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 2030. 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, organic waste, 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 and delivered for landfill disposal is paper and 32% is compostable organic waste, all of which could be diverted from landfill disposal.

(d) Efforts by the City and the private sector for diversion of residential and commercial 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, including recycling of organic 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, including organic waste, and have been favorably received by the California Department of Resources Recycling and Recovery.

(Added 11-20-2007 by O–19678 N.S.; effective 12-20-2007.)
(Amended 2-25-2021 by O-21295 N.S.; effective 3-27-2021.)
(Amended 5-9-2022 by O-21454 N.S.; effective 6-8-2022.)
§66.0702 Purpose

The purpose of this Division is to establish requirements for recycling of recyclable materials, including organic waste, generated from residential facilities, commercial facilities (including City buildings), and special events. These requirements are intended to increase the diversion of recyclable materials, including organic waste, 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.

(Added 11-20-2007 by O–19678 N.S.; effective 12-20-2007.)
(Amended 2-25-2021 by O-21295 N.S.; effective 3-27-2021.)
(Amended 5-9-2022 by O-21454 N.S.; effective 6-8-2022.)

§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 in San Diego Municipal Code section 66.0102.

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

City has the same meaning as in San Diego Municipal Code section 66.0102.

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

Commercial edible food generator has the same meaning as in title 14, section 18982(a)(7) of the California Code of Regulations, as it may be amended.

Commercial facilities means any facilities that are not residential facilities or mixed use facilities and includes, but is not limited to, mercantile, institutional, governmental, and industrial facilities. Commercial facilities include City buildings for which the responsible person is a City 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 in San Diego Municipal Code section 66.0102.

Disposal has the same meaning as in San Diego Municipal Code section 66.0102.

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

Edible food has the same meaning as in title 14, section 18982(a)(18) of the California Code of Regulations, as it may be amended.

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

Food recovery has the same meaning as in title 14, section 18982(a)(24) of the California Code of Regulations, as it may be amended.

Food recovery organization has the same meaning as in title 14, section 18982(a)(25) of the California Code of Regulations, as it may be amended.

Food recovery service has the same meaning as in title 14, section 18982(a)(26) of the California Code of Regulations, as it may be amended.

Franchisee has the same meaning as in San Diego Municipal Code section 66.0102.

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

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.

Large event has the same meaning as in title 14, section 18982(a)(38) of the California Code of Regulations, as it may be amended.

Large venue has the same meaning as in title 14, section 18982(a)(39) of the California Code of Regulations, as it may be amended.

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.
Manager 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.

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

Organic waste has the same meaning as in title 14, section 18982(a)(46) of the California Code of Regulations, as it may be amended.

Person has the same meaning as in San Diego Municipal Code section 66.0102.

Recyclable has the same meaning as in San Diego Municipal Code section 66.0102 and includes organic waste.

Recyclable materials has the same meaning as in San Diego Municipal Code section 66.0102 and includes organic waste.

Recyclable materials collector has the same meaning as in San Diego Municipal Code section 66.0102 and includes those who collect organic waste.

Recycling or Recycle has the same meaning as in San Diego Municipal Code section 66.0102 and includes organic waste.

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

Refuse has the same meaning as in San Diego Municipal Code section 66.0102.

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

**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.

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

**Tier one commercial edible food generator** has the same meaning as in title 14, section 18982(a)(73) of the California Code of Regulations, as it may be amended.

**Tier two commercial edible food generator** has the same meaning as in title 14, section 18982(a)(74) of the California Code of Regulations, as it may be amended.

**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.)
(Amended 2-25-2021 by O-21295 N.S.; effective 3-27-2021.)
(Amended 5-9-2022 by O-21454 N.S.; effective 6-8-2022.)

§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

**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.

(Added 11-20-2007 by O–19678 N.S.; effective 12-20-2007.)
(Amended 2-25-2021 by O-21295 N.S.; effective 3-27-2021.)
§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) weekly collection in a separate container 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) weekly collection in a separate container of food material and food-soiled paper mixed with food material;

(4) alternatively, in lieu of San Diego Municipal Code sections 66.0706(c)(2) and 66.0706(c)(3), weekly collection in a separate container 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 size and color standards in the Container and Signage Guidelines established by the Manager;

(7) designated recycling collection and storage areas;

(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 Manager; and

(9) containers for recyclable materials in all areas where solid waste containers are located.

(d) Education. For multi-family residential facilities, and for single family residential facilities receiving recycling services through a homeowners’ association, the responsible person shall ensure that persons are educated about the recycling services as follows:

(1) Information, including the types of recyclable materials accepted and not accepted, the location of recycling containers, the recycling requirements, and the person’s responsibility to recycle pursuant to this Division, shall be distributed to all occupants, employees, and contractors 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.

(e) Container Contamination. For all residential facilities, the responsible person shall prohibit placing recyclable materials in a container not designated to receive those recyclable materials and shall periodically inspect containers and inform occupants, employees, and contractors if containers are contaminated.

(Added 11-20-2007 by O–19678 N.S.; effective 12-20-2007.)
(Amended 2-25-2021 by O-21295 N.S.; effective 3-27-2021.)
(Amended 5-9-2022 by O-21454 N.S.; effective 6-8-2022.)
§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) weekly collection in a separate container 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) weekly collection in a separate container of food material and food-soiled paper mixed with food material;

(4) alternatively, in lieu of San Diego Municipal Code sections 66.0707(c)(2) and 66.0707(c)(3), weekly collection in a separate container 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 size and color standards in the Container and Signage Guidelines established by the Manager;

(7) designated recycling collection and storage areas;

(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 Manager, and

(9) containers for recyclable materials in all areas where solid waste containers are located.

(d) Education. For commercial facilities, the responsible person shall ensure that persons are educated about the recycling services as follows:

(1) Information, including the types of recyclable materials accepted and not accepted, the location of recycling containers, the recycling requirements, and the person’s responsibility to recycle pursuant to this Division, shall be distributed to all tenants, employees, customers, and contractors 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.

(e) Container Contamination. The responsible person for the commercial facility shall prohibit placing recyclable materials in a container not designated to receive those recyclable materials and shall periodically inspect containers and inform tenants, employees, customers, and contractors if containers are contaminated.

( Added 11-20-2007 by O-19678 N.S.; effective 12-20-2007. )
( Amended 2-25-2021 by O-21295 N.S.; effective 3-27-2021. )
( Amended 5-9-2022 by O-21454 N.S.; effective 6-8-2022. )
§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.)

§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)(4), 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.)
(Amended 5-9-2022 by O-21454 N.S.; effective 6-8-2022.)
§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 label, imprinted text or graphic images of the primary recyclable materials which shall be deposited in the container and the primary recyclable materials which shall not be deposited in that container. Container signage shall comply with the Container and Signage Guidelines established by the Manager.

(b) Container Color: Containers shall comply with the container color requirements in the Container and Signage Guidelines established by the Manager.

(c) Container Features. 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 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.)
(Amended 5-9-2022 by O-21454 N.S.; effective 6-8-2022.)

§66.0711 Reports from Franchisees and Certified Recyclable Materials Collectors

(a) Franchisees and certified recyclable materials collectors shall submit semi-annual reports to the Department, by March 1 and September 1 of each year, on a form or using a format prescribed by the Director. Semi-annual reports shall include the following information for each facility serviced in the City for the period January 1 through June 30 or July 1 through December 31, as applicable, of the immediately preceding six-month period:

(1) The name of the person(s) responsible for solid waste and recyclable materials management at the facility serviced;

(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 semi-annual reports for the time period specified in San Diego Municipal Code 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) Certified recyclable materials collectors that collect recyclable food materials in accordance with San Diego Municipal Code section 66.0109(c)(4) 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;

(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.
(d) **Franchisees and certified recyclable materials collectors** shall submit additional reports as requested by the **Director** which are necessary to meet the City’s reporting requirements to the California Department of Resources Recycling and Recovery, or its successor, or to any other State or federal agency.

(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.)
(Amended 2-25-2021 by O-21295 N.S.; effective 3-27-2021.)
(Amended 5-9-2022 by O-21454 N.S.; effective 6-8-2022.)

§66.0712 Special Events Recycling

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

(b) **Recycling Services.** Recycling services shall include, at a minimum, all of the following:

1. separate containers for 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. separate containers for wood pallets;
3. separate containers for commingled food material, food-soiled paper, yard trimmings, and nonhazardous wood waste, if the event generates, distributes, provides or sells food or other organic material;
4. separate containers for 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;
5. a specified number of recycling receptacles relative to the quantity of solid waste receptacles based upon the size of the event and as approved in the special event permit;
(6) placement of solid waste and recycling receptacles next to one another throughout the event venue; and

(7) organic waste recycling receptacles set up in compliance with the Container and Signage Guidelines established by the Manager.

(c) Receptacles. Each recycling receptacle shall be clearly identified as a recycling receptacle and shall display a label, imprinted text, or graphic images of the primary recyclable materials which shall be deposited into the recycling receptacle and the primary recyclable materials which shall not be deposited in that receptacle. Container signage shall comply with the Container and Signage Guidelines established by the Manager.

(d) Delivery to Recycling Facility. 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.)
(Amended 2-25-2021 by O–21295 N.S.; effective 3-27-2021.)
(Amended 5-9-2022 by O–21454 N.S.; effective 6-8-2022.)

§66.0713 Exemptions

(a) Cubic yard exemption.

(1) Multi-family residential facilities, commercial facilities, and mixed use facilities that generate 0.001 cubic yard or less per week of solid waste including recyclable materials, described in San Diego Municipal Code sections 66.0706(c)(1) through 66.0706(c)(4) or 66.0707(c)(1) through 66.0707(c)(4) as applicable, mixed with solid waste are exempt from the requirements of this Division.

(2) The cubic yard thresholds may be adjusted at the discretion of the Manager and shall be 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) 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.)
(Amended 2-25-2021 by O-21295 N.S.; effective 3-27-2021.)
(Amended 5-9-2022 by O-21454 N.S.; effective 6-8-2022.)

§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.
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;
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 label, imprinted text, or graphics of the primary recyclable materials which shall be deposited in the container and the primary recyclable materials which shall not be deposited in that container. Container signage shall comply with the Container and Signage Guidelines established by the Manager.

(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, and shall comply with the color standards in the Container and Signage Guidelines established by the Manager.

(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.

(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.)
(Amended 5-9-2022 by O-21454 N.S.; effective 6-8-2022.)
§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, 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 complete and submit to the City a recycling hauling report form, and maintain an annual log documenting the types and quantities of solid waste and recyclable materials generated and delivered to recycling facilities, organic waste facilities, solid waste facilities, salvage operations, and other locations. Each annual log shall cover the time period from January 1 through December 31. Annual logs shall be maintained for a period of three (3) years, shall include delivery receipts and weigh tickets from the facilities that received the solid waste and recyclable materials, and shall be made available to the Director within 15 business days upon request.

(d) Except for occupants of single family residential facilities, a person who uses the services of a recyclable materials collector, that 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 complete and submit to the City a recycling hauling report form, and maintain an annual log documenting the types and quantities of solid waste and recyclable materials generated and delivered to recycling facilities, organic waste facilities, solid waste facilities, salvage operations, and other locations. Each annual log shall cover the time period from January 1 through December 31. Annual logs shall be maintained for a period of three (3) years, shall include delivery receipts and weigh tickets from the facilities that received the solid waste and recyclable materials, and shall be made available to the Director within 15 business days upon request.

(e) Notwithstanding San Diego Municipal Code section 66.0715(a), the responsible person for a multi-family residential facility, commercial facility, or a mixed use facility shall subscribe to a minimum level of recycling service from a franchisee as set forth in the Container and Signage Guidelines established by the Manager.

(Added 11-20-2007 by O–19678 N.S.; effective 12-20-2007.)
(Amended 2-25-2021 by O-21295 N.S.; effective 3-27-2021.)
(Amended 5-9-2022 by O-21454 N.S.; effective 6-8-2022.)
§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.

(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.)

§66.0719 Requirements for Commercial Edible Food Generators

(a) Compliance Schedule.

(1) Tier one commercial edible food generators shall comply with the requirements of San Diego Municipal Code section 66.0719, effective on June 8, 2022.

(2) Tier two commercial edible food generators shall comply with the requirements of San Diego Municipal Code section 66.0719 beginning January 1, 2024, unless a different schedule is established pursuant to title 14, section 18991.3 of the California Code of Regulations, in which case that schedule shall apply.

(3) Large venue or large event operators not providing food service, but allowing for food to be provided by others, shall require food facilities operating at the large venue or large event to comply with the requirements of San Diego Municipal Code section 66.0719 beginning January 1, 2024.

(b) Food Recovery Requirements. Commercial edible food generators shall arrange to recover the maximum amount of edible food that would otherwise be disposed by doing the following:

(1) entering into a contract or written agreement with a food recovery organization or food recovery service for the collection of edible food for food recovery; or

(2) entering into a contract or written agreement with a food recovery organization to accept edible food that the commercial edible food generator self-hauls to the food recovery organization for food recovery; and

(3) not intentionally spoiling edible food capable of being recovered by a food recovery organization or food recovery service.

(c) Recordkeeping. Commercial edible food generators shall maintain for a period of three (3) years and make available to the Director within 15 business days upon request, the following records:
(1) A list of each food recovery service or food recovery organization that collects or receives its edible food;

(2) A copy of all contracts or written agreements with food recovery organizations and food recovery services for the collection of its edible food for food recovery; and

(3) A record of the following information for each food recovery service and food recovery organization:

   (A) the name, address, and contact information of the food recovery service or food recovery organization;

   (B) the types of food to be collected by the food recovery service or self-hauled to the food recovery organization;

   (C) the established frequency that food is or will be collected by the food recovery service or self-hauled to the food recovery organization; and

   (D) the quantity of food, measured in pounds recovered per month, collected by the food recovery service or self-hauled to the food recovery organization for food recovery.

(d) Food Donation. Nothing in this Division shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017.

(e) Exemption. A commercial edible food generator shall comply with San Diego Municipal Code section 66.0719 unless the commercial edible food generator demonstrates the existence of extraordinary circumstances beyond its control that make such compliance impracticable. If an enforcement action is commenced against a commercial edible food generator for noncompliance, the burden of proof shall be upon the commercial edible food generator to demonstrate extraordinary circumstances that make such compliance impracticable.

(“Requirements for Commercial Edible Food Generators” added 5-9-2022 by O-21454 N.S.; effective 6-8-2022.)
§66.0720 Requirements for Food Recovery Organizations and Services

(a) Food Recovery Services. Food recovery services that collect edible food directly from commercial edible food generators, under a contract or written agreement for food recovery, shall maintain the following records:

1. The name, address, and contact information for each commercial edible food generator from which the food recovery service collects edible food;

2. The quantity, in pounds per month, of edible food collected from each commercial edible food generator;

3. The quantity, in pounds per month, of edible food transported by the food recovery service to each food recovery organization; and

4. The name, address, and contact information for each food recovery organization to which the food recovery service transports edible food for food recovery.

(b) Food Recovery Organizations. Food recovery organizations that collect or receive edible food directly from commercial edible food generators, under a contract or written agreement for food recovery, shall maintain the following records:

1. The name, address, and contact information for each commercial edible food generator from which the food recovery organization receives edible food;

2. The quantity, in pounds per month, of edible food received from each commercial edible food generator; and

3. The name, address, and contact information for each food recovery service from which the food recovery organization receives edible food for food recovery.

(c) Good Samaritan Laws. Food recovery organizations and food recovery services shall provide written notice to commercial edible food generators, from which they collect or receive edible food, about California and Federal Good Samaritan Food Donation Act protection.
(d) Reporting Requirements. Food recovery services and food recovery organizations that have a contract or written agreement with one or more commercial edible food generators for food recovery shall submit an annual report to the Department, by January 31 of each year, on a form or using a format prescribed by the Director. Annual reports shall include the following information:

1. Food recovery services shall include the information listed in San Diego Municipal Code section 66.0720(a) in their reports, with the exception that quantities shall be reported in pounds per year.

2. Food recovery organizations shall include the information listed in San Diego Municipal Code section 66.0720(b) in their reports, with the exception that quantities shall be reported in pounds per year.

("Requirements for Food Recovery Organizations and Services" added 5-9-2022 by O-21454 N.S.; effective 6-8-2022.)