

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amended, supplemented, superseded, and replaced from time to time.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superseded, and replaced from time to time.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 or  
3 fiduciary capacity, association, venture, trust, or corporation that is organized for financial  
4 gain or profit, including, but not limited to, offices, retail stores, markets, manufacturing  
5 facilities, warehouse and distribution facilities, restaurants, motels and hotels, theaters,  
6 medical offices, and gas stations and automotive facilities; and
- 7 2. Not-for-profit organizations, including, but not limited to, churches, hospitals, and  
8 social service organizations.

9 *Commercial hauler* or *hauler* means any person who collects, hauls, or transports commercial solid  
10 waste for a fee by use of any means, including, but not limited to, a dumpster truck, roll-off truck, a  
11 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 and at  
13 commercial and industrial sources, multifamily residential properties, and construction and  
14 demolition activities that is collected by a commercial hauler.

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

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

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

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

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

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

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

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

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

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

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

22  
23 **6.06.030 Required solid waste removal.**

24 A. No person, persons, firm or corporation other than one of the City authorized solid waste  
25 haulers acting pursuant to their contract with the City or municipal solid waste collection  
26 crews shall collect commercial solid waste within the City.

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

13

14 **6.06.040 Recycling services required for covered generators.**

- 15 A. Recycling Requirements. All AB 341 business and multifamily residential property covered  
16 generators must subscribe to and receive solid waste and recyclable materials collection  
17 services from the same franchised waste hauler unless they apply for and receive an  
18 exemption or waiver from the City as provided for in this Chapter.
- 19 B. Business Organics Recycling Requirements. All AB 1826 and/or SB 1383 business covered  
20 generators must subscribe to and receive solid waste, and organics recycling services from  
21 the same franchised waste hauler unless they apply for and receive an exemption or waiver  
22 from the City as provided for in this Chapter.
- 23 C. Multifamily Residential Property Organics Recycling Requirements. All AB 1826 and/or SB  
24 1383 multifamily residential property covered generators must subscribe to and receive solid  
25 waste, and organics recycling services from the same franchised waste hauler unless they  
26 apply for and receive an exemption or waiver from the City as provided for in this Chapter,  
27 except that a multifamily residential property shall not be required to arrange for food waste  
28 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 waiver 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.
- E. Each covered generator shall ensure that designated recyclable materials and/or designated organic recyclable materials generated at their site will be taken only to a recycling facility and not to a landfill for disposal by complying with all requirements under this chapter.

- 1 F. As applicable, any city issued written waiver or exemption, franchise hauler service  
2 agreement, or other documents pertaining to this Chapter, shall be available for inspection by  
3 the public works director, and/or his or her designee, at the principal location of the covered  
4 generator during normal business hours.
- 5 G. Nothing in this chapter shall abridge the right of any covered generator, or any other person,  
6 to sell, exchange for fair market value, or donate to third parties its own recyclable materials  
7 or organic recyclable materials which are personally source separated by the generator for  
8 reuse and recycling. For the purposes of this section, sale or exchange for fair market value,  
9 includes only those transactions resulting in net compensation to the generator.
- 10 H. No franchised waste hauler shall be held liable for the failure of its customers to comply with  
11 such regulations.
- 12 I. No covered generator shall be liable for the failure of their franchised waste hauler to deliver  
13 designated recyclable materials or designated organic recyclable materials to a recycling or  
14 processing facility.

15  
16 **6.06.060 Special requirements.**

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

- 21 A. No recycling, automatic lift containers or bins within the collection area of the city shall be  
22 placed or located in such a manner that blocks or impedes passage through an alley or  
23 through any doorway of any building adjoining an alley, notwithstanding that such building  
24 may be abandoned or otherwise out of use.
- 25 B. Recycling, automatic lift containers, bins and any other container used for the separation and  
26 collection of commercial solid waste, designated recyclable materials, or designated organic  
27 recyclable materials shall be stored in an appropriate enclosure on the serviced property and  
28 shall be maintained in a neat and orderly condition so as not to create a nuisance.

1 C. Compliance with the above special requirements shall be the sole responsibility of the  
2 covered generator or Customer.  
3

4 **6.06.070 Designation of recyclable materials and organic recyclable materials.**

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

13 **6.06.080 Ownership of recyclable materials and organic recyclable materials.**

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

21 B. It shall be unlawful for any person to engage in the business of collecting, removing or  
22 transporting, or to otherwise organize, direct or sponsor the collection, removal or  
23 transportation of designated recyclable materials or designated organic recyclable materials  
24 who is not a franchised waste hauler.  
25

26 **6.06.090 Requirements for franchised waste haulers.**

27 A. In addition to providing solid waste collection service in accordance with the terms of the  
28 franchise agreement, franchised waste haulers must provide collection service and automatic

1 lift containers, bins or roll-off bins for designated recyclable materials and designated  
2 organic recyclable materials sufficient to accommodate the quantity and types of designated  
3 recyclable materials and designated organic recyclable materials to all its solid waste  
4 customers.

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

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

20  
21 **6.06.140 Exemptions from recycling standards.**

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

27 B. Notwithstanding any other provision herein, a covered generator shall be exempt from the  
28 recycling and/or organics recycling requirements in this Chapter if all of the generators on



1 the owner's business or multifamily residential property are exempt from or not required to  
2 comply with the provisions of this Chapter, or if designated recyclable materials and/or  
3 designated organic recyclable materials are not being generated by any activities occurring  
4 on the covered generator's property.

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

9 D. An application for an exemption or waiver shall be submitted to the public works director,  
10 and/or his or her designee, on a form prescribed by the public works director, and/or his or  
11 her designee. After reviewing the request, the public works director and/or his or her  
12 designee shall either approve or disapprove the exemption request.

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

16 F. The following persons shall automatically be exempt from the requirements of this chapter  
17 and shall not be required to apply to the Public Works director for an exemption:

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

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

27  
28 **6.06.150 Vehicle requirements for conveyance of solid waste.**

- 1 A. Passenger motor vehicles shall not be used in the transportation of solid waste upon or along  
2 any public street or highway of the City.
- 3 B. Trucks used in the collection and transportation of solid waste shall have bodies of watertight  
4 metal construction which shall be leakproof and shall be equipped with a close-fitting cover,  
5 which shall be affixed in a manner that will prevent dropping, spilling or other loss of solid  
6 waste upon the highway during collection and transportation. In lieu of such watertight  
7 bodies and covers, separate metal containers with tight-fitting, clamp-on lids may be used.
- 8 C. Trucks used in the collection of rubbish shall have solid construction of the floor and body  
9 and shall be equipped with a close-fitting covering which shall be affixed in a manner that  
10 will prevent the dropping or blowing of any rubbish upon the highway during collection and  
11 transportation.
- 12 D. All trucks used in the collection and transportation of solid waste and rubbish shall be  
13 maintained in a clean, sanitary and neatly painted condition, and shall carry a shovel, broom,  
14 first-aid kit and fire extinguisher.
- 15 E. Every contractor authorized by the City Council to collect solid waste shall paint his firm  
16 name and telephone number in legible letters not less than three inches in height on both  
17 sides of all trucks used to collect and transport refuse.

18  
19 **6.06.200 City rules and regulations.**

- 20 A. The public works director, and/or his or her designee, is authorized to make and enforce  
21 administrative rules and regulations governing recycling and organics recycling at businesses  
22 and multifamily residential properties, and all related activities including recycling and  
23 commercial solid waste generation, storage, recovery, accumulation, collection, removal,  
24 transportation and disposal; the manner in which commercial solid waste and recycling and  
25 organics recycling services are provided; types of commercial solid waste and recycling  
26 containers and vehicles used for the operation and maintenance of sanitary methods of  
27 commercial solid waste and recycling and organics recycling disposal; reporting  
28 requirements for franchised waste haulers; and for the effective administration of this

chapter. All such rules and regulations shall be consistent with the provisions of the city code and shall be effective on the thirtieth day following the filing of any such rules and regulations with the city clerk.

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

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

**6.06.210 Unlawful acts.**

A. It shall be unlawful to combine designated recyclable materials and organic recyclable materials with other solid waste. Failure of covered generators to source separate designated recyclable materials or organic recyclable materials for recycling or organics recycling is a violation of this chapter.

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

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

**6.06.220 Implementation and enforcement.**

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

B. Notwithstanding the provisions of this chapter prescribing specified action in the event of a violation, any other appropriate administrative, criminal, or civil action may be maintained against the violation and against any person maintaining or permitting the violation,

1 including but not limited to the enforcement remedies provided for in Chapter 1.17 of this  
2 Code. In addition to any other person listed in Chapter 1.17, the Public Works Director  
3 and/or his or her designee shall be the Enforcement Officer for the purposes of the  
4 enforcement of this Chapter.

- 5 C. SB 1383 Regulatory Compliance. Organic waste generators, including commercial and  
6 multi-family covered generators, haulers and all other entities subject to the requirements of  
7 SB 1383 shall fully comply with all applicable SB 1383 regulatory requirements or be  
8 subject to the penalties as prescribed in section 18997.2 of the SB 1383 Regulations.  
9

10 **6.06.230 Posting of notices.**

- 11 A. The public works director, and/or his or her designee, may post notices on automatic lift  
12 containers, bins and roll- off bins that are used for solid waste collection and the collection of  
13 designated recyclable materials, and the collection of designated organic recyclable  
14 materials, within the city if the owner of the automatic lift containers, bins and roll-off bins is  
15 in violation of this chapter, including, but not limited to, any regulation, franchise  
16 requirement, permit, information request, order, variance, or other requirement that the public  
17 works director, and/or his or her designee, is authorized to enforce or implement pursuant to  
18 this chapter.

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

- 24 1. The date the notice was posted on the container.  
25 2. The address or location of the property, including the identification of any dwelling  
26 unit, room number, apartment number, business or multifamily residential property.  
27 3. The name and contact telephone number of the agency posting the notice on the  
28 property.

- 1           4.     The city code section that has been violated.
- 2           5.     A statement that it is unlawful for any person to engage in the business of collecting,
- 3                 transporting or disposing of commercial solid waste kept, accumulated or generated
- 4                 in the city, or to engage in the business of soliciting accounts or invoicing customers
- 5                 for commercial solid waste service in the city unless a franchise has first been granted
- 6                 pursuant to the provisions of this chapter and such a franchise is in full force and
- 7                 effect.
- 8     C.     A statement that a person violating the posted notice is subject to criminal penalties pursuant
- 9             to city code and administrative civil penalties in an amount of up to \$1,000 per day for each
- 10            violation.
- 11     D.     A statement that a person disturbing or destroying the posted notice is subject to
- 12             administrative civil penalties in an amount of up to \$1,000, in addition to any other remedies
- 13             provided by this chapter.

14

15     **6.06.240        Notice of violation.**

16     The public works director, and/or his or her designee, may issue a notice of violation to any person

17     found to be in violation of a provision of this chapter, including, but not limited to, any regulation,

18     franchise requirement, permit, information request, order, variance, or other requirement that the

19     public works director, and/or his or her designee, is authorized to enforce or implement pursuant to

20     this chapter.   Service of a notice of violation shall be in the same manner as provided in Chapter

21     1.17 of this Code, except that the notice may also be served by posting the notice on receptacles used

22     for the collection of solid waste, designated recyclable materials, or organic recyclable materials.

23

24     **6.06.300        Penalties.**

25     In addition to the administrative penalties imposed by this Chapter, the city may seek all other legal

26     remedies available under state law and under this code, including, but not limited to, criminal

27     sanctions.

28

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2 **6.06.400 Severability.**

3 If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be  
4 invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not  
5 affect the validity of the remaining portions of this chapter. The City Council declares that it would  
6 have passed this chapter and each section, subsection, clause or phrase hereof irrespective of the fact  
7 that any one or more other sections, subsections, clauses or phrases may be declared invalid or  
8 unconstitutional.

9 Section 2: The City Council has reviewed the matter and, based upon the facts and  
10 information contained in the staff reports, administrative record, and written and oral testimony,  
11 hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2),  
12 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title  
13 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical change  
14 in the environment nor have a significant impact on the environment.

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

19  
20 ADOPTED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

21  
22 \_\_\_\_\_  
23 Mayor of the City of Riverside

24 Attest:

25 \_\_\_\_\_  
26 City Clerk of the City of Riverside

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

7 Ayes:

8 Noes:

9 Absent:

10 Abstain:

11  
12 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the  
13 City of Riverside, California, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
14

15  
16 \_\_\_\_\_  
17 City Clerk of the City of Riverside  
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