



City of Palo Alto

City Council Staff Report

(ID # 6081)

Report Type: Action Items

Meeting Date: 11/2/2015

Council Priority: Environmental Sustainability

Summary Title: Adoption of an Ordinance to Require All Business to Subscribe to Recycling and Compost Service

Title: PUBLIC HEARING: Adoption of an Ordinance Amending Title 5 (Health and Sanitation) and Title 18 (Zoning) of the Palo Alto Municipal Code to Require All Businesses to Subscribe to Recycling and Compost Services and Comply with Refuse Sorting Requirements

From: City Manager

Lead Department: Public Works

Recommendation

Staff recommends that Council adopt an ordinance amending Title 5 (Health and Sanitation) and Title 18 (Zoning) of the Palo Alto Municipal Code (Attachment A) to require all businesses to subscribe to recycling and compost services and comply with refuse sorting requirements.

Executive Summary

The City's 80% waste diversion rate is among the highest in the state. However, it has been relatively stagnant since 2010. If the City is to achieve its goal of zero waste to landfills by 2021 then further diversion efforts will be required to improve the City's diversion rate. Staff is proposing changes to Title 5 (Health and Sanitation) and Title 18 (Zoning) of the Palo Alto Municipal Code with new requirements related to recycling and composting that will be referred to throughout this report as the Recycling and Composting Ordinance. The Recycling and Composting Ordinance would require customers to subscribe to all three services (garbage, recycling and compost) and to sort their waste properly, which will result in a reduction of the City's greenhouse gas emissions by the equivalent of 22,000 metric tons of carbon dioxide annually. The first phase of the

requirements would go into effect on April 1, 2015. Other Bay Area jurisdictions, such as San Francisco, Cupertino and many cities in Alameda County, have implemented similar ordinances resulting in improved diversion rates.

Background

Zero Waste Plan Development

In 2004, City Council directed staff to develop a zero waste policy and implementation plan for Palo Alto. In 2005, a task force was formed to assist in the creation and development of a zero waste policy and strategic plan to guide City officials in reaching zero waste goals. With input from the community, businesses and industry experts, the Zero Waste Strategic Plan identified key objectives and strategies, including developing policies and incentives to eliminate waste at the source and maximize recycling through expanded collection programs, processing facilities, education, outreach, and technical assistance.

In October 2005 Council approved the strategic plan and adopted goals of 73% waste diversion by 2011 and zero waste by 2021 ([CMR:382:05](#)). Council also directed staff to develop a [Zero Waste Operational Plan](#) (ZWOP) identifying necessary policies, programs and facilities. The ZWOP, completed in June 2007 and approved by City Council on September 17, 2007, outlined many strategies that were included in the GreenWaste of Palo Alto contract implemented in 2009 resulting in a rise in the City's waste diversion rate from 62% to 80% in 2014. The ZWOP also included a policy recommendation to develop a "mandatory" recycling ordinance as a key strategy to achieve zero waste.

Despite the 80% diversion rate, tons of recoverable materials are sent to the landfill each year. A [waste characterization study](#) performed in 2012 determined that over 70% of the City's garbage is recoverable, approximately 21,000 tons of compostable and recyclable material. The study found that food scraps and food soiled paper were the largest constituent elements of recoverable material.

The landfilling of compostable materials results in greenhouse gas emissions of equivalent to 5,000 metric tons of carbon dioxide. The landfilling of recyclable materials results in more greenhouse gas emissions. Every aluminum can, plastic bottle, glass jar, cardboard box or piece of paper not recycled results in virgin materials needing to be mined for manufacturing. While some recyclable

materials (~ 18%) are recovered at the Sunnyvale Material and Recovery Transfer (SMaRT) Station, the vast majority of recyclable materials are buried at Kirby Canyon Landfill in south San Jose. This “waste” of recyclable materials results in greenhouse gas emissions estimated at 17,000 metric tons of carbon dioxide equivalent per year. Eliminating these emissions by achieving zero waste is a key component of the City’s Sustainability/Climate Action Plan.

Additionally, the State of California through CalRecycle, the state’s regulatory agency that oversees solid waste disposal, has identified “moving organics out of the landfill” as its top priority in achieving the state’s 75% recycling goal. Specifically, the state will require all local governments, by April 1, 2016, to have a program in place to collect organics from entities generating 10 cubic yards or more of organics per week.

Key 2015 Zero Waste Initiatives

Staff identified three initiatives to increase the City’s waste diversion rate by focusing on compostable materials:

1. Implement a new residential food scraps collection program;
2. Implement a new recycling and composting ordinance; and
3. Extending and adding scope to the GreenWaste contract to manage these new program activities.

2015 Three Zero Waste Initiatives

Date	Item	Staff Report No.
March 3	Submitted plan to the Finance Committee	Staff Report 5546
March 23	Council approval of Residential Food Scraps Program	Staff Report 5558
June 15	Council approval of GreenWaste contract amendment no. 2	Staff Report 5763
Nov 2	Council meeting - first reading on Recycling and Composting Ordinance	Staff Report 6081 (this report)
TBD	Council meeting - second reading on Recycling and Composting Ordinance	Staff Report TBD

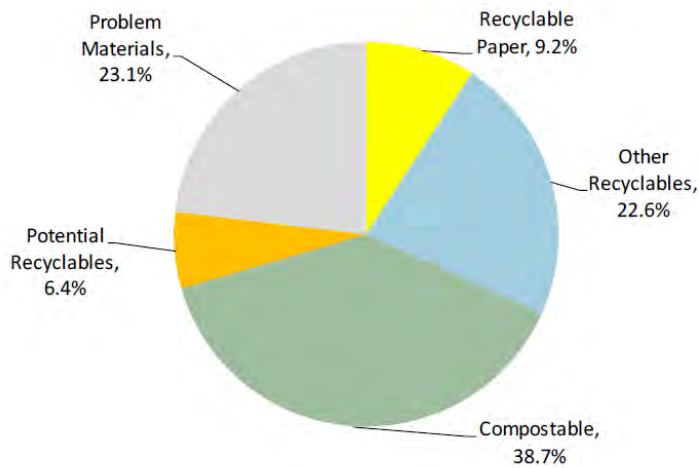
On July 1, 2015, the City began food scraps and food soiled paper collection for single-family residential customers. 18,000 households in the City can now place

their food scraps and food soiled paper directly into the green cart with their yard trimmings. This program is estimated to divert 3,000 tons of compostable materials annually.

Current Success and Challenges in Diverting Materials from the Landfill

The City's 80% waste diversion rate from landfills has been remained relatively stable since 2010, meaning that the City will not reach zero waste without addressing the remaining recoverable materials found in garbage. Nearly 70% of what is discarded in the black, garbage container could either be recycled or composted (Figure 1). This is likely due to two factors: (1) not everyone sorts properly and (2) the majority of commercial customers do not subscribe to compost service.

Figure 1: Material Recoverability in Citywide Garbage



To address the sorting issue, City staff and GreenWaste Environmental Outreach Coordinators provide signage and training. Encouraging commercial customers to subscribe to compost service, however, presents a different challenge.

Since 2009 commercial customers have had the option to subscribe to a voluntary compostable collection service. Over 30% percent of commercial customers, including many of the large corporate campuses and restaurants, subscribe to this optional compost service. This program has been successful in diverting 11,000 tons of food scraps and food soiled paper from the landfill to anaerobically digestion and/or composting. Nonetheless, 7,000 tons of commercially generated compostable material still ends up buried in the landfill.

In 2014, staff surveyed many commercial customers who do not have compost service to understand what barriers kept them from subscribing. The majority responded with “compost service was not required.” Despite the fact that nearly all would save on their utility bill, most did not feel that subscribing to compost service was worth the trouble.

The GreenWaste contract amendment went into effect on July 1, 2015. The amended and restated contract includes a modification that provides a greater incentive to GreenWaste to collect compostable materials.

Discussion

To minimize the amount of material sent to the landfill and reduce greenhouse gas emissions, the Recycling and Composting Ordinance would require all customers to subscribe to recycling and compost service and sort properly.

The Recycling and Compost Ordinance proposed by staff (Attachment 1) covers more customers than adopted California State legislation (AB341 and AB1826). With the full implementation of this proposed ordinance, staff anticipates that the City could achieve a diversion rate of over 90%, reaching the zero waste goal. Requiring recycling, compost, and garbage containers for all customers through a modification of the Municipal Code will need to be coordinated with outreach, education and enforcement to ensure that discards are sorted properly.

The Proposed Ordinance

The Recycling and Composting Ordinance, modifications to Title 5, Chapter 5.20 and Title 18, Chapter 18.23.020 of the Municipal Code (Attachment 1), would require all commercial customers (including multifamily customers), to subscribe to all three waste services and sort discards properly: garbage in the black container, recyclables in the blue container and compostables in the green container.

Compliance and Enforcement

Around 1,000 commercial customers do not currently subscribe to compost service. These customers will be required to subscribe in three phases based on the amount of waste they produce. All food service establishments and multifamily customers will be included in the first phase. The phases are outlined in the “Timeline” section below. In cases where a separate container is not feasible, staff will work with customers to identify opportunities to share service or determine whether the customer may qualify for a “de minimus” exemption. Compliance activities for not sorting waste in the proper container would range from notifications to additional fees and fines.

Single-family customers will not see a change. As is the current procedure, customers would receive notifications (cart tags) if their carts are contaminated. Although no fees or fines will be levied, flagrant contamination could cause GreenWaste to reject their load until contaminants are removed.

Multifamily customers would not be subject to fees or fines like single-family customers, provided the complex has easily accessible containers and signage for all recyclables, compostables and garbage. Should managers/owners of multifamily buildings fail to provide appropriate containers and signage, the owner would be subject to the same fees and enforcement actions for commercial customers.

Proposed Compliance Process For Commercial Customers:

Incidents	Compliance Action (Commercial Customers Only)
1	Cart Tag – Notifies customer of contamination. The material in the container will still be collected.
2	A representative from GreenWaste will make a site visit and offer to provide training to the customer’s staff, tenants and/or janitorial staff. The material in the container will still be collected.
3	The City would send a letter to the customer including details of the contamination witnessed and previous efforts to resolve the problem and warn of possible fees or fines for future flagrant contamination. The material in the container will still be collected.
4	The customer would have two options: (1) the customer could remove contamination and pay a “return trip” fee as indicted in the commercial refuse rate schedule or (2) the customer could elect not to remove the contamination and pay both a “return trip” fee and an “extra solid waste pick-up” fee for the extra sorting and disposal of the waste. The current fee for a “return trip” is \$77.00 and “extra solid waste pick-up” is based on the size and type of container.
5 and beyond	The customer would be subject to administrative penalties for non-compliance with the City’s municipal code.

Note: GreenWaste reserves the right to not collect recyclable or compostable materials that may jeopardize the integrity of processing equipment and/or the marketability of the materials.

Business and Multi-family Outreach

Outreach efforts included a September utility bill insert directing customers to www.cityofpaloalto.org/rc-ordinance and to take a Recycling and Composting Ordinance Survey, as well as staff meetings with the Palo Alto Chamber of Commerce, Downtown Business Association and merchants of California Avenue. These efforts were undertaken in order to increase awareness of the upcoming changes and to better understand potential barriers to compliance. A few themes emerged from the survey and comments at the meetings, including:

- Education of proper sorting - focusing efforts on janitorial staff, workers and tenants;
- Unauthorized use of customer containers;
- Cleanliness - keeping refuse areas clean; and
- Responsibility – tenants versus managers/owners for sorting errors and related fees.

In response, staff is having GreenWaste broaden outreach to businesses, provide more sorting signage, schedule more sorting trainings and develop an online toolkit for janitorial services, offices and restaurants. GreenWaste is also working with downtown and California Avenue customers to provide bin locks where appropriate and identify shared service opportunities to minimize the number of refuse containers in alleys. GreenWaste is offering a low cost “bin wash” service to help customers comply with the cleanliness requirements in the Recycling and Composting Ordinance. To address the “ick-factor” related to food scraps, City staff has identified and is educating customers on best management practices and lessons learned from other communities to avoid creating odors or vector problems.

Staff recognizes the challenges of guaranteeing proper sorting where there is no responsibility/accountability for doing so. For multi-family customers, an additional fee will be levied only if managers/owners fail to provide sufficient containers and signage. Staff believes managers/owners have more tools to ensure proper sorting, including adding appropriate language to leases advising tenants of sorting responsibilities and penalties and training janitorial services, with support from GreenWaste, to sort properly. Education and outreach to customers, janitorial staff, workers and tenants will be the primary method of

ensuring compliance.

Although most customers surveyed don't subscribe because it's not required, they indicated they could comply with the ordinance and sort their refuse properly.

Timeline

The ordinance will apply to commercial customers and be phased in as follows:

- Phase 1: April 1, 2016, all commercial customers generating 8 cubic yards of garbage per week, all multi-family customers and all food service establishments would be required to subscribe to compost service. Phase 1 represents about 150 customers that do not currently subscribe.
- Phase 2: January 1, 2017, all commercial customers generating 2 cubic yards or more of garbage per week will be required to subscribe to compost service. This phase represents about 220 customers that do not currently subscribe.
- Phase 3: January 1, 2018, all commercial customers will be required to subscribe. This phase represents about 600 customers that do not currently subscribe.

Staff will develop outreach and provide education focused primarily on those affected at each phase of implementation.

Resource Impact

Staff estimates that the impact of this Recycling and Composting Ordinance would result in a modest reduction in net income to the Refuse Fund. When this ordinance is fully implemented (in three years), the net impact would be a net income reduction of approximately \$78,000 per year. Revenue would be reduced because of customers downsizing their garbage service as they divert compostables to compost service (green container). For the commercial sector, compost service is currently priced at a 10% discount relative to the equivalent-sized garbage container. Of the 70% of commercial customers currently not subscribing to compost service, most could see a reduction in their utility bill if they sort properly and downsize their garbage container.

The following net income estimates to the Refuse Fund are cumulative:

Full Year of implementation	Per Year Net Income Reduction
Year 1	<\$43,000>
Year 2	<\$66,000>
Year 3	<\$78,000>

The above estimates are based on several assumptions, which include estimates of: 1) the amount of tons of compost material diverted from the garbage; and 2) the shift in customer service subscription levels (i.e., reduction in the size of garbage container and increase in the size of the compost and/or recycling container). Staff will continuously review actual costs and revenue information and propose Refuse Rate adjustments as appropriate.

Policy Implications

Reducing the amount of recyclable and compostable materials landfilled is a key strategy of the Zero Waste Operational Plan and a goal of the Comprehensive Plan and Sustainability/Climate Action Plan.

Environmental Review

The Recycling and Composting Ordinance, as a key strategy in the Zero Waste Operational Plan, will have a positive impact on the environment by dramatically reducing greenhouse gas emissions – estimated to be the equivalent of 22,000 metric tons of carbon dioxide annually. The additional collection of compostable material using existing collection vehicles and current routes is consistent with previous CEQA reviews. The Recycling and Composting Ordinance does not constitute a new or substantially changed project under CEQA.

Attachments:

- Attachment A - Proposed Ordinance Chapter 5.20 and Chapter 18.23.020 (DOCX)

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Amending and Restating Chapter 5.20 of Title 5 and Amending Section 18.23.020 of Chapter 18.23 of Title 2 of the Palo Alto Municipal Code Pertaining to the Collection, Removal and Disposal of Refuse

The Council of the City of Palo Alto does ordain as follows:

SECTION 1. Chapter 5.20 of Title 5 of the Palo Alto Municipal Code is hereby amended to read, as follows:

"CHAPTER 5.20

**COLLECTION, REMOVAL AND DISPOSAL OF
~~SOLID WASTE AND RECYCLABLE MATERIALS~~REFUSE**

5.20.010 Definitions.

The following words and phrases, whenever used in this ~~Chapter~~chapter, shall be construed as defined in this ~~Section~~section, unless the context indicates otherwise.

_____(1) "Bin" ~~shall mean~~s a detachable ~~Solid waste or Recyclable~~refuse container used in connection with ~~Commercial/Industrial~~commercial premises with a 1 to 8 cubic yard capacity, equipped with a lid, and designed for mechanical pick-up by collection vehicles.

_____(2) "Box", ~~sometimes known as a "roll-off" "debris" or "drop" box,~~ means a wheeled or sledged container or compactor, generally 7 to 50 cubic yards in size, suitable for the storage and collection of commercial or ~~Industrial Solids~~solid waste or ~~Recyclable~~recyclable materials.

_____(3) "Cart" means a wheeled ~~container~~receptacle, ~~larger than a Standard container and smaller than a Bin,~~ equipped with a lid, or cap and designed for mechanical pick-up by collection vehicles.

_____(4) "City" means the government of the city of Palo Alto, defined in Section 1.04.050(1) of the municipal code, with a principal place of business at 250 Hamilton Avenue, Palo Alto, County of Santa Clara.

~~(4) "City Landfill" means the City of Palo Alto's landfill, located at 2380 Embarcadero Road, Palo Alto, California.~~

~~(5) "City Manager" means the City Manager of the City of Palo Alto or the City Manager's designee.~~

(5) "City manager" means the person referred to in Section 2.08.140 of the municipal code, or designee.

(6) "Collection ~~Agreement~~agreement" means a contract with the ~~City~~city for the collection of Solid waste and Recyclable materials, pursuant to Section 5.20.040.

(7) "Collector" means one or more persons authorized ~~under~~by Section 5.20.040 to provide ~~Solid waste, Recyclable materials, or Solid waste and Recyclable materials~~the collection, ~~removal~~processing and disposal ~~of refuse services~~pursuant to one or more written contracts with the ~~City~~city.

(8) "Commercial/~~industrial~~ business owner" means any person, ~~firm, corporation or other enterprise or organization~~ holding or ~~occupying~~occupying, alone or with others, ~~commercial~~Commercial/industrial premises, whether or not ~~it is~~ the person holder ~~of the~~ title or is the record owner of ~~record of~~ the ~~commercial~~Commercial/industrial premises.

(9) "Commercial/~~industrial~~ premises" means ~~all~~any occupied real property in ~~Palo Alto~~the cityCity, except property occupied by federal, state or local ~~governmental~~governmental agencies which do not consent to their inclusion, and except ~~residential~~Residential premises, as defined in subsection ~~27~~(31) hereof, and shall include, without limitation, any wholesale ~~and~~or retail establishments, restaurants and food service establishments, bars, stores, shops, shopping center, offices, industrial establishments, manufacturing establishments, service stations, repair, research and development establishments, professional, services, sports or recreational ~~facilities~~facility, any place or premises where an animal is maintained or sheltered, constructionConstruction or demolition sites, a multiple dwelling that is not a ~~residential~~Residential place or premises, and any other commercial or industrial businesses, ~~facilities~~facility, structures, sites, or other establishments in ~~the city~~Palo Alto.

(10) "Compostable materials" means organic materials designated by the city as approved for collection and processing, including, without limitation, yard trimmings, food scraps, soiled paper and compostable plastics, but excluding animal manure, sewage, sludge, and human biological wastes.

~~(1011)~~ "Composting" means the controlled, biological decomposition of organic materials into humus for use as a soil amendment, conditioner or fertilizer or for any other similar use or purpose.

~~(1112)~~ "Construction or demolition site" means any real property in ~~the City~~Palo Alto, ~~in~~ ~~on or from~~at which a building or structure, or any portion thereof, is being constructed, fabricated, assembled, erected or demolished, and ~~which produces~~during which

Construction ~~construction~~ or demolition waste ~~which is produced and~~ must be removed from the property.

~~(1213)~~ "Construction or demolition ~~Waste~~ waste" means any ~~Solid~~ solid waste generated as the result of ~~Construction~~ construction or demolition work, including, without limitation, discarded packaging or containers and waste construction materials, whether brought on ~~site~~ for fabrication or used in construction or resulting from demolition, excluding liquid waste and hazardous waste.

~~(1314)~~ "Container" means any ~~Standard container, Mini-can container of Cart, bin, box, cart, compactor, drop box, roll-off box, or receptacle, used for the storage of solid waste, recyclable materials, compostable materials or other materials designated by the city for collection by the collector.~~

~~(1415)~~ "Director" means the ~~Director of Public Works for the City of Palo Alto~~ person referred to in Section 2.08.190 of the municipal code, or the ~~director's~~ Director's designee.

~~(1516)~~ "Disposal or processing facility" means a landfill facility, ~~or~~ a recycling facility, ~~or~~ a composting facility or a solid waste transfer or processing station.

(17) "EPA" means the federal Environmental Protection Agency or successor agency.

~~(1718)~~ "Food service establishment" means any establishment, located or providing food within Palo Alto, which provides prepared and ready-to-consume food or beverages, for public consumption, including, but not limited to, any retail service establishment, eating and drinking service (as defined in chapter 18.23), takeout service (as defined in chapter 18.23), supermarket, delicatessen, restaurant, food vendor, sales outlet, shop, cafeteria, catering truck or vehicle, cart or other sidewalk or outdoor vendor or caterer which provides prepared and ready-to-consume food or beverages, for public consumption.

~~(1619)~~ "Hazardous waste" means waste defined as hazardous by Public Resources Code section 40141, as it now exists or may ~~subsequently~~ be amended, namely, a waste or combination of wastes, which ~~because of~~ due to its quantity, concentration, or physical, chemical or infectious characteristics, may do either of the following: (i) ~~cause~~ or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; (ii) ~~pose~~ a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed. ~~"Hazardous waste" includes extremely hazardous waste and acutely hazardous waste, and any other waste as may hereafter from time to time be designated as hazardous by the Environmental Protection Agency ("EPA") or other agency of the United States Government, or by the California Legislature or any agency of the State of California empowered by law to classify or designate waste as hazardous, extremely hazardous or acutely hazardous.~~

(1920) “Home composting” means the controlled decomposition of organic material, including, without limitation, yard trimmings and kitchen scraps, into humus by any person owning or occupying any place or premises in Palo Alto.

(1721) “Manure” shall mean the waste droppings from of any animal.

~~(18) “Manure container” shall mean Standard containers or bins, or other receptacles approved by the Director for the placement of manure, which are equipped with substantial lids or covers adequate to keep flies from the interior thereof. No Manure container shall exceed seventy-two cubic feet in capacity.~~

~~(19) “Mini-can container” means a round, metallic or plastic can with a close fitting cover, handles and side bails with a maximum capacity of twenty gallons or seven and one-half dekaliters, or such other container not larger than a Standard container as may be approved by the Director.~~

(22) “Multifamily property” means any residential premises with five or more attached units with shared service.

(23) “Organic wastes” means “compostable materials.”

(2024) “Person” means any individual, association, firm, partnership, corporation, or any other group or combination thereof acting as a unit or entity referred to in Section 1.04.050(5) of the municipal code and including any general partnership, limited partnership, limited liability partnership, or limited liability company.

(2125) “Place or premises” means every Residential residential premises and Commercial/industrial commercial premises, including any structures, apparatus, or portion thereof occupied or operated by any person and situated on an integral parcel of land undivided by a public street, highway, or railway.

(2226) “Public Solid waste or recycling receptacles” means any container receptacles for the collection of solidSolid waste, or recyclingrecyclable materials or composting materials that are both located on public property and intended for use by the general public.

(2327) “Recyclable materials” means those materials designated by the city that areas suitable for recycling collection and transport to a material recovery facility for processing into a recycled content product, including, without limitation, newspaper, paper, cans, corrugated cardboard, glass and certain types of plastic, and metals.

(2428) “Recycling” means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become Solid solid waste, and returning them to the economic mainstream in the form of raw materials for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. Recycling This term does not include transformation, as that term is defined in Public Resources

Code section ~~40201~~40180.

~~(29)~~ “Refuse” means and includes compostable materials, recyclable materials and solid waste.

~~(30)~~ “Refuse service” means the weekly or other periodic collection, processing and disposal of materials properly deposited in the collector-provided containers for solid waste, as well as weekly collection and processing of recyclable materials, weekly collection and processing of compostable materials, ongoing maintenance of the closed Palo Alto landfill, zero waste programs, street sweeping service, the household hazardous waste program, and the annual Clean Up Day event.

~~(25)~~ “Resident” means any person living within the territorial limits of the City of Palo Alto, whether or not the person owns the place or premises which he or she occupies, and any person who is a nonresident employee of the City of Palo Alto, a municipal corporation, and every member of his or her household related by blood, marriage, or adoption or a domestic regular partner.

~~(2631)~~ “Residential householder” means any person or persons holding or occupying residential premises in the City Palo Alto, whether or not the owner of the Residential premises.

~~(2732)~~ “Residential premises” means any residential dwelling unit within the City Palo Alto, including, without limitation, a multiple unit residential complexes, such as a rental housing projects, condominiums, an apartment houses, a mixed condominiums and rental housing, and a mobile-home parks, except any multiple dwelling which, with the prior written approval of the Director, receives commercial bin service.

~~(28)~~ “Residential recycling collection” means the process by which Recyclable materials and Yard trimmings are placed at the curb of a residence for collection, removal and disposal.

~~(2933)~~ “Solid waste” shall mean all putrescible and nonputrescible solid and semisolid wastes, generated in or upon, related to the occupancy of, remaining in or emanating from Residential residential premises or Commercial/industrial commercial premises, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, manure, vegetable or animal carcass solid or semisolid wastes, and other solid and semisolid wastes. “Solid waste” shall does not include liquid wastes or sewage, abandoned vehicles, hazardous waste, or Recyclable materials, or compostable materials.

~~(3034)~~ “Solid waste enterprise” shall mean any individual, partnership, joint venture,

~~unincorporated private organization, or private corporation~~ person regularly engaged in the business of providing ~~Solid~~ solid waste, compostable materials, or recyclable materials handling services.

~~(31) —“Solid waste or recyclable materials handling services” shall mean the collection, transportation, storage, transfer, or processing of Solid waste or Recyclable materials.~~

~~(32) —“Source separated commingled recyclable materials” are Source separated recyclable materials in any combination of two or more Source separated single recyclable materials.~~

~~(33) —“Source separated recyclable materials” means recyclable materials which are separated from solid ~~Solid~~ waste by the generator at the location where it was created, not mixed with or containing more than incidental solid ~~Solid~~ waste, as determined by the ~~director~~ Director.~~

~~(3435) “Source separated single recyclable materials” are Source separated~~ means recyclable materials that ~~can be~~ separated from other recyclable materials or solid waste and placed in separate containers according to type or category of materials and directly marketed as a ~~distinct~~ single commodity, ~~as determined by the Director~~.

~~(35) —Standard container means a metallic or plastic can with a close fitting cover, handles and side bails of a capacity of more than twenty gallons or seven and one-half dekaliters but not exceeding thirty two gallons or twelve dekaliters, or such container other than a Mini-can container as may be approved by the Director.~~

~~(3636) “Yard trimmings” means any~~ plant trimmings generated from the maintenance or alteration of public, commercial premises or residential premises landscapes, including, without limitation, grass cuttings, yard clippings, leaves, tree trimmings, pruning, brush and weeds, excepting those materials which are prohibited under written rules and regulations promulgated by the ~~Director~~ director.

5.20.020 Declaration of policy.

~~(a) —~~ The accumulation, collection, removal and disposal of ~~Solid waste, and Recyclable materials~~ refuse must be controlled by the City ~~city~~ for the protection of the public health, safety and welfare. The Council ~~council~~ finds that to give practical effect to this policy a comprehensive system for the periodic collection, removal and disposal of ~~Solid waste and Recyclable materials~~ refuse from all places or premises is essential and benefits all occupants of places or premises, ~~and, therefore, —all~~ All such occupants ~~of places or premises are made~~ shall be liable for the ~~Solid waste and Recyclable materials~~ refuse collection charges established by the Council ~~council~~ for the collection, removal and disposal of ~~Solid waste and Recyclable materials~~ refuse.

(b) The city will comply with the applicable provisions of the California Integrated Waste Management Act, as amended, codified in the Public Resources Code section 40000 et seq. The law requires that, by and after January 1, 2000, fifty percent (50%) of the solid waste generated must be diverted through some source reduction, recycling, and composting activities.

(c) The city also will comply with the 75 percent recycling goal included as part of AB 341 Mandatory Commercial Recycling Law, adopted on October 6, 2011, which includes modifications to the Public Resources Code.

(d) AB 1826, which amended the law in 2014, imposes organic waste recycling requirements with a mandate that will begin on April 1, 2016.

(e) The city may adopt, implement, and enforce requirements, rules and regulations for local compostable materials and local recyclable materials that are more stringent or comprehensive than California law.

5.20.030 Discarding of solid waste, compostable materials, and recyclable materials.

No person shall throw, drop, leave, place, keep, accumulate, or otherwise dispose of any ~~Solid waste or Recyclable materials~~ refuse upon private property either with or without the intent to later remove the same from ~~such that~~ place or premises, or upon any street, public right-of-way, sidewalk, gutter, stream, or creek, or the banks thereof, or any public place or public property. All persons shall separate their refuse according to its characterization as solid waste, compostable materials, or recyclable materials, and place each type of refuse in a separate container designated for disposal of that type of refuse. No person may mix any type of refuse, or deposit refuse of one type in a collection container designated for refuse of another type, except as otherwise provided in this chapter. This ~~Section shall~~ does not prohibit the placement of ~~Solid waste or Recyclable materials~~ any type of refuse in public ~~Solid~~ solid waste or recycling receptacles, or in ~~Containers, Bins or Boxes~~ containers for collection in accordance with the provisions of this ~~Chapter, or at the City Landfill or posted recycling centers in accordance with the procedures thereof~~ chapter. This section does not prohibit any person from engaging in home composting.

5.20.040 Collection, removal and disposal only by authorized persons.

(a) The ~~City~~ city shall authorize, permit, regulate and control the collection, removal and disposal of all ~~Solid waste and Recyclable materials~~ refuse generated at all places or premises. For this purpose, the city may enter into a Collection Agreement collection agreement with one or more ~~Solid~~ solid waste enterprises ~~may be entered into by the City~~ with or without advertising for bids. The ~~Collection Agreement~~ collection agreement shall not be or be deemed or construed as a franchise ~~nor be deemed or construed as such.~~

(b) Notwithstanding any permit issued by any other governmental agency authorizing ~~the~~ collection of ~~Solid waste or Recyclable materials~~any type of refuse, no person other than a person with a ~~Collection Agreement~~collection agreement, or ~~his or her~~its duly authorized agents or subcontractors, as provided in Section 5.20.070, shall negotiate or contract for, undertake to receive, collect, remove, transport, or dispose of any ~~Solid waste or Recyclable material~~type of refuse from within ~~the City~~Palo Alto for a fee, service charge or other consideration therefor, except as specifically provided herein.

(c) No person shall interfere in any manner with the lawful operations of the ~~Collector~~collector or ~~the Collector's~~sits duly authorized agents or subcontractors.

(d) Except as otherwise provided in this ~~Chapter~~chapter, each ~~Residential~~residential householder and ~~Commercial/industrial~~commercial business owner shall utilize the services of the ~~Collector~~collector for the collection of ~~Solid waste and Recyclable materials~~refuse from the ~~Residential~~place or premises or ~~Commercial/industrial~~commercial premises held or occupied by ~~such that~~ owner or occupant and shall pay the fees for ~~such~~ services, ~~the fees as~~ approved by the ~~City Council~~council. No ~~Residential~~residential householder or ~~Commercial/industrial~~commercial business owner shall enter into an agreement ~~for~~ with a solid waste enterprise for the collection of ~~agreement for Solid waste or recyclable materials~~refuse handling services with any person, firm, or corporation other than the Collector, except as otherwise provided in this ~~Chapter~~chapter.

5.20.050 No Unauthorized ~~Bins, Boxes, or~~ Containers.

(a) Except as expressly authorized by this ~~Chapter~~chapter 5.20, no person other than a ~~Collector~~collector may place a ~~Bin, Box or Container~~container within ~~the City~~Palo Alto.

(b) The ~~City~~city shall notify, in writing, any person who violates this Section ~~5.20.050~~ that the prompt and permanent removal of ~~such the Bin, Box or Container~~container from the place or premises is required. The ~~City~~city shall deliver ~~such the~~ written notice by posting a copy of the notice prominently upon the ~~Bin, Box, or Container~~container. If the ~~Bin, Box, or Container~~container is identified ~~with~~by the name and telephone number of the solid waste enterprise servicing it, as required by Section 5.20.130(e), the ~~City~~city shall ~~also~~ endeavor to contact the enterprise by telephone. ~~The Failure~~failure of the city to notify telephonically the owner of the presence of the container at the place or premises ~~telephonically~~ shall not invalidate the notice. The ~~City~~city may impound or cause to be impounded any ~~such Bin, Box or Container~~container if the same is not permanently removed from the place or premises within the time set forth in the notice, which time shall be not less than twenty-four ~~(24)~~ hours after the posting of the notice, or not less than six ~~(6)~~ business hours after the telephonic notification, if any notice is provided. For purposes of this Section ~~5.20.050~~, "business hours" ~~shall mean~~ s the hours efbetween 7:00 a.m. ~~to~~and 6:00 p.m., Monday through Saturday. Any person who violates this Section ~~5.20.050~~ shall be liable to the ~~City~~city for all fines and charges

levied in connection with the collection, transportation, storage and handling of ~~such that Bin, Box or Container~~ container by the City city. The ~~Bin, Box or Container~~ container impounded by the City city shall be retrieved by the owner or his or her representative immediately after all applicable fines and charges have been paid. The City Manager city manager may delegate to the Collector collector the authority to impound any unauthorized ~~Bins, Boxes, and Containers~~ container and to collect the fines and charges levied by the City city.

(c) Upon posting of a written notice of violation upon the unauthorized ~~Bin, Box or Container~~ container, the ~~customer~~ person using the unauthorized ~~Bin, Box or Container~~ container shall immediately cease placing ~~Solid waste and Recyclable materials~~ refuse therein.

5.20.060 Contracting for special hauling services.

(a) Any owner, ~~or~~ occupant or tenant of any place or premises may contract with the Collector collector or ~~his or her~~ its duly authorized agents or subcontractors, as provided in Section 5.20.070, but not otherwise, for special hauling services for the collection, removal and disposal of ~~Solid~~ solid waste in excess of the regular services provided by the Collector collector.

5.20.070 Use of agents or subcontractors by the collector.

(a) _____

The City city may provide in any written contract entered into pursuant to Section 5.20.040 (a) that the Collector collector may designate, in writing, one or more agents or subcontractors who may collect, remove, and dispose of ~~such Solid~~ solid waste or construction and demolition waste as may be in excess of the regular collection made by the Collector collector, subject to the limitations set forth in the Collection Agreement collection agreement.

5.20.080 Number of solid waste containers required.

(a) ~~No person~~ All persons owning or occupying any place or premises where ~~Solid~~ solid waste is created, produced or accumulated shall subscribe and pay for this type of refuse service and shall subscribe and pay for ~~fail to procure~~ a ~~sufficient~~ number of ~~c~~ Containers sufficient to hold all ~~Solid~~ solid waste created, produced or accumulated at or on the place or premises during a one-week period, unless a ~~more frequent~~ different frequency collection schedule has been approved or directed pursuant to this Chapter chapter.

~~(b) Every place or premises shall receive Solid waste service at the automatic service level, unless a person who is duly authorized to represent the place or premises selects a different service level which meets the requirements of this Section. The following automatic service levels shall apply for new customers:~~

~~(1) Single family residential users: one Standard container;~~

~~(2) Two family dwellings, three family dwellings, apartment houses and multiple dwelling buildings: one Standard container per dwelling unit; and~~

~~(3) Motel, hotel, trailer park or mobile home park: one Standard container per dwelling unit or space.~~

~~(4) Manufacturing, commercial or institutional establishments: two Standard containers.~~

~~(c) In determining the sufficiency of the number of Containers required for any of the following places or premises, the following minimum standards shall apply:~~

~~(1) Single family residential users: one Mini-can container;~~

~~(2) Two family dwellings, three family dwellings, apartment houses and multiple dwelling buildings: one Mini-can container per dwelling unit;~~

~~(3) Motel, hotel, trailer park or mobile home park: one Standard container per dwelling unit or space; and~~

~~(4) Manufacturing, commercial or institutional establishments: one Standard container.~~

(b) The charges for solid waste collection service rendered or made available shall be paid for all periods of time during which the place or premises is occupied, regardless of whether or not the owner, occupant or tenant has any solid waste to be collected on any particular collection date during such occupancy. Occupancy shall be presumed unless evidence is presented to the city that gas, electric and water utility services were not provided to the place or premises during such periods. If any place or premises remains unoccupied, the person owning, occupying or renting or leasing the place or premises will be responsible for paying an "unoccupied premises" rate adopted by resolution. Nothing in this Section bars an arrangement or the continuation of an arrangement, by which payments for solid waste collection service are made by an owner, occupant or tenant, or any agent or other person, on behalf of the owner, occupant or tenant. The arrangement will not affect the obligation of the owner, occupant or tenant to pay for solid waste collection service as provided herein.

~~(d) Unless otherwise approved by the Director pursuant to rules and regulations prescribed by the City: Standard containers shall not exceed sixty pounds or twenty-seven kilograms in weight when filled with Solid waste for collection, removal and disposal; Mini-can containers shall not exceed forty pounds or eighteen kilograms in weight when filled with Solid waste for collection, removal and disposal; and Standard containers or Mini-can containers used for Yard trimmings shall not exceed forty pounds or eighteen kilograms in weight when filled for collection, removal and disposal.~~

5.20.090 -Collection and Ownership of Recyclable Materials—Residential Premises.

(a) ~~The City shall provide a program for the collection of Recyclable materials from Residential premises. For the purposes of this Section, Recyclable materials includes Yard trimmings and any other similar materials designated by the Director. All persons owning or occupying any place or premises where recyclable materials are created, produced or accumulated shall subscribe and pay for this type of refuse services and shall subscribe and pay for a number of containers sufficient to hold all recyclable materials created, produced or accumulated at the place or premises during a one-week period, unless a different frequency collection schedule has been approved or directed pursuant to this chapter.~~

(b) Recyclable materials placed for curbside ~~residential recycling~~ collection in or outside of a container shall become the property of the city collector at the time of placement at the curb or other designated location for collection in or outside of the container. The Collector shall have the exclusive right to collect ~~such the Recyclable~~ recyclable materials, unless the collection agreement specifies a different arrangement.

(c) The disposal of solid waste and compostable materials in containers designated for the collection of recyclable materials is prohibited. Recyclable materials that are placed in a recyclable materials container for collection by the collector must be free of solid waste and compostable materials.

~~(c) If Recyclable materials placed for curbside residential recycling collection are not collected as part of the City's program for residential recycling collection, the person who placed the Recyclable materials for curbside residential recycling collection is entitled to receive a written explanation pertaining to the failure of the Collector to collect and dispose of the Recyclable materials. It shall be the responsibility of the person who places the Recyclable materials for residential recycling collection to remove the Recyclable materials within twenty-four hours of receipt of the explanation. The Collector is expressly authorized to reject Recyclable materials that are not free of all but incidental amounts of putrescible solid and semisolid wastes, or that are not free of Hazardous Wastes.~~

5.20.100 Collection and Ownership of Recyclable/Compostable materials— Commercial/industrial premises.

~~(a) The City shall provide a program for the collection of Recyclable materials from Commercial/industrial premises.~~

~~(b) When Recyclable materials are placed in Bins, Boxes, or Containers that the City or the Collection provide for the collection of Recyclable materials, such Recyclable materials shall become the property of the City or the Collector, as the case may be. The City or the Collection shall have the exclusive right to collect Recyclable materials from such Bins, Boxes, or Containers.~~

(a) All persons owning or occupying any place or premises where compostable materials are created, produced or accumulated shall subscribe and pay for this type of refuse services and shall subscribe and pay for a number of containers sufficient to hold all compostable materials created, produced or accumulated at the place or premises during a one-week period, unless a different frequency collection schedule has been approved or directed pursuant to this chapter.

(b) Compostable materials placed for curbside collection in a container shall become the property of the city at the time of placement at the curb or other designated location for collection of the container. The collector shall have the exclusive right to collect the compostable materials, unless the collection agreement specifies a different arrangement.

(c) On or after April 1, 2016, all commercial premises, at which 8 cubic yards or more of solid waste is subscribed per week, multifamily properties, and food service establishments shall subscribe and pay for a number of containers sufficient to hold compostable materials created, produced or accumulated at or on the places or premises during a one-week period, unless a different frequency collection schedule has been approved or directed pursuant to this chapter.

(d) On or after January 1, 2017, all commercial premises, where 2 cubic yards or more of solid waste is subscribed per week, shall subscribe and pay for a number of containers sufficient to hold compostable materials created, produced or accumulated at or on the place or premises during a one-week period, unless a different frequency collection schedule has been approved or directed pursuant to this chapter.

(e) On or after January 1, 2018, all commercial premises, at which solid waste is subscribed per week, shall subscribe and pay for a number of containers sufficient to hold compostable materials created, produced or accumulated at or on the place or premises during a one-week period, unless a different frequency collection schedule has been approved or directed pursuant to this chapter.

(f) The city may direct the collector to audit individual solid waste streams generated at commercial premises to determine the owner, occupant or tenant's compliance with this section.

5.20.105 Contamination of containers

(a) No person subscribing to refuse service shall dispose or permit the disposal of solid waste in a container designated for the collection of recyclable materials and/or compostable materials. The person shall remove any solid waste deposited in the recyclable materials and/or compostable materials container before the collection of the recyclable materials and/or compostable container occurring that week.

(1) The collector will notify any person who occupies commercial premises whenever the city or the collector determines the recyclable materials and/or compostable materials container of that person is contaminated with solid waste and the waste must be

removed. After the person removes the solid waste from the recyclable materials and/or compostable materials contained, the collector will return to the commercial premises to service the container and the person occupying the commercial premises will be charged a "return trip" fee specified in the refuse rate schedules.

(2) If the person occupying the commercial premises does not remove the waste from the recyclable materials and/or compostable materials container by the scheduled pick-up date, the container will be serviced at the next business day and the person occupying the commercial premises will be charged both an "extra solid waste pick-up" fee and a "return trip" fee in addition to the refuse charges that apply to the level of service subscribed by the person occupying the commercial premises. The extra solid waste pick-up fee shall be determined according to the size of the contaminated compostable materials container and the established rates approved by the city.

(3) The fees outlined in 5.20.105 (a)(1 - 2) will also apply if recyclable materials are placed in containers designated for compostable materials and if compostable materials are placed in containers designated for recyclable materials.

(4) On or after July 1, 2021, a person placing recyclable materials and/or compostable materials in containers designated for solid waste will be subject to a "contamination" fee.

(5) A person occupying residential premises will not be subject to a "return trip" fee, an "extra solid waste pick-up" fee, or a "contamination" fee. A multifamily property will not be subject to a "return trip" fee or an "extra solid waste pick-up" fee if owners or managers of the multifamily property can demonstrate compliance with Section 5.20.108 to the satisfaction of the director.

(b) No commercial grease or cooking oil shall be disposed of in a compostable materials container.

5.20.108 Requirements for owners or managers of multifamily properties and commercial premises.

(a) The owner or manager of any multifamily property or commercial premises must provide a level of refuse service sufficient to contain the refuse generated by the owners, occupants, tenants, employees, contractors, and customers of the property or premises.

(b) The owner or manager of any multifamily property or commercial premises must provide the number and type of containers at the property or premises sufficient to make the source separation of refuse convenient for the owners, occupants, tenants, employees, contractors, and customers of the property or commercial premises.

(c) The three types of containers shall:

(1) Be appropriate in number and size with respect to the quantity of solid waste, compostable materials, and recyclable materials anticipated to be generated at the property or premises;

(2) Bear appropriate signage and be color-coded – blue containers for recyclable materials, green containers for compostable materials, and black containers for solid waste – to identify the type of refuse to be contained and meet any additional design criteria established by the city; and

(3) Be placed as close together as practicable to provide equally convenient access to users.

(d) The owner or manager of any multifamily property or commercial premises shall provide information or training for new occupants, tenants, employees and contractors, including janitors, on the manner of source separation of solid waste, compostable materials, and recyclable materials. The owner or manager shall provide information or train current occupants, tenants, employees and contractors at least once per calendar year.

(e) The owner or manager of any commercial premises or their contractor shall collaborate with on-site janitors to create effective source separation programs.

(f) The use of public solid waste, recycling, or composting receptacles by any commercial premises is prohibited.

5.20.109 Requirements for special events

(a) The promoter or coordinator of a special event held in Palo Alto must provide a level of refuse service sufficient to contain the refuse generated at the special event.

(b) The promoter or coordinator shall provide containers at appropriate locations at the special event to facilitate the source separation of solid waste, compostable materials, and recyclable materials by event employees, vendors, and attendees.

(c) The three types of containers shall:

(1) Be appropriate in number and size with respect to the quantity of solid waste, compostable materials, and recyclable materials anticipated to be generated at the property or premises;

(2) Bear appropriate signage and be color-coded – blue containers for recyclable materials, green containers for compostable materials, and black containers for solid waste – to identify the type of refuse to be contained and meet any additional design criteria established by the city; and

(3) Be placed together as a waste station to provide equally convenient access to users. No individual containers shall be allowed.

(de) If the promoter or coordinator determines that vendor booths at the special event will require refuse containers, the vendors shall receive from the promoter or coordinator a set of refuse containers that bear appropriate signage and are color-coded to identify the type of waste to be contained.

(e) A special event vendor shall be required to:

(1) Sell items in containers that are reusable or are either recyclable materials-based or compostable materials-based;

(2) Provide drinks and condiments, including, without limitation, sugars, ketchup, mustard, and salad dressings, in bulk supplies instead of in individual packages and servings;

(3) Use only compostable materials-based utensils if utensils are necessary to consume food or drink; and

(4) Not use or permit the use of single use merchandise bags and expanded polystyrene or Styrofoam™ items.

(g) The promoter or coordinator shall provide information or training for special event staff and vendors on the manner of source separation of solid waste, compostable materials, and recyclable materials. For recurring special events, the promoter or coordinator shall provide information or train the vendors at least once a year.

(i) The use of public solid waste recycling or composting receptacles at special events is prohibited. The promoter or coordinator shall remove or cover all public solid waste recycling or composting receptacles to prevent their use during the special event.

5.20.110 -Exclusions.

(a) Residential Householder Exclusion. No provision of this ~~Chapter~~chapter shall prevent a ~~Residential~~residential householder from collecting and disposing of occasional loads of ~~Solid~~solid waste generated ~~in or on at his or her~~the ~~Residential~~residential premises, ~~or from~~ composting ~~Yard trimmings~~at home, or ~~from~~selling, donating or disposing of ~~Recyclable materials or compostable~~ materials generated ~~in or on his or her~~at the ~~Residential~~residential premises. The ~~Containers~~containers provided by the ~~Collector~~collector may not be used for

activities authorized by this paragraph ~~(a)~~. Notwithstanding the foregoing, no ~~Residential~~residential householder shall employ or engage any ~~Solid~~solid waste enterprise, other than the ~~Collector~~collector, to haul or transport ~~Solid~~solid waste, compostable materials, or Recyclablerecyclable materials to a ~~Disposal~~disposal or processing facility. ~~nor shall any~~No ~~Residential~~residential householder may collect or dispose of ~~Solid~~solid waste generated ~~elsewhere than in or on his or her~~at a location that is not the ~~Residential~~residential premises.

(b) Gardener's Exclusion. No provision of this ~~Chapter~~chapter shall ~~prevent~~bar a gardener, tree trimmer or other person engaged in a similar trade from collecting and disposing of ~~grass cuttings, prunings, and similar material~~yard trimmings not containing other ~~Solid~~solid waste when ever the collection and disposal are incidental to providing ~~such~~the gardening, tree trimming or similar services.

(c) Commercial Source Separated Recyclable Materials and Compostable Materials.

(1) Commercial/~~industrial~~ business owners shall retain the right to donate or sell Recyclablerecyclable materials and compostable materials, or to pay fees for services to ~~Solid~~solid waste enterprises other than the ~~Collector~~collector for the collection of particular Recyclablerecyclable materials and compostable materials, ~~so long as provided all the~~ Recyclablerecyclable materials and compostable materials collected are Sourcesource separated single compostable materials and recyclable materials. ~~Glass, tin, aluminum, and plastics can be collected as Source separated commingled recyclable materials. The Director may authorize, by written rules and regulations, collection of other recyclable materials as Source separated commingled recyclable materials. All recyclable~~ Recyclable materials and compostable materials collected pursuant to this paragraph (c) ~~must~~shall be ~~taken~~transported to a recyclingcompostable materials and recyclable materials facility achieving a diversion rate of 90 percent and where not more than ten percent of the materials are, ~~and not~~ disposed of in a landfill.

(2) Commercial/~~industrial~~ business owners shall demonstrate compliance with the provisions of this paragraph (c) ~~upon~~at the request of the ~~D~~irector.

(3) The Citycity may require any recycler, junk dealer or other enterprise engaged in the business of buying and marketing Recyclablerecyclable materials and compostable materials to provide the Citycity with information pertaining to ~~such~~the collection and, ~~including without limitation,~~ the amount of Recyclablerecyclable materials and compostable materials collected from within ~~the City's Palo Alto's~~ territorial limits.

(d) Collection of Source Separated Single Recyclable Materials. No provision of this ~~Chapter~~chapter shall prevent a recycler, junk dealer or other enterprise, engaged in the business of buying and marketing Sourcesource separated single recyclable materials in the

stream of commerce and which buys such materials for marketing and not for disposition in a landfill or transfer station (as defined in Public Resources Code Section 40200), from buying ~~Recyclable~~recyclable materials for ~~a~~ monetary or other valuable consideration. ~~;~~ ~~nor shall any provision of this Chapter prevent such~~ A recycler, junk dealer or enterprise which buys ~~such~~recyclable materials shall not be prohibited from removing and transporting ~~such~~those materials to a destination for marketing in the stream of commerce.

(e) Renovation, Rebuilding, Repairs. No provision of this ~~Chapter~~chapter shall prevent a ~~Commercial/industrial~~commercial business owner from arranging for any worn, spent, or defective equipment, or part thereof, used in ~~such~~the commercial business and requiring renovation, rebuilding, recharging, regeneration or repair, to be picked up, renovated, rebuilt, recharged, regenerated or otherwise restored and repaired and returned to ~~such~~that ~~Commercial/industrial~~commercial business owner. ~~;~~ ~~nor shall any provision of this chapter~~ ~~Chapter prevent any~~ Any person engaged in the business of renovating, rebuilding, recharging, regenerating, or otherwise restoring or repairing ~~such~~the equipment or part thereof, is not prohibited from transporting the same from or returning it to the commercial business, or from removing, transporting or disposing of ~~any~~suchthe equipment, or part thereof, replaced in connection with an equipment repair or service contract.

(f) Contractors' Exclusions. In addition to the authority granted by paragraph (c) of this Section ~~5.20.110~~, no provision of this ~~Chapter~~chapter shall prevent a licensed general contractor ~~having a~~under contract for the demolition or reconstruction of a building, structure, pavement, or concrete installation from marketing any saleable items salvaged from ~~such~~the demolition or reconstruction, or from causing ~~such~~the salvageable items or ~~Construction~~construction or demolition waste to be removed and transported from the place or premises ~~on~~at which such waste is generated, pursuant to the provisions of the demolition or construction contract, subject to the following:

(1) ~~Such~~The collection, removal and disposal activity shall be performed only by the licensed general contractor ~~having the~~under contract for the ~~Construction~~construction or demolition work that generated ~~such~~the salvageable items ~~or Construction or demolition waste~~, or by regularly employed personnel carried on the licensed general contractor's payroll records as an employee. ~~;~~

~~(2) — For purposes of this paragraph (f), no Bins or Boxes container that are is detachable from the vehicle that delivered~~ ~~delivers~~ ~~them~~ the materials to the ~~Construction~~construction or demolition site can be used. ~~;~~ and

~~(23) —~~ All vehicles used ~~in to carrying out~~ facilitate the ~~such~~ collection, removal and disposal activities shall be owned by or under the exclusive control of the licensed contractor general contractor and shall meet all of the requirements of this ~~Chapter~~chapter and all other laws, statutes, rules, regulations and ordinances of the state of California and the Citycity. All

vehicles shall be subject to inspection by and the approval of the ~~Director~~director from time to time.

~~(g) Reinforced Concrete Exclusion. In addition to the authority granted by paragraph (f) of this Section 5.20.110, nothing in this Chapterchapter shall prevent a Commercial/industrialcommercial business owner, Residentialresidential householder, or licensed general contractor from using a Solidssolid waste enterprise other than the Collectorcollector to dispose of reinforced concrete.~~

(gh) Document Destruction Service. No provision of this ~~Chapter~~chapter shall prevent any person engaged in the business of destroying or disposing of secret, confidential or sensitive documents from transporting or disposing of ~~such~~those documents, ~~as a part of such~~provided the transport and disposal of the documents are incidental to the document destruction or disposal service.

(hi) Self-Haul Exclusion. In addition to the authority granted by paragraph (a) of this Section, nothing in this ~~Chapter~~ shall prevent a ~~Commercial/industrial~~ business owner or ~~Residential~~ householder ~~is not be prohibited~~ from, on a regular basis, collecting and disposing of ~~Solid~~ waste generated ~~in or on at their place or~~ premises, in lieu of availing themselves of the services of the ~~Collector~~. No ~~Residential~~ householder or ~~Commercial/industrial~~ business owner shall employ or engage any ~~Solid~~ waste enterprise, other than the ~~Collector~~, to haul or transport ~~such materials~~the solid waste to a ~~Disposal~~ or processing facility. Any ~~Residential~~ householder or ~~Commercial/industrial~~ business owner who pursuant to this paragraph (i) seeks to on a regular basis collect and dispose of ~~Solid~~ waste generated ~~in or on at their~~ premises, ~~must shall~~ first obtain ~~a self-haul permit~~approval from of the ~~director~~City, and must comply with ~~the~~ procedures ~~for~~applicable to self-hauling ~~that are to be~~ adopted by ~~the City Council by~~ resolution.

(ij) General Requirement. In all cases where the right to an exclusion pursuant to this Section is exercised, disposal shall be made at a ~~Disposal~~disposal or processing facility ~~which that~~ meets all applicable regulatory requirements. Any disposal by a person exempted under this Section shall not ~~be~~ relieved ~~such person from of~~ any obligation or liability imposed by this ~~Chapter~~chapter or any other ~~City~~city ordinance, resolution, rule or regulation for the payment of the minimum ~~Solid~~solid waste and ~~Recyclable~~recyclable materials disposal rates imposed pursuant to this ~~Chapter~~chapter, ~~or of rates for the use of the City Landfill, or of~~ any other applicable rates or fees. -Notwithstanding the foregoing, any person with a valid self-haul permit obtained pursuant to paragraph (i), and who does not use the ~~Solid~~solid waste collection services offered by the ~~Collector~~collector, shall be exempt from the payment of the ~~Solid~~solid waste collection rates imposed for use of the services provided by the ~~Collector~~collector.

(i) Backhauling Compostable Materials. A commercial business may opt out of the recyclable materials and compostable materials service levels required by this chapter,

provided that business verifies to the satisfaction of the director all recyclable materials and compostable materials generated on-site will be transported to a central facility to be later recycled or composted and not placed in a landfill.

(k) Space Limitations for Existing Structures. Any existing commercial business structure that lacks sufficient storage space for compostable materials or recyclable materials may be exempt from all or portions of this Section in accordance with the written rules and regulations established by the director. The director, in cases where space constraints are determined to exist, shall also evaluate the feasibility of shared container usage by contiguous businesses or multifamily property structures.

(l) De Minimus Exception. The director may waive any of the requirements of Sections 5.20.080, 5.20.090, and 5.20.100 applicable to a collection location if documentation satisfactory to the director, based upon rules and regulations, is provided to establish that the materials in any type of container, on an on-going basis is incidental to any other materials originating from that collection location.

5.20.120 ~~Recycling storage design requirements~~ Refuse containers.

~~The design of any new, substantially remodeled, or expanded building or other facility shall provide for proper storage, handling, and accessibility which will accommodate the Solid waste and Recyclable materials loading anticipated and which will allow for the efficient and safe collection. The design shall comply with the applicable provisions of Sections 18.22.100, 18.24.100, 18.26.100, 18.32.080, 18.37.080, 18.41.080, 18.43.080, 18.45.080, 18.49.140, 18.55.080, 18.60.080, and 18.68.170 of Title 18 of this Code.~~

(a) All types of refuse containers shall be kept in a sanitary condition with the lids closed or caps secured, except whenever they are being loaded or unloaded.

(b) Refuse containers suitable for residential places or premises shall be provided by the collector or the city. Any container shall be of a size based upon the subscription service level requested by the person responsible for the payment of charges therefor or as may be required by this chapter. Any container shall not be loaded with more than the quantity of materials that either can fit in the container with its lid closed or cap secured or is in excess of the weight limit marked on the container, when the lid is closed or the cap is secured. All containers for use at commercial premises shall be provided by or approved by the collector, except for industry--approved grease or cooking oil tallow containers that shall be provided by a designated tallow hauler.

(c) Refuse containers shall be collected by the collector whenever the containers are placed in a solid waste enclosure or at the authorized collection area. Collection may be made at another location upon approval of the director, based upon the subscription service level requested.

5.20.130 Maintenance and placementPlacement of Bins, Boxes, and Containerscontainers.

(a) ~~The Commercial/industrial~~Commercial business owners ~~or and Residential~~residential householders, ~~as the case may be,~~ shall maintain their ~~ir Bins, Boxes, and Containers~~ on containers at their places and premises, and the areas ~~in which~~where they containers are located, in a good, usable, clean and sanitary condition, and shall ensure that the lids, caps ~~or and~~ covers on the ~~Bin, Box, or Container~~ is container are kept fully closed, and shall ensure that there is no litter underneath or surrounding the containers. ~~and that no~~No Solid waste or recyclable ~~Recyclable materials are refuse shall be~~ placed outside of the ~~Bin, Box, or Container~~container. ~~Boxes, and Containers~~Containers shall ~~at all times~~ be kept~~maintained by~~ the commercial business owners and residential householders in a manner that will prevents leakage and, spillage and the escape~~emission~~ of odors. Commercial premises sharing receptacles placed outside of retail areas, must also share equally in the responsibility of emptying the receptacles so that they do not overflow and maintaining the area around the receptacles so that it is free of loose litter.

(b) The location or placement of ~~Bins, Boxes, or Containers~~containers at any place or premises shall be subject to the approval of the ~~Director~~director. Every ~~Commercial/industrial~~commercial business owner shall provide a location ~~on at~~ the ~~Commercial/industrial~~commercial premises for the ~~Bins, Boxes, and/or Containers~~containers they use, ~~and shall keep the area in good repair.~~

(c) Any ~~Collection Agreement~~collection agreement may provide for the rental of ~~approved Bins, Boxes and Containers~~containers approved by the ~~Collector~~collector to customers. The ~~Collector~~collector shall be responsible for ~~maintaining~~maintenance of the ~~rental Bins, Boxes and Containers~~containers in good and sanitary condition (ordinary wear and tear excepted) and shall repaint ~~such the Bins, Boxes and Containers~~containers at a frequency as may be determined by the ~~City~~director. The ~~Collector~~collector and the renter shall ~~plan with the customer~~determine and agree upon the placement of the ~~Bins, Boxes, and Containers~~containers in order to minimize traffic, aesthetics and other potential ~~problem~~effects that may be associated with their placement.

(d) Where a ~~Bin, Box, or Container~~container is not rented from the ~~Collector~~collector but is rented from another solid waste enterprise approved by the ~~City~~city, the ~~customer~~renter shall ~~be responsible for ensuring~~ensure that the ~~Bins, Boxes, or Containers~~container meets the same standards of care, quality and upkeep~~maintenance as~~ are applicable to the ~~Bins, Boxes, and Containers~~container supplied by the ~~Collector~~collector. The renter shall procure the written standards or rules and regulations of the collector prior to renting from another solid waste enterprise.

(e) ~~All Any Bins, Boxes, and Containers~~ containers of a one cubic yard or ~~more~~ greater size shall be identified with the name and telephone number of the ~~Collector~~ collector or other solid waste enterprise servicing the ~~Bins, Boxes, and Containers~~ container. The container shall be identified by the type of materials that can be deposited in the container.

5.20.140 Frequency of ~~Solid waste refuse~~ collection.

(a) The ~~Collector~~ collector or ~~his or her~~ its duly authorized agents or subcontractors shall collect ~~Solid waste refuse~~ from all ~~Residential~~ residential places or premises and ~~Commercial/industrial~~ commercial premises within ~~the City Palo Alto~~ at least once a week, unless the ~~Director~~ director authorizes a different frequency of collection as provided in Section 5.20.080, 5.20.090, 5.20.010 and 5.20.180.

5.20.150 Collection hours, quietness of collections, and collection of equipment.

(a) ~~Solid waste, and recyclable~~ Recyclable materials ~~Refuse collections~~ shall be ~~made~~ collected only between the hours of ~~six~~ 6:00 a.m. and ~~six~~ 6:00 p.m. in residential districts and at schools, churches, and commercial ~~properties~~ premises located in commercial or industrial districts adjacent to residential districts.

(b) ~~Solid waste and Recyclable materials collections~~ Refuse shall be collected only between the hours of 4:00 a.m. and 9:00 p.m. in commercial districts other than as indicated in subparagraph (a) above ~~shall be made between the hours of four a.m. and nine p.m.~~, subject to ~~such~~ any reasonable modifications of collection periods as the ~~Director~~ director may impose.

(c) All collections shall be made as quietly as possible. All trucks and equipment for ~~Solid waste and e~~ Recyclable materials ~~refuse~~ collection shall be operated in a manner that comply with the ~~provisions~~ noise ordinance codified in ~~Chapter 9.10, Title 9 of the Municipal Code~~ the municipal code. All unnecessarily noisy trucks or equipment for such collections are prohibited.

5.20.160 Litter, Spillage or leakage of Solid waste and Recyclable materials refuse.

(a) All ~~Solid waste and Recyclable material~~ types of refuse hauled by any person over public streets in ~~the City Palo Alto~~ shall be securely tied and covered during hauling ~~thereof so as in order~~ to prevent litter and the leakage, spillage, scattering, or blowing or dropping of refuse of any type on to public streets. No person shall allow any ~~Solid waste or Recyclable materials of any kind whatsoever~~ type of refuse to leak, spill, scatter, blow or drop from any vehicle operated on ~~any~~ public streets within the City Palo Alto.

5.20.170 -Special permits in hardship cases.

(a) Upon a showing of hardship by the owner, ~~or~~ occupant or tenant of a place or premises, the ~~Director~~ director may issue ~~or cause to be issued a~~ special written permits authorizing ~~a variance~~ variations from with the provisions of this ~~Chapter~~ chapter ~~yet the variance will be~~ subject to ~~the imposition of such~~ terms and conditions as ~~the or she~~ director may deem necessary to protect the public health, ~~and~~ safety and welfare.

5.20.180 No Accumulation of ~~Solid waste or Recyclable materials~~ refuse.

(a) ~~Every~~ No person shall ~~keep the place or premises occupied by him or her, and every owner of any unoccupied place or premises shall keep the same, in a clean and sanitary condition and shall not cause, suffer or~~ permit any ~~Solid waste~~ type of refuse to accumulate ~~in, on or about such~~ at its place or premises for a period in excess of one calendar week, except the ~~Director~~ director may authorize by written rules and regulations ~~less frequent~~ a different frequency of collection, removal and disposal ~~of refuse~~ for compactors at ~~Commercial/industrial~~ commercial premises. This provision shall not be construed to prohibit any person from ~~keeping~~ temporarily storing building materials ~~in, on or about~~ at any place or premises during the period of active construction, reconstruction or repair of a building or structure thereon under a current valid building permit, ~~nor the keeping~~ storing of wood ~~neatly in an orderly~~ pile ~~d upon at such the~~ place or premises for household use, nor the keeping of retaining compostable materials for home composting ~~purposes~~ of Yard trimmings.

5.20.190 ~~No Burning, Burial~~ burial, or ~~Dumping~~ dumping of Solid Waste or Recyclable materials restrictions.

(a) No person shall burn any ~~Solid waste or Recyclable material~~ type of refuse ~~with in the City~~ Palo Alto at any time.

(b) No person shall bury or dump any ~~Solid waste or Recyclable material~~ type of refuse ~~with in the Palo Alto.~~ Compostable materials may only be buried on-site by City, except at the occupant of person who occupies City Landfill in accordance with the land of the residential place or premises. ~~procedures thereof, at any time.~~

~~5.20.200 Hazardous waste.~~

~~No person shall deposit any Hazardous waste in the City Landfill nor in any Bin, Box, or Container.~~

~~5.20.210 Manure Containers required~~

~~(a) Any and all m~~ Manure produced, kept or accumulated within or upon at any place or premises shall be placed without delay in a Manure container.

~~(b) All Manure containers shall be kept closed at all times excepting when the manure is being placed into or taken out of removed from the Manure containers and shall be kept located at all times in at the rear of the place or premises and not less than one hundred feet or thirty and one half meters from any residence.~~

~~(c) Manure may be mixed with and Solid waste may be placed in the same bin, box or Standard container whenever waste and manure will it is to be disposed of with and in the same manner and at the same time as Solid waste, but in such case, provided each the bin, box or Standard container so used, including its contents, shall does not exceed sixty pounds or twenty-seven kilograms in weight, and shall be is equipped with a lid, cap or cover adequate to keep flies from the interior thereof.~~

5.20.220 Scavenging prohibited.

~~(a) No person shall scavenge in any City-operated Disposal or processing facility, including the City Landfill, nor disturb nor remove any material therein, without the express advance permission of the Director.~~

~~(b) No person shall tamper with, modify, scavenge from or deposit Solid waste or Recyclable materials any type of refuse in, any Solid waste or Recyclable materials placed in, any Solid waste or Recyclable materials Bin, Box, or Container refuse container which has not been is not provided for his or her the use of that person, without the permission of the person responsible for owner of the container and the fees therefor under this Container chapter.~~

~~(c) Except as otherwise provided in Sections 5.20.1105.20.090 and 5.20.0905.20.110 of this code, no person shall collect the Recyclable materials any type of refuse originating from any Residential residential place or premises or any posted recycling centers within the City Palo Alto.~~

~~(d) The foregoing prohibitions are in addition to the prohibitions set forth in Section 41950 et seq. of the Public Resources Code.~~

~~5.20.230 No Trespassing in City Landfill~~

~~No person shall enter, be upon, or remain in the City Landfill, except during the hours of operation posted on the main entrance thereto, or except as may be authorized in advance by the Director.~~

~~5.20.240 Schedule of rates for the use of the City Landfill.~~

~~(a) The schedule of rates for the classification of vehicles carrying the Solid waste and the maximum load for use of the City Landfill shall be set forth in the municipal fee schedule.~~

~~(b) Vehicles operated by the City may be allowed toll-exempt use of the City Landfill. Vehicles operated by any Collector of the City may also be exempt if their contract so provides, and the Collector produces the same for inspection if requested by a City Landfill employee.~~

~~(c) Vehicles owned by the Palo Alto Unified School district may be allowed toll-exempt use of the City Landfill.~~

5.20.250 Liability for payment of rates.

~~(b) Except as set forth in Section 5.20.110(h), every person -occupying, owning, controlling, or maintaining with residential premises or commercial place- or premises within the City Palo Alto shall be liable for the payment of the refuse service rates, including any -Solid waste- collection rates authorized by the Citycity.~~

(a)

5.20.260 Penalty for failure to pay collection rate.

(a) All collection rates and charges imposed by the Councilcouncil pursuant to the provisions of this Chapterchapter for the collection, removal and disposal of Solid wasteall types of refuse shall be a civil debt owing to the Citycity from the owner, occupant or person maintaining or controlling the place or premises receiving the services.

(b) All such collection rates and charges shall may be billed along with other municipal utility bills and, if so billed, shall be subject to the provisions of the City'scity's utility rates and regulations governing the collection and payment of other utility rates. The city may by agreement permit the collector or other person to collect the applicable rates and charges for refuse service. Notwithstanding the foregoing, fees for the use of ~~drop~~-boxes may be collected by the Collectorcollector.

(c) The collection of the rates imposed pursuant to this chapterChapter shall be in addition to any other remedies available to the cityCity for the failure of any person to pay the rates.

5.20.280 Administration -by -City Managercity manager.

(a) The City Managercity manager or designee, the director, shall adopt suchwritten rules and regulations, not inconsistent with this Chapterchapter, as may be necessary for the proper administration and enforcement of this Chapterchapter. SuchThe written rules and regulations may include, but are not limited to, regulations relating to the required frequency of Solid waste and Recyclable materialsrefuse collection from various types of places or

premises, the types of special ~~Bins, Boxes, and Containers~~ containers required for placement at certain ~~classes of~~ places or premises, and regulations governing the vehicles used in making ~~such~~ collections, ~~and regulations governing the use and operation of the City Landfill.~~

(b) The ~~City Manager~~ city manager shall resolve all disputes concerning the administration or enforcement of this ~~Chapter~~ chapter. ~~His and his~~ or her decision ~~in such matters~~ shall be final.

5.20.290 Penalty for violation

~~(a) A~~ violation of any provision of this ~~Chapter~~ chapter shall be subject to the provisions and penalties set forth in ~~Title Chapter 1.08~~ of this municipal code unless otherwise specified. ~~Code. Notwithstanding the foregoing, in the sole discretion of the City Attorney or City Prosecutor, violation of Sections 5.20.030, 5.20.050, 5.20.130(a), and 5.20.220 may be subject to an administrative penalty pursuant to Chapters 1.12 and 1.16 of this Code, in lieu of any other legal remedy, criminal or civil."~~

SECTION 2. Section 18.32.020 of Chapter 18.23 of Title 18 is hereby amended to read, as follows:

18.23.020 ~~Trash Disposal and Recycling~~ Refuse disposal areas

(A) Purpose

Assure that development provides adequate and accessible interior areas or covered exterior enclosures for the storage of ~~trash and recyclable materials~~ refuse in appropriate containers with storage capacity for a maximum of one week, and that ~~trash~~ refuse disposal ~~and recycling areas structures and enclosures~~ are located as far from abutting residences as is reasonably possible.

(B) Requirements

(i) ~~Trash disposal and recyclable areas~~ Refuse disposal and structures and enclosures shall be accessible to all residents or users of the property.

(ii) Compostable materials and recyclable materials ~~Recycling~~ facilities shall be located, sized, and designed to encourage and facilitate convenient use.

(iii) ~~Trash disposal and recyclable areas~~ Refuse disposal areas shall be screened from public view by masonry or other opaque and durable material, and shall be enclosed and covered. Gates or other controlled access shall be provided where feasible. Chain link enclosures are strongly discouraged.

(iv) ~~Trash disposal and recycling structures~~ Refuse disposal structures and enclosures shall be architecturally compatible with the design of the project.

(v) The design, construction and accessibility of ~~recycling~~refuse disposal areas and enclosures shall be subject to approval by the architectural review board, in accordance with design guidelines adopted by that board and approved by the city council pursuant to Section [18.76.020](#).

SECTION 3. The Council finds that the adoption of this ordinance is not considered a project under the California Environmental Quality Act or the CEQA Guidelines, therefore, no environmental impact assessment is necessary.

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SECTION 4. This ordinance shall be effective on the commencement of the thirty-first day after the date of its adoption.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST: _____

City Clerk

Mayor

APPROVED AS TO FORM: _____

APPROVED: _____

Deputy City Attorney

City Manager

Director of Public Works

Director of Administrative
Services Department