

**Article 6: Collection, Transportation and Disposal of Refuse and Solid Waste****Division 7: Recycling Ordinance***("Recycling Ordinance"**Added 11-20-2007 by O-19678 N.S.; effective 12-20-2007.)***§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 between 2011 and 2013. 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 (for 2004 and 2005) 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 21% of the waste generated in the City of San Diego and delivered for landfill *disposal* is paper and 16% is compostable organics, all of which could be *diverted* from landfill *disposal*.
- (d) Efforts by the City and the private sector to encourage voluntary *diversion* of residential, commercial, and special event waste have not been as successful as the City had hoped and additional efforts are necessary to ensure continued compliance with *AB 939* requirements.
- (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 Integrated Waste Management Board.

*(Added 11-20-2007 by O-19678 N.S.; effective 12-20-2007.)*

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**§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 *AB 939* requirements.

*(Added 11-20-2007 by O-19678 N.S.; effective 12-20-2007.)*

**§66.0703 Definitions**

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

*AB 939* has the same meaning as set forth in Section 66.0102 of this Article.

*Certified Recyclable Materials Collector* means a *Recyclable Materials Collector* which has been issued a certificate by the City pursuant to this Division.

*Collect* or *Collection* shall mean to take physical possession of and remove *solid waste* or *recyclable materials* at the place of generation.

*Commercial facilities* means any facilities that are not *residential facilities* or *mixed use facilities*. *Commercial facilities* includes City buildings for which the *responsible person* is a City of San Diego employee.

*Construction and demolition waste* has the same meaning as in San Diego Municipal Code section 66.0102.

*Department* means the City of San Diego Environmental Services Department or its successor.

*Director* has the same meaning as set forth in Section 66.0102 of this Article.

*Disposal* means the final deposition of waste at a permitted landfill or other permitted waste facility.

*Diversion* or *Divert* means the reduction or elimination of *solid waste* from landfill *disposal*.

*Food material* has the same meaning as in San Diego Municipal Code section 66.0102.

*Franchisee* has the same meaning as set forth in Section 66.0102 of this Article.

*Hazardous substance* has the same meaning as in San Diego Municipal Code section 66.0102.

*Hazardous waste* has the same meaning as in San Diego Municipal Code section 66.0102.

*Medical waste* has the same meaning as in San Diego Municipal Code section 66.0102.

*Mixed use facilities* means facilities which include both residential and commercial uses.

*Person* has the same meaning as set forth in Section 66.0102 of this Article.

*Recyclable* has the same meaning as set forth in Section 66.0102 of this Article.

*Recyclable Materials* has the same meaning as set forth in Section 66.0102 of this Article.

*Recyclable materials collector* has the same meaning as in San Diego Municipal Code section 66.0102.

*Recycling* or *Recycle* has the same meaning as set forth in Section 66.0102 of this Article.

*Recycling facility* means a *recycling*, composting, or materials recovery or reuse facility.

*Refuse* has the same meaning as set forth in Section 66.0102 of this Article.

*Residential facility* has the same meaning as set forth in Section 66.0127(a)(4) of this Article.

*Responsible person* has the same meaning as set forth in Section 11.0210 of the San Diego Municipal Code including, but not limited to, the individual or entity responsible for the management of *solid waste* at the *residential, commercial* or *mixed use facility* or special event for *disposal* or *recycling*.

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*Self-haul* means the process of personally, or through one’s own full-time employees, *collecting*, transporting, and delivering one’s own *solid waste* or *recyclable materials*.

*Solid waste* means all putrescible and nonputrescible solid and semi-solid wastes, including garbage, trash refuse, rubbish, *construction and demolition waste*, metallic discards, vegetable or animal solid or semi-solid wastes, and other solid or semi-solid wastes. *Solid waste* does not include *hazardous waste*, *hazardous substances*, *medical waste*, or *recyclable materials*.

*Vegetative food material* means *food material* that is also plant material, and that may be processed or cooked but must otherwise retain its natural character without any added salts, preservatives, fats or oils, or adulterants. *Vegetative food material* may include fruits and vegetables, edible flowers and plants, outdated and spoiled produce, and coffee grounds.

*(Added 11-20-2007 by O-19678 N.S.; effective 12-20-2007.)*  
*(Amended 11-1-2016 by O-20736 N.S.; effective 12-1-2016.)*  
*(Amended 2-9-2018 by O-20900 N.S.; effective 3-11-2018.)*

**§66.0704 Unlawful Acts**

It is unlawful for any *person* to fail to comply with any provision or requirement set forth in this Division which is applicable to such *person*.

*(Added 11-20-2007 by O-19678 N.S.; effective 12-20-2007.)*

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

Effective January 1, 2008, *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* and depositing the *recyclable materials* in the approved *recycling* container.

*(Added 11-20-2007 by O-19678 N.S.; effective 12-20-2007.)*

**§66.0706 Recycling Requirement for Residential Facilities Serviced by Franchisee**

- (a) Occupants of Single Family *Residential Facilities*. Effective on the 90th day after the date of final passage of the ordinance adopting this Division, occupants of single-family *residential facilities* which receive *solid waste collection* service from a *Franchisee* shall participate in a curbside *recycling* program, offered by the *Franchisee* or a *Recyclable Materials Collector*, by separating *recyclable materials* from other *solid waste* and depositing the *recyclable materials* in the *recycling* container provided by the *Franchisee* or *Recyclable Materials Collector*.
- (b) Single Family *Residential Facilities* Managed by Association. For single family *residential facilities*, whose *solid waste collection* services are managed by an association or other organization responsible for providing for *solid waste collection* services to multiple single family *residential facilities* within a housing development, the *responsible person* for the association or other organization shall provide curbside *recycling* services to each single family *residential facility* in compliance with the requirements in sections 66.0706(e) and 66.0706(f), beginning on the 90th day after the date of final passage of the ordinance adopting this Division.
- (c) Multi-Family *Residential Facilities*. For multi-family *residential facilities* which receive *solid waste collection* service from a *Franchisee*, the responsible *person* shall provide on-site *recycling* services to occupants as required by this Division, by the following dates:
- (1) The 90th day after the date of final passage of the ordinance adopting this Division, for multi-family *residential facilities* with 100 *residential* units or more;
  - (2) January 1, 2009, for multi-family *residential facilities* with at least 50 but not more than 99 *residential* units; and
  - (3) January 1, 2010, for multi-family *residential facilities* with up to 49 *residential* units.
- (d) Occupants of Multi-Family *Residential Facilities*. Occupants of multi-family *residential facilities* which receive *solid waste collection* service from a *Franchisee* shall participate in a *recycling* program by separating *recyclable materials* from other *solid waste* and depositing the *recyclable materials* in the *recycling* container provided by the *Franchisee* or *Recyclable Materials Collector*, beginning on the applicable dates specified in Section 66.0706(c).

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- (e) *Recycling Services.* The *recycling* services required by this Section 66.0706 shall include, at a minimum, all of the following:
- (1) *collection of recyclable materials* at least two times per month;
  - (2) *collection of plastic bottles and jars, paper, newspaper, metal containers, cardboard, and glass containers;*
  - (3) utilization of *recycling* receptacles which comply with the standards in the Container and Signage Guidelines established by the *Department*;
  - (4) designated *recycling collection* and storage areas; and
  - (5) 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*.
- (f) *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.

(Added 11-20-2007 by O-19678 N.S.; effective 12-20-2007.)

**§66.0707 Recycling Requirements for Commercial Facilities Serviced by Franchisee**

- (a) *Commercial facilities.* For *commercial facilities* which receive *solid waste collection* services from a *Franchisee*, the *responsible person* shall provide on-site *recycling* services to occupants as required by this Division, by the following dates:

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- (1) The 90th day after the date of final passage of the ordinance adopting this Division, for *commercial facilities* of 20,000 square feet or more;
  - (2) January 1, 2009, for *commercial facilities* of 10,000 square feet or more, but less than 20,000 square feet; and
  - (3) January 1, 2010, for *commercial facilities* under 10,000 square feet.
- (b) Occupants of *Commercial Facilities*. Occupants of *commercial facilities* which receive *solid waste collection* service from a *Franchisee*, shall participate in a *recycling* program by separating *recyclable materials* from other *solid waste* and depositing the *recyclable materials* in the *recycling* container provided by the *Franchisee* or *Recyclable Materials Collector*, beginning on the applicable dates specified in Section 66.0707(a).
- (c) *Recycling Services*. The *recycling* services required by this Section 66.0707 shall include, at a minimum, all of the following:
- (1) *collection of recyclable materials* as frequently as necessary to meet demand;
  - (2) *collection* of plastic bottles and jars, paper, newspaper, metal containers, cardboard, and glass containers;
  - (3) *collection* of other *recyclable materials* for which markets exist, such as scrap metal, wood pallets, and food waste, as determined by the *Director*, with *collection* of such *recyclable materials* required beginning on the 181<sup>st</sup> day after the City gives public notice thereof by placing a display advertisement of at least one-eighth page in a newspaper of general daily circulation within the City and posting a notice including such *recyclable materials* on a list maintained on the *Department's* website;
  - (4) utilization of *recycling* receptacles or containers which 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*

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- (d) Occupant Education. For *commercial 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 *commercial facility*.

(Added 11-20-2007 by O-19678 N.S.; effective 12-20-2007.)

#### §66.0708 Recycling Requirements for Mixed Use Facilities

- (a) Majority Residential. For a *mixed use facility* which has the majority of its square footage devoted to residential uses, the *responsible person* shall comply with the *recycling* requirements set forth in Section 66.0706 of this Division.
- (b) Majority Commercial. For a *mixed use facility* which has the majority of its square footage devoted to commercial uses, the *responsible person* shall comply with the *recycling* requirements set forth in Section 66.0707 of this Division.
- (c) Occupants of Majority Residential *Mixed Use Facility*. Occupants of a *mixed use facility* which has the majority of its square footage devoted to residential uses, shall comply with the *recycling* requirements applicable to occupants set forth in Section 66.0706 of this Division.
- (d) Occupants of Majority Commercial *Mixed Use Facility*. Occupants of a *mixed use facility* which has the majority of its square footage devoted to commercial uses, shall comply with the *recycling* requirements applicable to occupants set forth in Section 66.0707 of this Division.

(Added 11-20-2007 by O-19678 N.S.; effective 12-20-2007.)



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**§66.0709 Delivery of Recyclable Materials to Recycling Facility**

Except for the collection of *recyclable vegetative food materials* by a *Certified Recyclable Materials Collector* in accordance with San Diego Municipal Code section 66.0109(c)(2)(D), *Franchisees* and *Recyclable Materials Collectors* who *collect recyclable materials* generated within the City shall deliver those *recyclable materials* to a *recycling facility*. *Persons* who *self-haul recyclable materials* must deliver those *recyclable materials* to a *recycling facility*. The *recycling facility* may be located at a landfill, but *recyclable materials* generated within the City shall not be delivered to a landfill or other site for *disposal*. *Recyclable vegetative food materials* generated within the City shall not be delivered to a landfill or other site for *disposal*.

(Added 11-20-2007 by O-19678 N.S.; effective 12-20-2007.)  
(Amended 2-9-2018 by O-20900 N.S.; effective 3-11-2018.)

**§66.0710 Recycling Containers**

- (a) Container Signage. Automatic lift containers, bins, roll-offs, and other containers provided by *Franchisees* and *Recyclable Materials Collectors* to *collect* and store *recyclable materials* pending *collection* shall be clearly identified as a *recyclable materials* container, shall display the name and phone number of the *Franchisee* or *Recyclable Materials Collector* to whom the container belongs, and shall display a list of the *recyclable materials* which may be deposited into the container.
- (b) Container Features. Automatic lift containers, bins, roll-offs, and other containers used to *collect* and store *recyclable materials* pending *collection* shall be equipped with close-fitting lids and be leak-proof and rodent-proof.

(Added 11-20-2007 by O-19678 N.S.; effective 12-20-2007.)

**§66.0711 Reports from Franchisees and Certified Recyclable Materials Collectors**

- (a) *Franchisees* and *Certified Recyclable Materials Collectors* shall submit an annual report by August 15 of each year, beginning August 15, 2008, to the *Department*, 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) The name of the *person(s)* responsible for *solid waste* and/or *recyclable materials* management at the facility serviced;

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- (2) The name and address of the facility serviced;
  - (3) The volume in cubic yards or gallons, measured by the size of the applicable containers in use at the facility, of *solid waste* and *recyclable materials collected* per week from the facility;
  - (4) The frequency of *solid waste* and *recyclable materials collection* service provided to the facility; and
  - (5) Additional information as required by the *Director*.
- (b) *Franchisees* and *Certified Recyclable Materials Collectors* also shall include in the annual reports for the time period specified in section 66.0711(a) the following information:
- (1) The total amount of *recyclable materials*, measured in tons, *collected* by the *Franchisee* or *Certified Recyclable Materials Collector* within the City; and
  - (2) The names and addresses of the *recycling facilities* to which the *recyclable materials collected* within the City were delivered for *recycling*.
- (c) Beginning July 1, 2018, *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) The name of the *person(s)* responsible for *recyclable materials* management at the facility whose *recyclable food materials* were serviced;
  - (2) The name and address of the facility serviced;
  - (3) The volume in cubic yards or gallons of *recyclable food materials*, measured by the size of the applicable containers in use at the facility, *collected* per week from the facility;

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- (4) The names and addresses of the sites to which the *recyclable food materials collected* within the City were delivered for composting or final processing;
- (5) For *recyclable vegetative food materials collected* within the City and delivered for composting or final processing to a site other than a *recycling facility*, a letter of acknowledgement from the site property owner providing their acceptance of the *recyclable vegetative food materials* for composting or final processing; and
- (6) The volume in cubic yards or gallons of *recyclable food materials* delivered to each site per week for that calendar year quarter.

(Added 11-20-2007 by O-19678 N.S.; effective 12-20-2007.)

(Retitled from “Annual Reports from Franchisees and Recyclable Materials Collectors” to “Reports from Franchisees and Certified Recyclable Materials Collectors” and amended 2-9-2018 by O-20900 N.S.; effective 3-11-2018.)

#### §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, effective beginning on the 90<sup>th</sup> day after the date of final passage of the ordinance adopting this Division.
- (b) The number of *recycling* receptacles shall equal the number of *solid waste* receptacles.
- (c) The *solid waste* and *recycling* receptacles shall be placed next to one another throughout the event venue.
- (d) The types of *recyclable materials* suitable for deposit into each *recycling* receptacle shall include, at a minimum, aluminum and metal cans, and glass and plastic bottles and jars.
- (e) Each *recycling* receptacle shall be clearly identified as a *recycling* receptacle and shall display a list of the types of *recyclable materials* which may be deposited into the *recycling* receptacle.
- (f) The *responsible person* shall ensure that the *recyclable materials* deposited into the *recycling* receptacles are delivered to a *recycling facility*. The *recycling facility* may be located at a landfill, but *recyclable materials* shall not be delivered to a landfill for *disposal*.

(Added 11-20-2007 by O-19678 N.S.; effective 12-20-2007.)

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**§66.0713 Exemptions**

- (a) Six cubic yard exemption. *Multi-family residential facilities, commercial facilities, and mixed use facilities* which generate 6 cubic yards or less per week of *solid waste*, including *recyclable materials* mixed with *solid waste*, are exempt from the requirements of this Division. The 6 cubic yard threshold may be decreased at the discretion of the City Manager effective 90 days after the City has notified the public thereof by placing a display advertisement of at least one-eighth page in a newspaper of general daily circulation within the City and posting a notice on the *Department's* website.
- (b) Other Exemptions. Other exemptions to some or all of the requirements of this Division may be granted at the discretion of the *Director's* designee. Applications for exemptions may be granted upon consideration of the following factors: available markets for *recyclable materials*, available space for *recycling* containers, alternative *recycling* efforts, and the amount and type of *solid waste* or *recyclable materials* generated. To be effective, an exemption must be in writing and signed by the *Director's* designee. An exemption may be revoked at any time at the discretion of the *Director's* designee if one or more of the factors justifying the exemption no longer exist, or other change in circumstances warrant revocation. Unless earlier revoked, an exemption shall be effective for a period of one year from the date it was granted. Subsequent applications for exemptions may be granted at the discretion of the *Director's* designee upon consideration of the factors listed in this section 66.0713(b).
- (c) Application for Exemption. Applications for an exemption shall be submitted to the *Department* in writing, on a form approved by the *Director*, together with a cost-recovery processing fee. The processing fee shall be reviewed annually by the City Manager and adjusted accordingly to ensure full cost-recovery for processing the application for exemption.
- (d) If the *Director's* designee denies an application for an exemption, the *Director's* designee shall notify the applicant in writing of the reasons for the denial. The denial of an application for an exemption or the revocation of an exemption may be appealed to the *Director*, whose decision shall be final.

(Added 11-20-2007 by O-19678 N.S.; effective 12-20-2007.)

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**§66.0714 Certified Recyclable Materials Collector**

- (a) *Certified Recyclable Materials Collector.* A *recyclable materials collector* may apply to the *Director* to become a *certified recyclable materials collector*. The certification will be valid for no more than two years after the date it is issued by the *Director*, unless it is renewed in accordance with the *Department's* renewal procedures prior to its expiration. A certificate may not be transferred, sold, leased, or assigned, in whole or in part, to another *person* without prior *Director* approval. Approval may be obtained by filing an application with the *Director* on a form prescribed by the *Director*. The *Director* shall maintain a current list of *certified recyclable materials collectors* on the *Department's* website and in other educational materials published by the *Department*.
- (b) *Application Form and Fee.* Applicants for a *recyclable materials collector* certificate shall complete and submit to the *Director* a written application, on a form approved by the *Director*, together with a cost-recovery processing fee. The processing fee shall be reviewed annually by the City Manager and adjusted accordingly to ensure full cost-recovery for processing the application for certification. The application shall include, at a minimum, all of the following:
- (1) name, address, and telephone number of the applicant;
  - (2) name, address, and telephone number of an individual contact for the applicant;
  - (3) description of each vehicle the applicant will use to provide *recyclable materials collection* services within the City including, but not limited to make, model, serial or vehicle identification number, and license number;
  - (4) address where all vehicles and operating equipment used to provide *recyclable materials collection* services within the City will be stored and maintained;

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- (5) the applicant's agreement to defend, with counsel to be agreed upon by both parties, indemnify, and hold harmless, City and its agents, officers, servants, and employees from and against any and all claims asserted or liability established for damages or injuries to any person or property, including injury to City's employees, agents, or officers which arise from, or are connected with, or are caused or claimed to be caused by acts or omissions of the applicant, or its agents, officers or employees, in the performance of the *recyclable materials collection* services, and all costs and expenses of investigating and defending against same; provided, however, that the applicant's duty to indemnify and hold harmless shall not include any claims or liability arising from the established active negligence, sole negligence, or sole willful misconduct of the City, its agents, officers, or employees;
  - (6) without limiting the indemnification obligation above, the applicant's agreement to obtain and maintain in full force and effect throughout the term of the *recyclable materials collector* certificate, and any extensions or modifications thereof, insurance coverage which meets or exceeds the requirements established by the *Director*; and
  - (7) A written statement certifying that the applicant has reviewed and will comply with the requirements of this Division and in the certificate.
- (c) Insurance. The *Director*, in consultation with the City's Risk Management Department, shall establish minimum reasonable insurance requirements for *Certified Recyclable Materials Collectors*. Simultaneously with the submittal of its application, the applicant shall furnish proof satisfactory to the *Director* that the applicant has obtained the required insurance coverage. Annually on each anniversary of the issuance of the certificate, the applicant shall furnish proof satisfactory to the *Director* that the applicant maintains at least the minimum required insurance coverage.
- (d) Vehicles and Equipment. All vehicles, containers, and other equipment used to provide the *recyclable materials collection* services shall be kept in a clean and well-maintained condition.
- (e) Container Signage. Automatic lift containers, bins, roll-offs, and other containers used to *collect* and store *recyclable materials* pending *collection* shall be clearly identified as a *recyclable materials* container, shall display the name and phone number of the *Certified Recyclable Materials Collector* to whom the container belongs, and shall display a list of the *recyclable materials* which may be deposited into the container.

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- (f) Container Features. Automatic lift containers, bins, roll-offs, and other containers used to *collect* and store *recyclable materials* pending *collection* shall be equipped with close-fitting lids and be leak-proof and rodent-proof.
- (g) Compliance with Law. *Certified Recyclable Materials Collectors* shall conduct all of their activities in compliance with all applicable federal, state, and local laws, regulations, ordinances, and requirements and shall be responsible for obtaining all applicable permits, licenses, certifications, and registrations.
- (h) Application Verification. The *Director* may independently verify any and all statements made or implied in the application or any accompanying documents. The *Director* may also request clarification from the applicant of any such statements or information.
- (i) Application Review. In reviewing each application, the *Director* shall take into consideration all components of the application including, but not limited to:
- (1) the ability of the applicant to meet the requirements of this Division and the certificate;
  - (2) any history of criminal or civil violations that may compromise the public's interest; and
  - (3) the completeness, accuracy, and validity of the application.
- (j) Application Determination. After a reasonable review period, the *Director* shall grant or deny the application. If the *Director* fails to grant an application after thirty days from the receipt of a complete application, including accompanying documentation, the applicant may at the applicant's option deem the application denied. If the *Director* denies an application, the *Director* shall notify the applicant in writing of the reasons for the denial.
- (k) Certificate Revocation. The *Director* may revoke a certificate if the *Director* determines, after providing notice and an opportunity for a hearing, that a *Certified Recyclable Materials Collector* has violated the provisions in the certificate or any applicable law. If the *Director* revokes a certificate, the *Director* shall notify the applicant in writing of the reasons for the revocation.

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- (l) Appeal Upon Denial of Application or Revocation of Certificate. Within thirty days after the issuance of a written notice of the denial of an application or the revocation of a certificate, the applicant or *Certified Recyclable Materials Collector* may request in writing to the *Director* that the City Manager review the *Director's* decision. Within thirty days of the Department's receipt of such a request, a meeting with the City Manager or designee shall be scheduled to review the items cited in the written notice. At that meeting, the applicant or *Certified Recyclable Materials Collector* may provide any additional information in support of their position. Within thirty days of such a meeting, the City Manager will issue a written decision on the application or revocation, which shall include the reasons for the decision. The City Manager's decision shall be final. A copy of the City Manager's written decision shall be provided to the applicant or *Certified Recyclable Materials Collector* and the *Director*.

(Added 11-20-2007 by O-19678 N.S.; effective 12-20-2007.)

(Amended 11-1-2016 by O-20736 N.S.; effective 12-1-2016.)

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

- (a) Nothing in this Division shall preclude any *person* from *self-hauling recyclable materials* generated by that *person* to a *recycling* facility.
- (b) The *responsible person* for a multi-family *residential facility*, *commercial facility*, *mixed use facility*, or association or organization described in section 66.0706(b), which *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*, *mixed use facility*, or association or organization described in section 66.0706(b).
- (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 set forth 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 set forth in section 66.0711(a).

(Added 11-20-2007 by O-19678 N.S.; effective 12-20-2007.)



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**§66.0716 Selling or Donating Recyclable Materials**

Nothing in this Division shall preclude any *person* from selling at fair market value, for reuse or *recycling*, source-separated *recyclable materials* owned by that *person*, or from donating to another entity, for reuse or *recycling*, source-separated *recyclable materials* owned by that *person*.

(Added 11-20-2007 by O-19678 N.S.; effective 12-20-2007.)

(Amended 11-1-2016 by O-20736 N.S.; effective 12-1-2016.)

**§66.0717 Scavenging of Recyclable Materials Prohibited**

- (a) No *person* other than the *person* under contract with the generator of the *recyclable materials* to collect the *recyclable materials*, shall remove or otherwise interfere with *recyclable materials* which have been placed at a designated *recycling* or *recyclable materials collection* location.
- (b) No *person* shall be guilty of a violation of this section 66.0717 unless the *person* knew or reasonably should have known that the *recyclable materials* were set out for purposes of *collection* by another *person* authorized to *collect* the *recyclable materials*.

(Added 11-20-2007 by O-19678 N.S.; effective 12-20-2007.)

**§66.0718 Enforcement**

- (a) Authority. The *Director* is authorized to administer and enforce the provisions of Chapter 6, Article 6, Division 7 of this Code. The *Director* or anyone designated by the *Director* to be an *enforcement official* may exercise any enforcement powers as provided in Chapter 1 of this Code.
- (b) Remedies. It is unlawful to violate any provision or requirement of Division 7. The failure to comply with any requirement of Division 7 constitutes a violation of Division 7. Each instance of a violation of Division 7 is a separate offense. Violations of the provisions or requirements of Division 7 may be prosecuted as misdemeanors subject to the penalties provided in section 12.0201 of this Code. The *Director* or designee may seek injunctive relief or civil penalties in the Superior Court pursuant to section 12.0202 of this Code or may pursue any administrative remedy provided in Chapter 1, Article 2, Divisions 3 through 10 inclusive, of this Code.

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- (c) Remedies Cumulative. Remedies under section 66.0718 are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.
- (d) Strict liability. Except as otherwise set forth in section 66.0717, violations of Division 7 shall be treated as strict liability offenses regardless of intent.

*(Added 11-20-2007 by O-19678 N.S.; effective 12-20-2007.)*