

Chapter 4.01 BUSINESS RECYCLING, NON-RESIDENTIAL PROPERTY RECYCLING, MULTI-FAMILY PROPERTY RECYCLING AND SINGLE FAMILY RESIDENTIAL PROPERTY (PROPERTY MANAGED BY AN ASSOCIATION OR OTHER) RECYCLING

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4.01.010 Purpose and Declarations.

- A. It is the intent and purpose to promote recycling by:
1. Requiring businesses, non-residential properties, and multi-family residential properties in the Sacramento Regional Solid Waste Authority (hereinafter referred to as "SWA") region to keep recyclable materials and organic material separate from all other solid waste for recycling.
 2. Requiring businesses, non-residential properties, multi-family residential properties and single family residential properties managed by an association or other organization to provide for the collection of recyclable materials.
 3. Requiring businesses, non-residential properties, multi-family residential properties and single family residential properties managed by an association or other organization to inform their employees, tenants, and residents concerning recycling requirements.
- B. It is the further purpose of Title IV to provide a mechanism for the implementation of recycling programs for businesses, non-residential properties, and multi-family residential properties within the SWA region to

thereby enable SWA member agencies to meet and maintain the solid waste diversion requirements set forth in Public Resources Code Section 41780 (a) (2).

- C. It is also the intent of Title IV to provide for the uniform regulation of business, non-residential property, multi-family residential property and single family residential property managed by an association or other organization recycling and for the collection of recyclable materials and organic materials in the SWA region.
- D. If any portion of Title IV is for any reason held invalid or unconstitutional by any decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining part of Title IV.
- E. Multi-family residential properties, owners or generators, are not required by any provision in this Code to separate food material for recycling.

4.01.020 Applicability

Title IV shall be applicable only within the SWA region of Sacramento County.

2.01.045 Commercial Solid Waste Generators.

Except as authorized by Section 2.01.040 B above, businesses, schools and public agencies, non-residential properties, multifamily properties, and single-family residential properties managed by an organization or association, the party contracting for solid waste removal service, owners or generators of commercial solid waste, may not hire, select or contract with a person who does not hold a current and valid commercial solid waste collection franchise issued by the SWA to collect commercial solid waste.

Commercial Solid Waste Generators must subscribe to a level of solid waste and/or recyclable material collection service, both container capacity and frequency of collection, that adequately meets the waste generation needs, as determined by the GME, of the Commercial Solid Waste Generator.

2.01.050 Exempt Collection or Transportation.

The following persons shall be authorized to collect or transport solid waste, including commercial solid waste, within the SWA region without a franchise:

- B. The owner, operator or occupant or employee of a farm or ranch consisting of five acres or more, when transporting for off-site disposal solid waste accumulated as a result of operation of the farm or ranch;
- C. An owner or occupant of a residential unit, when collecting or transporting rubbish, not containing garbage, from his or her residential premises to a lawful point of disposal;

4.01.130 Self-Hauling.

- A. A business, non-residential property, multi-family residential property, owner, or generator, may haul or transport recyclable materials and/or organic material generated and collected at its business, non-residential property, or multi-family residential property to a recycling facility (rather than hiring a franchised waste hauler or authorized recycler) only if an owner, generator, employee, or tenant of the entity completes this activity by utilizing a vehicle owned by either an employee or the entity.
- B. A business, non-residential property, multi-family residential property, owner, or generator, may designate a third (3rd) party to self-haul recyclable materials and/or organic and represent the owner, generator, employee, or tenant of the entity.
- C. A business, non-residential property, multi-family residential property, owner, or generator, that hauls or transports recyclable materials and/or organic material generated and collected at its business, non-residential property, or multi-family residential property, to a recycling facility without the utilization of a franchised waste hauler or authorized recycler must complete and submit, for review by the General Manager/Engineer, and/or his or her designee, a self-hauling form that certifies that all self-hauling activities will be completed in accordance with the provisions of Title IV or any other applicable law or regulation. The self-hauling form shall be made available to the General Manager/Engineer, and/or his or her designee within 10 business days upon request. At a minimum, the business, non-residential property, multi-family residential property, owner, or generator, shall provide the following information on the self-hauling form:
 - 1. The name, address and telephone number of the business, non-residential property, or multi-family residential property representative that is signing the self-hauling form;
 - 2. A list of the types of recyclable materials and/or organic materials that are being transported;
 - 3. For each type of recyclable material and/or organic materials, the amount that is being taken from the business, non-residential property, or multi-family residential property to a recycling facility monthly;
 - 4. The name and address of the recycling facility.
- D. The self-hauling form shall contain a written statement, signed by the business, non-residential property, multi-family residential property, owner, or generator, certifying that the owner, or generator is in compliance with the requirements of Title IV.
- E. The General Manager/Engineer, and/or his or her designee, may restrict or prohibit self-hauling by a person if the General Manager/Engineer, and/or his or her designee, determines, after providing notice and an opportunity for a hearing, that the person's self-hauling activities violate the provisions of Title IV or any other applicable law or regulation.

4.01.035 Participation in Recycling Program

All businesses, non-residential properties, multi-family residential properties, and single family residential properties shall participate and cooperate in a recycling program and an organic material program. Each business, non-residential property and multi-family residential property (the party contracting for solid waste removal service, owners or generators), shall subscribe to a recycling service and an organic material service or self-haul recyclable materials to a recycling facility. Single-family residential properties managed by an association or other organization shall also subscribe to recycling service and a green material service, or self-haul recyclable and/or green materials to a recycling facility if they are not participating in a residential curbside collection recycling program.

4.01.040 Requirements for All Businesses and Non-Residential Properties

- A. Each business or non-residential property (the party contracting for solid waste removal service, owners or generators), shall be responsible for ensuring and demonstrating its compliance with the requirements of Title IV and shall:
 - 2. Source separate organic material from solid waste;
 - 3. Subscribe to a basic level of recycling service that includes, at a minimum, the collection of recyclable materials and;
 - 4. Enter into a written service agreement with a franchised waste hauler or authorized recycler or;
 - 5. Submit a self-hauling application form to the General Manager/Engineer, and/or his or her designee certifying that all self-hauling activities will be completed in accordance with the provisions of Chapter 4, Title IV or any other applicable laws or regulation. Upon review, a copy of the self-haul form will be returned to the applicant. A copy of such form shall be made available to the General Manager/Engineer, and/or his or her designee, within ten (10) business days upon request.
- B. Each business and non-residential property, owner, or generator, shall provide recyclable materials containers, to be used by generators, in maintenance or work areas where recyclable materials may be collected and/or stored.
- C. Each business and non-residential property, owner, or generator, shall prominently post and maintain one or more signs in maintenance or work areas where recyclable materials are collected and/or stored that set forth what materials are required to be source separated in addition to collection procedures for such materials;
- D. Each business and non-residential property, owner, or generator, shall notify and instruct employees, in writing, of applicable source separation requirements, including what materials are required to be source separated and how to source separate such materials. A copy of such instruction shall be provided to the General Manager/Engineer, and/or his or her designee, within ten (10) business

days upon request. This requirement shall not apply to a business or non-residential property that has five (5) or less employees.

- E. Each business and non-residential property, owner, or generator, shall ensure that recyclable materials generated at their site will be taken only to a recycling facility and not to a landfill for proper disposal.
- F. The Service Agreement or other recycling documents shall be made available to the General Manager/Engineer, and /or his or her designee, within ten (10) business days upon request.
- G. Nothing in Title IV shall abridge the right of any business and non-residential property, owner, or generator, or any other person, to sell or exchange at fair market value its own recyclable materials which are source separated for reuse and recycling.
- H. No franchised waste haulers or authorized recyclers shall be held liable for the failure of its customers to comply with such regulations.

4.01.050 Requirements for All Multi-Family Residential Properties

- A. Each multi-family residential property (the party contracting for solid waste removal service, owners or generators), shall be responsible for ensuring and demonstrating its compliance with the requirements of Title IV and shall:
 - 1. Source separate recyclable materials and organic material from solid waste;
 - 2. Subscribe to a recycling service that diverts a minimum of 30% of total capacity for recycling materials and;
 - 3. Place recyclable materials containers in a location or locations at least as convenient to tenants as the solid waste containers.
 - 4. Enter into a written service agreement with a franchised waste hauler or authorized recycler or;
 - 5. Complete and submit a self-hauling application form to the General Manager/Engineer, and/or his or her designee certifying that all self-hauling activities will be completed in accordance with the provisions of Chapter 4, Title IV or any other applicable laws or regulations. Upon review, a copy of the self-haul form will be returned to the applicant. A copy of such form shall be made available to the General Manager/Engineer, and /or his or her designee, within ten (10) business days upon request.
- B. Each multi-family residential property, owner, or generator, shall notify and instruct tenants and residents in writing, of recycling requirements, including what materials are required to be recycled and how to keep recyclable materials and green material out of solid waste containers such as dumpsters, carts or roll off bins. A copy of such instruction shall be provided to the General

Manager/Engineer, and/or his or her designee, within ten (10) business days upon request.

- C. Each multi-family residential property, owner, or generator, shall ensure that recyclable materials and green material generated at their site will be taken only to a recycling facility and not to a landfill for proper disposal.
- D. The Service Agreement or other recycling documents shall be made available within ten (10) days upon request of the General Manager/Engineer, and/or his or her designee.
- E. Nothing in Title IV shall abridge the right of any multi-family -residential property, owner, or generator, or any other person, to sell or exchange at fair market value its own recyclable materials which are source separated for reuse and recycling.
- F. No franchised waste haulers or authorized recyclers shall be held liable for the failure of its customers to comply with such regulations.
- G. After taking reasonable measures to inform tenants of recycling requirements and tenant responsibilities, no multi-family residential property owner shall be cited for non-compliance with this Chapter as a result of the failure of his or her rental property tenants to source separate designated recyclable materials from solid waste. Such reasonable measures may include, but are not limited to lease agreement provisions requiring tenants to source separate recyclable materials and periodic tenant education efforts such as the distribution of information flyers or handouts.

2.01.310 On-Site Storage and Container Requirements.

- A. Every owner of any multi-family residential property and every owner, operator or keeper of any business with a fixed location in the SWA region which generates solid waste and/or recyclable materials shall provide and at all times keep within an enclosure, or conveniently located near an enclosure or building, water-tight containers for solid waste and suitable containers for recyclable materials, and shall cause to be deposited in such containers, and not elsewhere, all solid waste and/or recyclable materials which accumulates on the premises. Every owner of any multi-family residential property, and every owner, operator or keeper of any business with a fixed location in the SWA region, shall ensure that containers be adequately sized and serviced with adequate frequency to meet the solid waste and/or recyclable material generation needs of the owner of the multifamily residential property or owner, operator or keeper of the business with a fixed location All such containers shall have tightly fitted covers and shall not leak or permit the escape of odors. The General Manager/Engineer, or his or her designee, may require special container equipment, and/or container labeling

with customer identifying information, in designated areas. Special equipment may include, but is not be limited to, functioning locking mechanisms. Notwithstanding the requirements of this section, generators shall not be required to set out or store recyclable materials together with solid waste and generators shall be allowed to appropriately store recyclable materials for collection separate from solid waste.

2.01.350 Use of Containers.

No person other than a customer who has contracted for service with a franchisee, or a person with such customer's consent, shall deposit solid waste into a commercial solid waste bin, drop box or compactor placed in the SWA region by a franchisee for the purpose of receiving solid waste.

4.01.060 Special Requirements

In addition to any and all requirements that apply to the recycling of recyclable materials throughout the SWA region under Chapter 4.01.040 and Chapter 4.01.050 above, collection service received or provided in the SWA region shall be subject to the following additional special requirements:

- A. All recycling, automatic lift containers and bins provided by a franchised waste hauler or an authorized recycler within the collection area of the SWA region shall be equipped with locks and shall remain locked at all times, except when recyclable materials are being deposited or collected in accordance with the provisions of this section;
- B. No recycling, automatic lift container, bin, or cart within the collection area of the SWA region shall be placed or located in such a manner that blocks or impedes passage through the alley or through any doorway of any building adjoining the alley, notwithstanding that such building may be abandoned or otherwise out of use.

Compliance with the above special requirements shall be the sole responsibility of the business, non-residential property, multi-family residential property, owners, or generators.

4.01.070 Designation of Recyclable Materials

Recyclable materials shall be source separated from solid waste collection, removal, transportation or disposal pursuant to 4.01.040 and 4.01.050. The General Manager/Engineer, and/or his or her designee, shall designate recyclable materials that must be source separated by businesses, non-residential properties, multi-family residential properties, single family residential properties managed by an association or other organization , owners, or generators. Such a designation shall consider materials market conditions and the availability of a cost-effective system for recycling such materials.

Furthermore, all businesses, non residential properties, multi-family residential properties, owners, or generators are encouraged to consider recycling additional materials, whether or not they have been designated as recyclable materials.

4.01.080 Ownership of Recyclable Materials.

- A. All recyclable materials placed in automatic lift containers, bins, carts, or roll off bins for recyclable materials provided by any franchised waste hauler or authorized recycler sufficient to accommodate the quantity and types of recyclable materials of businesses or non-residential properties, multi-family residential properties, owners, or generators, shall be considered owned by and be the responsibility of either the franchised waste hauler or authorized recycler. Without permission of either the franchised waste hauler or authorized recycler, no person shall collect recycling materials placed in automatic lift containers, bins, carts, or roll off bins for recyclable materials by customers.
- B. All recyclable materials placed in recyclable materials containers provided by businesses, non-residential properties, multi-family residential properties, owners, or generators, shall be considered owned by and be the responsibility of that business, non-residential property, multi-family residential , owner, or generator.
- C. Except as authorized by Chapter 2.01.040 of the SWA Code and 4.01.110 (Requirements for Recyclers) and 4.01.130 (Self-Hauling) of Title IV hereof, it shall be unlawful for any person to engage in the business of collecting, removing or transporting, or otherwise organize, direct or sponsor the collection, removal or transportation of recyclable materials within the SWA region without possessing a valid franchise granted by the SWA, or a certificate of operation, or complete and retain on-site a self-hauling form certifying that self-hauling activities will be completed in accordance with the provisions of Title IV.

4.01.190 Unlawful Acts.

- A. It shall be unlawful to combine recyclable materials and/or organic materials with each other or with other solid waste. Failure to source separate recyclable materials and/or organic materials for recycling is a violation of this Ordinance.
- D. It shall be the responsibility of the business, non-residential property, multi-family residential property, owner, or generator, whose solid waste was not removed because it contained recyclables, to properly separate recyclables from the uncollected solid waste for proper recycling. Allowing such unseparated solid waste to accumulate will be considered a violation of Title IV and Sacramento County Code, Section 6.20.115, Refuse Removal.

4.01.150 Exemptions from Recycling Standards.

- A. Notwithstanding any other provision herein, a business, non-residential property, owner, or generator, shall be exempt from the recyclable material recycling requirements in Chapter 4.01.040 of Title IV if the owner, or generator subscribes to a weekly collection service less than four (4) cubic yards of solid waste.

- B. Notwithstanding any other provision herein, a multi-family residential property, shall be exempt from the requirements in recyclable material recycling Chapter 4.01.050 of IV if the owner, or generator subscribes to a weekly collection service less than four (4) cubic yards of solid waste.

- C. Notwithstanding any other provision herein, a business, non-residential property, owner, or generator, shall be exempt from the organic material recycling requirements in Chapter 4.01.040 of Title IV if the owner, or generator subscribes to a weekly solid waste collection service less than those identified in the following timetable:
 - o Beginning April 1, 2016, less than eight cubic yards of organic material per week;
 - o Beginning January 1, 2017 less than four cubic yards of organic material per week; and
 - o On and after January 1, 2019 less than four cubic yards of solid waste per week.

- D. Notwithstanding any other provision herein, a multi-family residential property, owner, or generator, shall be exempt from the green material recycling requirements in Chapter 4.01.050 of Title IV if the owner, or generator subscribes to a weekly solid waste collection service less than those identified in the following timetable:
 - o Beginning April 1, 2016, less than eight cubic yards of green material per week;
 - o Beginning January 1, 2017 less than four cubic yards of green material per week; and
 - o On and after January 1, 2019 less than four cubic yards of solid waste per week.

- E. Notwithstanding any other provision herein, a business, non-residential property, multi-family residential property, owner, or generator, shall not be required to source separate recyclable materials and organic material if the business, non-residential property, multi-family residential property, owner, or generator, demonstrates to the General Manager/Engineer, and/or his or her designee, that there is no collection service or other system available for recycling such material.

- F. Notwithstanding any other provision herein, a business, non-residential property, multi-family residential property, owner, or generator, shall be exempt from the requirements in Chapter 4.01.040 and Chapter 4.01.050 of Title IV if:
1. All of the generators on the owner's business, non-residential property or multi-family residential property are exempt from or not required to comply with the provisions of Chapter 4.01.040 and Chapter 4.01.050; or
 2. Recyclable materials nor organic materials are not being generated by any activities occurring on the owner's business, non-residential property or, multi-family residential property.
- G. Customers with existing businesses, non-residential properties, multi-family residential properties, owners, or generators, may be exempted by the General Manager/Engineer, and/or his or her designee, if it is determined, through a site visit requested by the business, non-residential property, multi-family residential property, owners, or generators:
1. That there is not adequate storage space for automatic lift containers, bins, carts or roll off bins for recyclable materials and/or organic materials on site and that it is infeasible for the business, non-residential property, multi-family residential property, owners, or generators, to share automatic lift containers, bins, roll off bins or carts for recyclable materials with another business, non-residential property, multi-family residential property, owner, or generator on an adjoining property and;
 2. That there is not adequate storage space for recycling containers such as carts inside businesses, non-residential properties, multi-family residential properties, owners or generators; or
 3. That compliance with Title IV results in a violation of zoning code requirements or municipal zoning regulations for minimum parking spaces. If the General Manager/Engineer, and/or his or her designee, determines that it is feasible for recycling containers to be placed on site or shared with an adjoining business, non-residential property, multi-family residential property, owner, or generator, then that business, non-residential property, multi-family residential property, owner, or generator, will be responsible for compliance with Title IV.
- H. An application for an exemption shall be submitted to the General Manager/Engineer, and/or his or her designee, on a form prescribed by the General Manager/Engineer, and/or his or her designee. After reviewing the request, the General Manager/Engineer, and/or his or her designee, shall either approve or disapprove the exemption request.

4.01.160 Solid Waste Authority Rules and Regulations.

- A. The General Manager/Engineer, and/or his or her designee is authorized to make and enforce administrative rules and regulations governing recycling at businesses, non-residential properties, and multi-family residential properties, and all related activities including recyclable material, organic material, and

commercial solid waste generation, storage, recovery, accumulation, collection, removal, transportation and disposal; the manner in which commercial solid waste, organic material, and recyclable material services are provided; types of commercial solid waste, recyclable material, and organic material containers and vehicles used therefor; for the operation and maintenance of sanitary methods of commercial solid waste, recyclable material, and organic material transfer, processing, recycling, and/or disposal; reporting requirements for franchised waste haulers, authorized recyclers and self-haulers; and for the effective administration of Title IV. All such rules and regulations shall be consistent with the provisions of the SWA Code and shall be effective on the thirtieth (30th) day following the filing of any such rules and regulations with the Clerk of the Board.

- B. The SWA Board may and is hereby empowered to grant to a qualified applicant a non-exclusive franchise to engage in the business of collecting, transporting or disposing of commercial solid waste and/or recyclable materials and/or organic materials kept, accumulated or generated in the SWA region.
- C. The SWA Board may grant a franchise based on compliance with this code. Any grant of a franchise by the SWA Board may be subject to such terms conditions, rules, regulations, restrictions, and limitations, as the SWA Board deems necessary to protect the public health, safety, or welfare.
- D. The SWA Board hereby empowers and grants to the General Manager/Engineer, and/or his or her designee, the authority to grant Certificates of Operation and authorize recyclers, to make administrative and non-substantive changes to Certificates of Operation forms, designate recycling materials, and make administrative rules and regulations governing business, non-residential property, or multi-family residential property recycling.
- E. The SWA Board hereby empowers and grants to the General Manager/Engineer, and/or his or her designee, the authority to administer, implement and enforce Title IV and administrative rules and regulations governing business, non-residential property, or multi-family residential recycling thereafter.
- F. It shall be unlawful and constitute a violation of Title IV for any person to violate or otherwise fail to comply with any rule or regulation issued pursuant to this chapter.

4.01.170 Rights Reserved to SWA

In addition to all other rights reserved to the SWA under Title IV, the following applies:

- A. There is hereby reserved to the SWA every right and power, and the exercise thereof, which is reserved or authorized by any provision of any lawful Ordinance, Title or Resolution of the SWA, whether enacted before or after the effective date of Title IV.

- B. Neither the granting of any franchise or authorization nor any provision of any franchise or authorization shall constitute a waiver of or a bar to the exercise of any governmental right or power of the SWA.
- C. The grantee shall have no recourse whatsoever against the SWA, its officers, employees or agents or any of the SWA member entities, their officers, employees, or agents for any loss, cost, expense or damage arising out of any provision or requirement of Title IV or of any franchised waste hauler franchise or authorized recycler certificate of operation issued under Title IV or because of the enforcement of Title IV.
- D. There is hereby expressly reserved to the SWA the power and authority to amend any chapter of Title IV so as to require additional or greater standards on the part of the grantee.

4.01.180 Administration and Costs

- A. The administration of Title IV is the duty of the General Manager/Engineer, and/or his or her designee. The General Manager/Engineer, and/or his or her designee, is authorized and directed by the SWA Board to administer Title IV.
- B. SWA franchise fees will fund administrative, implementation and enforcement costs.

4.01.120 Appeal Upon Denial of Certificate of Operation or Self-Haul Certificate

- A. Within thirty (30) days of written notification of award denial or within sixty (60) days of General Manager/Engineer's, and/or his or her designee's, failure to act on the franchise application, applicant has the right to meet with the General Manager/Engineer, and/or his or her designee, to review the items cited in the written notice and provide any additional evidence to support an award. Within fifteen (15) days of such meeting, the General Manager/Engineer, and/or his or her designee, will make a final, written determination of the application, based on the reviews of additional evidence, together with the original application. General Manager/Engineer, and/or his or her designee, will send a copy of all final, written determinations, including reasons for denial, if any, to both applicant and the Board.
- B. Applicant may, within ten (10) days after receiving the General Manager/Engineer's, and/or his or her designee's, final denial, request a public hearing before the Board by submitting to the Clerk of the Board a written petition for an appeal hearing. If a public hearing is requested, the Clerk of the Board shall set the matter for hearing at the next regularly scheduled Board meeting or any later date as agreed upon by the applicant and Clerk of the Board. At such hearing, applicant may present evidence in writing and through testimony of its employees and others relevant to the application. During such hearing, the Board may demand from the applicant such additional information, as the Board may

deem relevant and necessary. Standard rules of evidence are not in effect at such public hearing, and the applicant shall have the burden of proof to show facts demonstrating that the applicant does in fact meet the requirements of this code. Any hearing may be continued or adjourned to a stated time and place without the giving of further notice. The Board will provide applicant with a written explanation of its determination on the application within thirty (30) days of such hearing. The Board's decision is final.

4.01.200 Implementation and Enforcement.

The implementation and enforcement of Title IV is the duty of the General Manager/Engineer, and/or his or her designee. The General Manager/Engineer, and/or his or her designee, is authorized and directed by the SWA Board to implement and enforce Title IV.