



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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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.



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HARDESTY V. SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DIST.

- **202 Cal.App.4th 404 (Cal. App. 3rd Dist. 2011)**
 - Sacramento ordered mining business to cease operating until permit was obtained.
 - Permit was intended to limit use of specific mining equipment deemed harmful to environment.
 - Unlike previous cases, mining business would not suffer financial ruin or be forced to shut down if permit requirement was enforced.
 - When weighed against effect environment could suffer, mining business was required to obtain permit and operate under new Sacramento standards.



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OLDER RECYCLING CENTERS AND CURRENT RMC STANDARDS

- **RMC §§ 19.385.010 and 19.870.010**
 - New recycling center standards were adopted for the purposes of:
 - Encouraging recycling;
 - Ensuring facilities were compatible with surrounding areas; and
 - Avoiding negative impacts that incompatibilities would have on surrounding areas.
- **Older Recycling Centers and Current Standards**
 - Current RMC standards can be enforced if the standards would not force the recycling center to shut down.
 - They would simply have to follow current standards and maintain area in clean condition.



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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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STRATEGIC PLAN ALIGNMENT

Strategic Priority #2 Community Well-Being, Goal 2.4



Community Well-Being

Ensure safe and inclusive neighborhoods where everyone can thrive.

Cross-Cutting Threads



Community Trust



Fiscal Responsibility



Sustainability & Resiliency



Equity



Innovation



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RECOMMENDATIONS

That the City Council:

1. Receive an update on recycling center permits and on current Riverside Municipal Code standards for recycling centers.
2. Receive an update on the solutions the City can implement to address nuisance activity that may occur at recycling centers in the City.



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