

ORDINANCE NUMBER O- 21295 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 25 2021

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 6,
DIVISION 7 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTIONS 66.0701, 66.0702, 66.0703, 66.0705,
66.0706, 66.0707, 66.0711, 66.0712, 66.0713, AND 66.0715
REGARDING CITY SOLID WASTE RECYCLING
REQUIREMENTS.

WHEREAS, the City of San Diego first adopted a mandatory solid waste recycling ordinance in 2007 (2007 Ordinance); and

WHEREAS, the 2007 Ordinance focused primarily on the recycling of mixed, non-organic recyclable material; and

WHEREAS, since the 2007 Ordinance was adopted, new State laws have been enacted which have imposed additional recycling requirements, including for commercially generated waste and organic waste generated from multi-family residential facilities; and

WHEREAS, the following amendments to the 2007 Ordinance are intended to expand recycling requirements in accordance with State law; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 6, Article 6, Division 7 of the San Diego Municipal Code is amended by amending sections 66.0701, 66.0702, 66.0703, 66.0705, 66.0706, 66.0707, 66.0711, 66.0712, 66.0713, and 66.0715, to read as follows:

Article 6: Collection, Transportation and Disposal of Refuse and Solid Waste

Division 7: Recycling Ordinance

§66.0701 Findings

The Council of the City of San Diego finds and declares that:

- (a) The City operates the Miramar Landfill, which is currently the only municipal landfill in the City. The Miramar Landfill currently is expected to close in 2028. Preserving landfill capacity at the Miramar Landfill in order to extend the useful life of the Miramar Landfill for the citizens of the City is a paramount concern.
- (b) The City has met, and continues to make progress in maintaining, the waste *diversion* requirements imposed by *AB 939*, but additional efforts, particularly in the *recycling* of paper, cardboard, and other *recyclable materials*, will assist the City in maintaining and exceeding the goal of *diverting 50%* of its waste from landfill *disposal*.
- (c) Studies show that approximately 17% of the waste generated in the City of San Diego and delivered for landfill *disposal* is paper and 32% is compostable organics, all of which could be *diverted* from landfill *disposal*.
- (d) Efforts by the City and the private sector for *diversion* of residential, commercial, and special event waste as required by this Division have been successful, but additional efforts are necessary to ensure continued compliance with *AB 939* requirements and with other State laws that mandate *recycling* commercial waste and multi-family residential waste.

- (e) *Recycling* programs in other jurisdictions in the State, similar to the one implemented by this Division, have proven successful in increasing *diversion of recyclable materials* and have been favorably received by the California Department of Resources Recycling and Recovery.

§66.0702 Purpose

The purpose of this Division is to establish requirements for *recycling* of *recyclable materials* generated from *residential facilities* (both single family and multi-family), *commercial facilities* (including City buildings), and special events. These requirements are intended to increase the *diversion of recyclable materials* from landfill *disposal*, conserve the capacity and extend the useful life of the Miramar Landfill, reduce greenhouse gas emissions, and avoid the potential financial and other consequences to the City of failing to meet State-mandated *recycling* requirements.

§66.0703 Definitions

All defined terms in this Division appear in *italics*. For purposes of this Division, the following definitions apply:

AB 939 through Hazardous waste [No change in text.]

Lot means a parcel, tract, or area of land established by plat, subdivision, or by means described in San Diego Municipal Code section 113.0237(a) to be owned, used, or developed.

Medical waste through Mixed use facilities [No change in text.]

Multi-family residential facility means two or more residences on a single *lot*.

Person through Recyclable Materials [No change in text.]

Recyclable Materials Collector has the same meaning as in San Diego Municipal Code section 66.0102.

Recycling through Refuse [No change in text.]

Residential facility means a *single family residential facility* or a *multi-family residential facility*.

Responsible person has the same meaning as in San Diego Municipal Code section 11.0210 and includes the *person* responsible for the management, including disposal and recycling, of *solid waste* generated at the *residential facility, commercial facility, mixed use facility, or special event*.

Self-haul [No change in text.]

Single family residential facility means one residence on a single *lot*.

Solid waste through Vegetative food material [No change in text.]

§66.0705 Recycling Requirement for Persons Serviced by City of San Diego

Persons who are provided with curbside *recycling collection* services by the City of San Diego shall participate in the City curbside *recycling* program by separating *recyclable materials* from other *solid waste*, depositing the *recyclable materials* in the approved *recycling* containers, and placing the *recycling* containers out for *collection* at the time and place designated by the City.

§66.0706 Recycling Requirement for Residential Facilities Serviced by Franchisee

(a) *Residential Facilities*. For *single family residential facilities* that receive *solid waste collection* services from a *Franchisee*, the *responsible person* shall provide curbside *recycling* services to occupants as required by section 66.0706(c). For *multi-family residential facilities* that receive *solid*

waste collection services from a *Franchisee*, the *responsible person* shall provide on-site *recycling* services to occupants as required by sections 66.0706(c) and 66.0706(d).

- (b) Occupants of *Residential Facilities*. Occupants of *residential facilities* that receive *solid waste collection* services from a *Franchisee* shall participate in a *recycling* program, offered by the *Franchisee* or a *Recyclable Materials Collector*, by separating *recyclable materials* from other *solid waste*, depositing the *recyclable materials* in the designated *recycling* containers, and placing the *recycling* containers out for *collection* at the time and place designated by the *Franchisee* or *Recyclable Materials Collector*.
- (c) *Recycling Services*. *Recycling* services for *residential facilities* shall include, at a minimum, all of the following:
- (1) *collection* in a separate container and at least two times per month of commingled plastic and glass bottles and jars, paper, newspaper, metal containers, cardboard, and rigid plastics, including clean food containers, jugs, tubs, trays, pots, buckets, and toys;
 - (2) *collection* in a separate container and at least two times per month of yard trimmings and nonhazardous wood waste generated from *multi-family residential facilities*. If yard trimmings or nonhazardous wood waste will be hauled away by a gardening or landscaping service provider as an incidental part of its services at the property, then the service contract or agreement shall require

the gardening or landscaping service provider to take the yard trimmings and nonhazardous wood waste to a mulching or composting facility for *recycling*;

- (3) *collection of other recyclable materials* for which markets exist, such as scrap metal, *food material*, and food-soiled paper mixed with *food material*, as determined by the *Director*, with *collection* of such *recyclable materials* required beginning on the 181st day after the City gives public notice by placing an advertisement of at least one-eighth page in a newspaper of general daily circulation in the City and posting a notice including such *recyclable materials* on the *Department's* website;
 - (4) utilization of *recycling* containers that comply with the standards in the Container and Signage Guidelines established by the *Department*;
 - (5) designated *recycling collection* and storage areas; and
 - (6) signage on all *recycling* receptacles, containers, chutes, and/or enclosures which complies with the standards described in the Container and Signage Guidelines established by the *Department*.
- (d) Occupant Education. For *multi-family residential facilities*, the *responsible person* shall ensure that occupants are educated about the *recycling* services as follows:

- (1) Information, including the types of *recyclable materials* accepted, the location of *recycling* containers, and the occupants' responsibility to *recycle* pursuant to this Division, shall be distributed to all occupants annually;
- (2) All new occupants shall be given information and instructions upon occupancy; and
- (3) All occupants shall be given information and instructions upon any change in *recycling* service to the facility.

§66.0707 Recycling Requirements for Commercial Facilities Serviced by Franchisee

- (a) *Commercial Facilities.* For *commercial facilities* that receive *solid waste collection* services from a *Franchisee*, the *responsible person* shall provide on-site *recycling* services to occupants as required by sections 66.0707(c) and 66.0707(d).
- (b) *Occupants of Commercial Facilities.* Occupants of *commercial facilities*, that receive *solid waste collection* services from a *Franchisee*, shall participate in a *recycling* program by separating *recyclable materials* from other *solid waste*, depositing the *recyclable materials* in the designated *recycling* containers, and placing the *recycling* containers out for *collection* at the time and place designated by the *Franchisee* or *Recyclable Materials Collector*.
- (c) *Recycling Services.* *Recycling* services for *commercial facilities* shall include, at a minimum, all of the following:

- (1) *collection* in a separate container and as frequently as necessary to meet demand of commingled plastic and glass bottles and jars, paper, newspaper, metal containers, cardboard, and rigid plastics, including clean food containers, jugs, tubs, trays, pots, buckets, and toys;
- (2) *collection* in a separate container and at least two times per month of yard trimmings and nonhazardous wood waste. If yard trimmings or nonhazardous wood waste will be hauled away by a gardening or landscaping service provider as an incidental part of its services at the property, then the service contract or agreement shall require the gardening or landscaping service provider to take the yard trimmings and nonhazardous wood waste to a mulching or composting facility for *recycling*;
- (3) *collection* in a separate container and at least one time per week of *food material* and food-soiled paper mixed with *food material*;
- (4) alternatively, in lieu of sections 66.0707(c)(2) and 66.0707(c)(3), *collection*, in a separate container and at least one time per week, of *food material* or food-soiled paper mixed with *food material* that is commingled with yard trimmings or nonhazardous wood waste;
- (5) *collection* of other *recyclable materials* for which markets exist, such as scrap metal, as determined by the *Director*, with *collection* of such *recyclable materials* required beginning on the 181st day

after the City gives public notice by placing an advertisement of at least one-eighth page in a newspaper of general daily circulation in the City and posting a notice including such *recyclable materials* on the *Department's* website;

- (6) utilization of *recycling* containers that comply with the standards in the Container and Signage Guidelines established by the *Department*;
- (7) designated *recycling collection* and storage areas; and
- (8) signage on all *recycling* receptacles, containers, chutes, and/or enclosures which complies with the standards described in the Container and Signage Guidelines established by the *Department*.

(d) [No change in text.]

§66.0711 Reports from Franchisees and Certified Recyclable Materials Collectors

(a) *Franchisees* and *Certified Recyclable Materials Collectors* shall submit an annual report to the *Department*, by August 15 of each year, on a form or using a format prescribed by the *Director*. Annual reports shall include the following information for each facility serviced within the City for the period June 30 through July 1 of the immediately preceding twelve-month period:

(1) through (5) [No change in text.]

(b) [No change in text.]

(c) *Certified Recyclable Materials Collectors* that collect *recyclable food materials* in accordance with San Diego Municipal Code section

66.0109(c)(2)(D) shall submit a quarterly report, by the twentieth of each month following the end of a calendar year quarter, to the *Department*, on a form or using a format prescribed by the *Director*. Calendar year quarters end on March 31, June 30, September 30, and December 31 of each year. Quarterly reports shall include the following information:

(1) through (6) [No change in text.]

§66.0712 Special Events Recycling

(a) For a community special event requiring an event permit from the City of San Diego, the *responsible person* shall provide *recycling* receptacles throughout the event venue and shall provide *recycling* services as described in section 66.0712.

(b) through (c) [No change in text.]

(d) The types of *recyclable materials* suitable for deposit into each *recycling* receptacle shall include, at a minimum, all of the following:

- (1) plastic and glass bottles and jars, paper, newspaper, metal containers, cardboard, and rigid plastics, including clean food containers, jugs, tubs, trays, pots, buckets, and toys; and
- (2) other *recyclable materials* for which markets exist, such as scrap metal, wood pallets, *food material*, and food-soiled paper mixed with *food material*, as determined by the *Director*, with *collection* of such *recyclable materials* required beginning on the 181st day after the City gives public notice by placing an advertisement of at least one-eighth page in a newspaper of general daily circulation in

the City and posting a notice including such *recyclable materials* on the *Department's* website.

(e) through (f) [No change in text.]

§66.0713 Exemptions

(a) Cubic yard exemption.

- (1) *Multi-family residential facilities and commercial facilities* that generate 0.001 cubic yard or less per week of *solid waste* including *recyclable materials*, described in sections 66.0706(c)(1) or 66.0707(c)(1) as applicable, mixed with *solid waste* are exempt from the requirements of this Division.
- (2) *Multi-family residential facilities* that generate less than 0.50 cubic yard per week of yard trimmings and non-hazardous wood waste combined are exempt from section 66.0706(c)(2).
- (3) *Commercial facilities* that generate less than 0.50 cubic yard per week of yard trimmings, non-hazardous wood waste, *food material*, and food-soiled paper mixed with *food material* combined are exempt from sections 66.0707(c)(2), 66.0707(c)(3), and 66.0707(c)(4).

- (4) The cubic yard thresholds may be adjusted at the discretion of the City Manager effective 90 days after the City gives public notice by placing an advertisement of at least one-eighth page in a newspaper of general daily circulation in the City and posting a notice on the *Department's* website.

(b) through (d) [No change in text.]

§66.0715 Self-Haul and Use of Non-Certified Recyclable Materials Collector

- (a) [No change in text.]
- (b) The *responsible person* for a *multi-family residential facility, commercial facility, or a mixed use facility that self-hauls solid waste to a disposal facility* shall comply with the *recycling* requirements in this Division applicable to that *multi-family residential facility, commercial facility, or mixed use facility*.
- (c) Except for occupants of *single family residential facilities, a person who self-hauls solid waste to a disposal facility and/or self-hauls recyclable materials to a recycling facility* shall comply with the reporting requirements in section 66.0711(a).
- (d) Except for occupants of *single family residential facilities, a person who uses the services of a Recyclable Materials Collector, which is neither a Franchisee nor a Certified Recyclable Materials Collector, to collect, transport, and deliver recyclable materials generated by that person to a recycling facility, shall comply with the reporting requirements in section 66.0711(a).*

Section 2. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 3. That this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ David Krypel
David Krypel
Deputy City Attorney

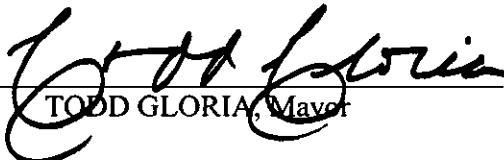
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Or.Dept: ESD
Doc. No.: 2447125

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 02/23/2021.

ELIZABETH S. MALAND
City Clerk

By /s/ Stacy D. Ready
Deputy City Clerk

Approved: 2/25/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on FEB 23 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 25 2021.

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Sty Read*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on FEB 09 2021, and on FEB 25 2021.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Sty Read*, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21295