the scene).
  - Monetary amount is tallied based on that info and in accordance with the above standards.
  - Bill is sent, and occupant/owner has right to request administrative hearing to dispute the charge.

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# SOLUTIONS: INJUNCTION AND FURTHER CIVIL LITIGATION

### Injunction to Cease Business Operations

- Option City Attorney's Office has used before.
- 2016 Case: Injunction against massage business for numerous arrests and conduct that had occurred at the location.
- May be possible to file injunction against a business occupant or property owner for failing to adequately maintain premises.

### Further Civil Litigation

- Injunction could lead to a consensus between City and business occupant/property owner.
- Also, possible that injunction could lead to a nuisance abatement action and further civil litigation.

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# SOLUTIONS: IMPLEMENTING UNIFORM RECYCLING CENTER STANDARDS

### Uniform Cleanliness Standards

- RMC section 19.385, implemented after 2019, requires recycling centers to maintain clean and orderly areas.
- Currently, these standards are only required for recycling centers established and licensed post-2019. Recycling centers established pre-2019 operate under a "fundamental vested right" concept.
- But Hardesty gives the City the legal authority to implement RMC section 19.385 cleanliness standards on all recycling centers in the City.
- Legitimate Government Purpose: Ensure public safety and promote recycling.

### Exception for Distance Requirements

- RMC section 19.385 requires recycling centers to be a certain distance away from streets, residential areas, and occupied areas.
- An exemption would need to be granted for pre-2019 businesses that would be subject to this requirement, if they would be forced to shut down otherwise.

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