

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA,
ADDING CHAPTER 6.06 TO THE RIVERSIDE MUNICIPAL CODE TO
ADD RECYCLING AND ORGANIC RECYCLING REQUIREMENTS
FOR COMMERCIAL SOLID WASTE CUSTOMERS

The City Council of the City of Riverside does ordain as follows:

Section 1: Chapter 6.06, "Business and Multifamily Solid Waste, Recycling and Organics Recycling" is added to the Riverside Municipal Code as follows:

"CHAPTER 6.06 BUSINESS AND MULTIFAMILY SOLID WASTE, RECYCLING AND ORGANICS RECYCLING"

6.06.010 Purpose and declarations.

It is the intent and purpose of this chapter to promote recycling and organics recycling. It is further the purpose of this chapter to provide a mechanism to require the implementation of recycling programs and organics recycling programs for covered generators within the city to thereby enable the city to meet and maintain the 50 percent waste diversion requirements set forth in Section 41780(a)(2) of the California Public Resources Code.

6.06.020 Definitions.

Except as otherwise provided herein, the definitions listed in Chapter 6.04 of this Code shall apply to this Chapter. The following definitions shall also apply. In the event the definitions of Chapter 6.04 are inconsistent with this section, the definitions of this section shall take precedence.

AB 1826 means the Organic Waste Recycling Act of 2014 (Chapter 727, Statutes of 2014 modifying Division 30 of the California Public Resources Code), also commonly referred to as "AB 1826," as amended, supplemented, superseded, and replaced from time to time.

AB 341 means the California Jobs and Recycling Act of 2011 (Chapter 476, Statutes of 2011 [Chesbro, AB 341]), also commonly referred to as "AB 341", as amended, supplemented, superseded, and replaced from time to time.

1 **Business means:**

- 2 **1. A commercial entity, proprietorship, firm, partnership, person in representative**
3 **or fiduciary capacity, association, venture, trust, or corporation that is organized for**
4 **financial gain or profit, including, but not limited to, offices, retail stores, markets,**
5 **manufacturing facilities, warehouse and distribution facilities, restaurants, motels and**
6 **hotels, theaters, medical offices, and gas stations and automotive facilities; and**
7 **2. Not-for-profit organizations, including, but not limited to, churches, hospitals,**
8 **and social service organizations.**

9 **Commercial hauler or hauler means any person who collects, hauls, or transports commercial**
10 **solid waste for a fee by use of any means, including, but not limited to, a dumpster truck, roll-**
11 **off truck, a side-load, front-load, or rear-load garbage truck, or a trailer.**

12 **Commercial solid waste means all solid waste, as defined in this section, that is generated by**
13 **and at commercial and industrial sources, multifamily residential properties, and construction**
14 **and demolition activities that is collected by a commercial hauler.**

15 **Covered generator means all businesses and multifamily residential properties that are subject**
16 **to the requirements of this chapter and applicable state laws. The public works director and/or**
17 **his or her designee shall specify the minimum weekly solid waste collection service or other**
18 **threshold that defines covered generators for the purposes of this chapter.**

19 **Customer means a business or multifamily residential property owner or generator who**
20 **contracts for solid waste removal services with a franchised waste hauler. Where several**
21 **businesses or multifamily residential properties share garbage containers and service,**
22 **“customer” refers only to the party who enters into a contract for solid waste collection**
23 **services.**

24 **Franchise or commercial franchise means a commercial solid waste and recyclables collection**
25 **franchise issued to a commercial hauler by the city.**

26 **Franchisee or franchised waste hauler means a person or entity holding a commercial or**
27 **residential franchise issued by the city.**
28

Multifamily residential property means five or more individual living units located on a single parcel of land and any mobile home park located within the city.

Organics recycling means the process of collecting, sorting and treating designated organic recyclable materials and/or designated green materials that would have otherwise become solid waste and returning them to a safe, nuisance-free compost product by treating the materials to a controlled biological decomposition.

Place, Premises, and Property means every multi-family residential property with five or more units, trailer or mobile home park, store, restaurant, rooming house, hotel, motel, office building, department store, manufacturing, processing or assembling shop or plant, and every other place or premises where any business is carried on or conducted within the City.

Recycling facility means those facilities or operations that receive, process, and transfer to market recyclable materials or organic recyclable materials that have been source separated from the solid waste stream.

Recyclable materials container means any box, tub, cart, or other container placed inside each individual multifamily residential unit and in maintenance or work areas on the premises of covered generators that is made of metal, hard plastic or other similar material and is suitable for the collection of designated recyclable materials and designated organic recyclable materials pursuant to this chapter. Recycling materials containers must be approved by the city.

SB 1383 means Senate Bill 1383 (Lara, Chapter 395, Statutes of 2016) also commonly referred to as “SB 1383”, as amended, supplemented, superseded, and replaced from time to time.

SB 1383 Regulations means Title 14 of the California Code of Regulations, Division 7, Chapter 12: Short-lived Climate Pollutants, beginning with section 18981.1, as amended, supplemented, superseded and replaced from time to time.

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1 **6.06.030 Required solid waste removal.**

- 2 **A. No person, persons, firm or corporation other than one of the City authorized solid**
3 **waste haulers acting pursuant to their contract with the City or municipal solid waste**
4 **collection crews shall collect commercial solid waste within the City.**
- 5 **B. No person, persons, firm or corporation other than the City or one of the City-**
6 **authorized solid waste contractors acting pursuant to their contract with the City shall**
7 **provide temporary bin service for commercial solid waste.**
- 8 **C. Commercial solid waste collection shall be provided not less than once a week except**
9 **that at each business engaged in the sale or production of food and at each multifamily**
10 **residential property which receives bin service, such collection shall be provided not**
11 **less than twice weekly; nothing in this Chapter shall prohibit the contractor from**
12 **collecting solid waste at a more frequent rate.**
- 13 **D. Every business or multifamily residential property owner shall remove or cause to be**
14 **removed all solid waste created, produced or brought upon the premises according to**
15 **the schedule in B or C by subscribing to the solid waste collection service of the City or**
16 **the contractor authorized by the City Council to provide such service to that property.**

17
18 **6.06.040 Recycling services required for covered generators.**

- 19 **A. Recycling Requirements. All AB 341 business and multifamily residential property**
20 **covered generators must subscribe to and receive solid waste and recyclable materials**
21 **collection services from the same franchised waste hauler unless they apply for and**
22 **receive an exemption or waiver from the City as provided for in this Chapter.**
- 23 **B. Business Organics Recycling Requirements. All AB 1826 and/or SB 1383 business**
24 **covered generators must subscribe to and receive solid waste, and organics recycling**
25 **services from the same franchised waste hauler unless they apply for and receive an**
26 **exemption or waiver from the City as provided for in this Chapter.**
- 27 **C. Multifamily Residential Property Organics Recycling Requirements. All AB 1826**
28 **and/or SB 1383 multifamily residential property covered generators must subscribe to**

and receive solid waste, and organics recycling services from the same franchised waste hauler unless they apply for and receive an exemption or waiver from the City as provided for in this Chapter, except that a multifamily residential property shall not be required to arrange for food waste recycling services.

6.06.050 Requirements for covered generators.

A. Any covered generator that does not subscribe to solid waste, recycling, and organics recycling services, as applicable, with the same franchised waste hauler is required to complete and submit an application for an exemption or wavier to the public works director as specified in Section 6.06.140 D.

B. Each covered generator shall be responsible for ensuring and demonstrating its compliance with the following requirements:

1. Source separate designated recyclable materials and designated organic recyclable materials from solid waste;

2. Provide a basic level of recycling and organics recycling services that includes, at a minimum, the collection of designated recyclable materials and/or designated organic recyclable materials at least once a week;

3. Subscribe to the collection of solid waste, designated recyclable materials and designated organic recyclable materials with the same franchise waste hauler or apply for and obtain a waiver or exemption from the Public Works Department;

C. Each covered generator shall provide recyclable materials containers for designated recyclable materials in multifamily residential rental units and in maintenance and work areas where recyclable materials may be collected and/or stored.

D. Each covered generator shall notify and instruct employees and tenants in writing of applicable source separation requirements, including a list of designated recyclable materials and/or designated organic recyclable materials that are required to be source separated for recycling or organics recycling. A copy of such instructions shall be provided to the public works director, and/or his or her designee upon request.

1 E. Each covered generator shall ensure that designated recyclable materials and/or
2 designated organic recyclable materials generated at their site will be taken only to a
3 recycling facility and not to a landfill for disposal by complying with all requirements
4 under this chapter.

5 F. As applicable, any city issued written waiver or exemption, franchise hauler service
6 agreement, or other documents pertaining to this Chapter, shall be available for
7 inspection by the public works director, and/or his or her designee, at the principal
8 location of the covered generator during normal business hours.

9 G. Nothing in this chapter shall abridge the right of any covered generator, or any other
10 person, to sell or exchange at fair market value its own recyclable materials or organic
11 recyclable materials which are source separated for reuse and recycling or organics
12 recycling.

13 H. No franchised waste hauler shall be held liable for the failure of its customers to comply
14 with such regulations.

15 I. No covered generator shall be liable for the failure of their franchised waste hauler to
16 deliver designated recyclable materials or designated organic recyclable materials to a
17 recycling or processing facility.

18
19 **6.06.060 Special requirements.**

20 In addition to any and all requirements that apply to the collection of commercial solid waste,
21 designated recyclable materials, and/or designated organic recyclable materials throughout the
22 city above, collection service received or provided in the city shall be subject to the following
23 additional special requirements:

24 A. No recycling, automatic lift containers or bins within the collection area of the city shall
25 be placed or located in such a manner that blocks or impedes passage through an alley
26 or through any doorway of any building adjoining an alley, notwithstanding that such
27 building may be abandoned or otherwise out of use.

1 **B. Recycling, automatic lift containers, bins and any other container used for the**
2 **separation and collection of commercial solid waste, designated recyclable materials, or**
3 **designated organic recyclable materials shall be stored in an appropriate enclosure on**
4 **the serviced property and shall be maintained in a neat and orderly condition so as not**
5 **to create a nuisance.**

6 **C. Compliance with the above special requirements shall be the sole responsibility of the**
7 **covered generator or Customer.**

8
9 **6.06.070 Designation of recyclable materials and organic recyclable materials.**

10 **Designated recyclable materials and/or designated organic recyclable materials shall be source**
11 **separated from solid waste before collection, removal, transportation or disposal pursuant to**
12 **this chapter. The public works director, and/or his or her designee, shall specify designated**
13 **recyclable materials and organic recyclable materials that must be source separated by all**
14 **covered generators pursuant to this Chapter. The specifications for designated recyclable**
15 **materials and designated organic recyclable materials shall consider materials market**
16 **conditions and the availability of a cost-effective system for recycling such materials.**

17
18 **6.06.080 Ownership of recyclable materials and organic recyclable materials.**

19 **A. All designated recyclable materials and designated organic recyclable materials placed**
20 **in automatic lift containers, bins or roll-off bins, or other collection container provided**
21 **by the franchised waste hauler shall be considered owned by and be the responsibility**
22 **of the franchised waste hauler. No person shall collect designated recyclable materials**
23 **or designated organic recyclable materials placed in automatic lift containers, bins or**
24 **roll-off bins for recyclable materials or organic recyclable materials by customers**
25 **without permission from the franchised waste hauler.**

26 **B. It shall be unlawful for any person to engage in the business of collecting, removing or**
27 **transporting, or to otherwise organize, direct or sponsor the collection, removal or**
28

transportation of designated recyclable materials or designated organic recyclable materials who is not a franchised waste hauler.

6.06.090 Requirements for franchised waste haulers.

A. In addition to providing solid waste collection service in accordance with the terms of the franchise agreement, franchised waste haulers must provide collection service and automatic lift containers, bins or roll-off bins for designated recyclable materials and designated organic recyclable materials sufficient to accommodate the quantity and types of designated recyclable materials and designated organic recyclable materials to all its solid waste customers.

B. Franchised waste haulers that provide solid waste service to a covered generator but do not also provide recycling and organics recycling, as applicable, must either confirm the covered generator has obtained an exemption or waiver from the public works director or obtain a completed waiver or exemption application from the covered generator. Franchised waste haulers shall provide all waiver and exemption applications that they receive from covered generators to the city within 30 days of the end of each calendar quarter. Franchised haulers shall also provide the city with an updated list of all covered generators that have not provided the franchise waste hauler with the required completed waiver or exemption form at that same time.

C. Franchised waste haulers shall maintain a current list of any and all businesses and multifamily properties that the franchised waste hauler is providing solid waste collection services to but is not also providing recycling and organic collection services. Franchised waste haulers shall provide a current list to the city within 30 days of the end of each calendar year quarter or upon the request of the public works director. City staff may audit all franchised waste haulers' records.

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1 **6.06.140 Exemptions from recycling standards.**

2 **A. Notwithstanding any other provision herein, a covered generator shall not be required**
3 **to source separate recyclable materials and/or organic recyclable materials if the**
4 **business or multifamily residential property, owner or generator, demonstrates to the**
5 **public works director, and/or his or her designee, that there is no collection service or**
6 **other system available for recycling such material.**

7 **B. Notwithstanding any other provision herein, a covered generator shall be exempt from**
8 **the recycling and/or organics recycling requirements in this Chapter if all of the**
9 **generators on the owner's business or multifamily residential property are exempt from**
10 **or not required to comply with the provisions of this Chapter, or if designated**
11 **recyclable materials and/or designated organic recyclable materials are not being**
12 **generated by any activities occurring on the covered generator's property.**

13 **C. Covered generators may be exempted or waived by the public works director, and/or**
14 **his or her designee from the regulatory requirements of AB 341, AB 1826 and/or SB**
15 **1383 provided that the business or multifamily residential property covered generator**
16 **meets the associated AB 341, AB 1826 and/or SB 1383 regulatory requirements for such**
17 **an exemption or waiver.**

18 **D. An application for an exemption or waiver shall be submitted to the public works**
19 **director, and/or his or her designee, on a form prescribed by the public works director,**
20 **and/or his or her designee. After reviewing the request, the public works director**
21 **and/or his or her designee shall either approve or disapprove the exemption request.**

22 **E. City issued waivers or exemptions from the regulatory requirements of AB 341, AB**
23 **1826 and/or SB 1383 shall be valid for no more than one (1) years unless the city**
24 **authorizes an extension of that one (1) year waiver period.**

25 **F. The following persons shall automatically be exempt from the requirements of this**
26 **chapter and shall not be required to apply to the Public Works director for an**
27 **exemption:**
28

1 1. The United States, state of California, a city, a county, a special district or other
2 local public agency, or any employee or member of the armed forces thereof,
3 when collecting or transporting designated recyclable materials produced by
4 operation of the public entity under a system of recyclable materials collection
5 and transportation operated and maintained by the public agency within the city
6 region as specified herein.

7 2. Municipal corporations and other governmental agencies using their own
8 vehicles and employees engaged in the collection, transportation or disposal of
9 designated recyclable materials within the city.

10
11 **6.06.150 Vehicle requirements for conveyance of solid waste.**

12 A. Passenger motor vehicles shall not be used in the transportation of solid waste upon or
13 along any public street or highway of the City.

14 B. Trucks used in the collection and transportation of solid waste shall have bodies of
15 watertight metal construction which shall be leakproof and shall be equipped with a
16 close-fitting cover, which shall be affixed in a manner that will prevent dropping,
17 spilling or other loss of solid waste upon the highway during collection and
18 transportation. In lieu of such watertight bodies and covers, separate metal containers
19 with tight-fitting, clamp-on lids may be used.

20 C. Trucks used in the collection of rubbish shall have solid construction of the floor and
21 body and shall be equipped with a close-fitting covering which shall be affixed in a
22 manner that will prevent the dropping or blowing of any rubbish upon the highway
23 during collection and transportation.

24 D. All trucks used in the collection and transportation of solid waste and rubbish shall be
25 maintained in a clean, sanitary and neatly painted condition, and shall carry a shovel,
26 broom, first-aid kit and fire extinguisher.

1 E. Every contractor authorized by the City Council to collect solid waste shall paint his
2 firm name and telephone number in legible letters not less than three inches in height
3 on both sides of all trucks used to collect and transport refuse.

4
5 **6.06.200 City rules and regulations.**

6 A. The public works director, and/or his or her designee, is authorized to make and
7 enforce administrative rules and regulations governing recycling and organics recycling
8 at businesses and multifamily residential properties, and all related activities including
9 recycling and commercial solid waste generation, storage, recovery, accumulation,
10 collection, removal, transportation and disposal; the manner in which commercial solid
11 waste and recycling and organics recycling services are provided; types of commercial
12 solid waste and recycling containers and vehicles used for the operation and
13 maintenance of sanitary methods of commercial solid waste and recycling and organics
14 recycling disposal; reporting requirements for franchised waste haulers; and for the
15 effective administration of this chapter. All such rules and regulations shall be
16 consistent with the provisions of the city code and shall be effective on the thirtieth day
17 following the filing of any such rules and regulations with the city clerk.

18 B. The city council hereby empowers and grants to the public works director, and/or his
19 or her designee, the authority to administer, implement and enforce this chapter and
20 administrative rules and regulations governing business and multifamily residential
21 property recycling and organics recycling thereafter.

22 C. It shall be unlawful and constitute a violation of this chapter for any person to violate
23 or otherwise fail to comply with any rule or regulation issued pursuant to this chapter.

24
25 **6.06.210 Unlawful acts.**

26 A. It shall be unlawful to combine designated recyclable materials and organic recyclable
27 materials with other solid waste. Failure of covered generators to source separate
28

1 designated recyclable materials or organic recyclable materials for recycling or
2 organics recycling is a violation of this chapter.

3 B. It shall be unlawful for franchised waste haulers to commingle materials in solid waste
4 bins or carts with materials in recycling bins or carts in one collection vehicle.

5 C. It shall be the responsibility of the covered generator whose solid waste was not
6 removed because it contained designated recyclable materials to properly separate
7 designated recyclable materials from the uncollected solid waste for proper recycling.
8 Allowing such unseparated solid waste to accumulate will be considered a violation of
9 this chapter.

10
11 6.06.220 Implementation and enforcement.

12 A. The implementation and enforcement of this chapter is the duty of the public works
13 director, and/or his or her designee, of the city's department of public works.

14 B. Notwithstanding the provisions of this chapter prescribing specified action in the event
15 of a violation, any other appropriate administrative, criminal, or civil action may be
16 maintained against the violation and against any person maintaining or permitting the
17 violation, including but not limited to the enforcement remedies provided for in
18 Chapter 1.17 of this Code. In addition to any other person listed in Chapter 1.17, the
19 Public Works Director and/or his or her designee shall be the Enforcement Officer for
20 the purposes of the enforcement of this Chapter.

21 C. SB 1383 Regulatory Compliance. Organic waste generators, including commercial and
22 multi-family covered generators, haulers and all other entities subject to the
23 requirements of SB 1383 shall fully comply with all applicable SB 1383 regulatory
24 requirements or be subject to the penalties as prescribed in section 18997.2 of the SB
25 1383 Regulations.

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1 **6.06.230 Posting of notices.**

2 **A. The public works director, and/or his or her designee, may post notices on automatic**
3 **lift containers, bins and roll- off bins that are used for solid waste collection and the**
4 **collection of designated recyclable materials, and the collection of designated organic**
5 **recyclable materials, within the city if the owner of the automatic lift containers, bins**
6 **and roll-off bins is in violation of this chapter, including, but not limited to, any**
7 **regulation, franchise requirement, permit, information request, order, variance, or**
8 **other requirement that the public works director, and/or his or her designee, is**
9 **authorized to enforce or implement pursuant to this chapter.**

10 **B. A notice shall remain on automatic lift containers, bins and roll-off bins that are used**
11 **for solid waste collection within the city so long as the owner of the automatic lift**
12 **containers, bins and roll-off bins is in violation of this chapter. The notice shall be**
13 **posted on the automatic lift container, bin, and/or roll-off bin so as to be clearly visible**
14 **to the general public and include all of the following information:**

15 **1. The date the notice was posted on the container.**

16 **2. The address or location of the property, including the identification of any**
17 **dwelling unit, room number, apartment number, business or multifamily**
18 **residential property.**

19 **3. The name and contact telephone number of the agency posting the notice on the**
20 **property.**

21 **4. The city code section that has been violated.**

22 **5. A statement that it is unlawful for any person to engage in the business of**
23 **collecting, transporting or disposing of commercial solid waste kept,**
24 **accumulated or generated in the city, or to engage in the business of soliciting**
25 **accounts or invoicing customers for commercial solid waste service in the city**
26 **unless a franchise has first been granted pursuant to the provisions of this**
27 **chapter and such a franchise is in full force and effect.**
28

1 C. A statement that a person violating the posted notice is subject to criminal penalties
2 pursuant to city code and administrative civil penalties in an amount of up to \$1,000
3 per day for each violation.

4 D. A statement that a person disturbing or destroying the posted notice is subject to
5 administrative civil penalties in an amount of up to \$1,000, in addition to any other
6 remedies provided by this chapter.

7
8 **6.06.240 Notice of violation.**

9 The public works director, and/or his or her designee, may issue a notice of violation to any
10 person found to be in violation of a provision of this chapter, including, but not limited to, any
11 regulation, franchise requirement, permit, information request, order, variance, or other
12 requirement that the public works director, and/or his or her designee, is authorized to enforce
13 or implement pursuant to this chapter. Service of a notice of violation shall be in the same
14 manner as provided in Chapter 1.17 of this Code, except that the notice may also be served by
15 posting the notice on receptacles used for the collection of solid waste, designated recyclable
16 materials, or organic recyclable materials.

17
18 **6.06.300 Penalties.**

19 In addition to the administrative penalties imposed by this Chapter, the city may seek all other
20 legal remedies available under state law and under this code, including, but not limited to,
21 criminal sanctions.

22
23 **6.06.400 Severability.**

24 If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be
25 invalid or unconstitutional by decision of any court of competent jurisdiction, such decision
26 shall not affect the validity of the remaining portions of this chapter. The City Council declares
27 that it would have passed this chapter and each section, subsection, clause or phrase hereof
28

1 **irrespective of the fact that any one or more other sections, subsections, clauses or phrases may**
2 **be declared invalid or unconstitutional.”**

3 Section 2: The City Council has reviewed the matter and, based upon the facts and
4 information contained in the staff reports, administrative record, and written and oral testimony,
5 hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2),
6 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title
7 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical change
8 in the environment nor have a significant impact on the environment.

9 Section 3: The City Clerk shall certify to the adoption of this ordinance and cause
10 publication once in a newspaper of general circulation in accordance with Section 414 of the Charter
11 of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its
12 adoption.

13 ADOPTED by the City Council this _____ day of _____, 20____.

14
15 _____
16 Mayor of the City of Riverside

17 Attest:

18 _____
19 City Clerk of the City of Riverside

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1 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
2 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the
3 _____ day of _____, 20____, and that thereafter the said ordinance was duly and
4 regularly adopted at a meeting of the City Council on the _____ day of _____, 20____,
5 by the following vote, to wit:

6 Ayes:

7 Noes:

8 Absent:

9 Abstain:
10

11 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
12 City of Riverside, California, this _____ day of _____, 20____.
13

14 _____
15 City Clerk of the City of Riverside
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27 CA: 19-1514
28