

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 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.

(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.)

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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 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.)

§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*.

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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.

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 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*.

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

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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.*

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.)

§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) *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;

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- (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.

(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.)

§66.0707 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:

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- (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*.

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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.)
(Amended 2-25-2021 by O-21295 N.S.; effective 3-27-2021.)

§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 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) The name of the *person(s)* responsible for *solid waste* and/or *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 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) *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;
 - (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;

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- (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.)

(Amended 2-25-2021 by O-21295 N.S.; effective 3-27-2021.)

§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) 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, 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.

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- (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.)

(Amended 2-25-2021 by O-21295 N.S.; effective 3-27-2021.)

§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.

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- (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.)

§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*.

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- (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;
 - (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

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- (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.
- (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:

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- (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.)

(3-2021)

§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 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).

(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.)

§66.0716 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.)

(3-2021)

§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.)