



City of Palo Alto

City Council Staff Report

(ID # 6475)

Report Type: Consent Calendar

Meeting Date: 1/11/2016

Council Priority: Environmental Sustainability

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

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

From: City Manager

Lead Department: Public Works

Recommendation

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

Executive Summary

Staff is proposing changes to Title 5 (Health and Sanitation) and Title 18 (Zoning) of the Palo Alto Municipal Code with new requirements related to recycling and composting that will be referred to throughout this report as the Recycling and Composting Ordinance. The proposed changes also include updates to the ordinance text that will ensure consistency in the new requirements and definitions. The Recycling and Composting Ordinance would require customers to subscribe to all three services (garbage, recycling and compost) and to sort their waste properly. The proposal includes new enforcement provisions for the Commercial Sector, but not for the Residential Sector. Other Bay Area jurisdictions, such as San Francisco, Cupertino and many cities in Alameda County, have implemented similar ordinances resulting in improved rates of diversion

from landfills. On December 15, 2015, staff presented the proposed ordinance to the Finance Committee where it passed unanimously. Based on staff projections, the City's diversion rate should increase to approximately 84% with the full implementation of and compliance with this proposed ordinance.

Background

Zero Waste Plan Development

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

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

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

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

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

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

Key 2015 Zero Waste Initiatives

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

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

2015 Three Zero Waste Initiatives

Date	Item	Staff Report No.
Mar. 3	Submitted plan to the Finance Committee	Staff Report 5546
Mar. 23	Council approval of Residential Food Scraps Program	Staff Report 5558
Jun. 15	Council approval of GreenWaste contract amendment no. 2	Staff Report 5763
Nov. 2	Council meeting - Recycling and Composting Ordinance (Council motion directed staff to return to the Finance Committee)	Staff Report 6081
Dec. 15	Finance Committee meeting - Recycling and Composting Ordinance	Staff Report 6340
Jan 11	Council Meeting – First reading of Recycling and Composting Ordinance	Staff Report 6475
TBD	Council Meeting – Second reading of Recycling and Composting Ordinance	Staff Report TBD

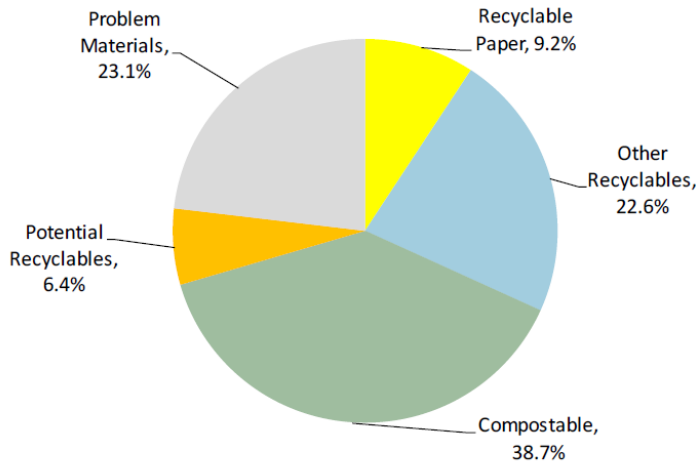
On July 1, 2015, the City began food scraps and food soiled paper collection for single-family residential customers. Eighteen thousand households in the City can now place their food scraps and food soiled paper directly into the green cart with their yard trimmings. This program is estimated to divert 3,000 tons of compostable materials annually.

Current Success and Challenges in Diverting Materials from the Landfill

The City’s 80% waste diversion rate from landfills has remained relatively stable

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

Figure 1: Material Recoverability in Citywide Garbage



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

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

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

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

Discussion

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

The Recycling and Compost Ordinance proposed by staff (Attachment 1) covers more customers than adopted California State legislation (AB341 and AB1826). Based on staff projections, the City's diversion should increase to around 84% with the full implementation of and compliance with this proposed ordinance. Requiring recycling, compost, and garbage containers for all customers through a modification of the Municipal Code will need coordinated outreach, education and enforcement efforts to ensure that discards are sorted properly.

Proposed Ordinance Changes

The proposed ordinance changes (Attachment 1), are differentiated into two categories:

- 1) Recycling and Composting elements - requiring customers to subscribe to all three services and sort their waste properly (highlighted track-changes); and
- 2) Updated definitions and other text for consistency with current practices and guidelines (track-changes);

As mentioned above, the recycling and composting provisions would require all commercial customers (including multifamily customers) to subscribe to all three waste services and sort discards properly; garbage in the black container, recyclables in the blue container and compostables in the green container. Other changes to the ordinance include updating definitions and text for consistency with current practices and guidelines. For example:

- Determining the level of service required for customers – i.e. containers sufficient to hold solid waste (5.20.080), recyclable materials (5.20.090),

- and compostable materials (5.20.100) for one week;
- Clarifying how refuse containers shall be stored and maintained (5.20.120);
- Strengthening the language related to litter around refuse containers (5.20.130) and litter on the streets (5.20.160);
- Eliminating sections related to the now-closed Palo Alto Landfill; and
- Deleting services that are no longer offered (5.20.210 “Manure Containers”).

Based on direction from Council on November 2, 2015, sections that address the specifics of the Recycling and Composting Ordinance are highlighted in yellow in Attachment 1 with the full ordinance text. The other changes are in redline/strikeout. The modified ordinance also includes a definition of “salvage” taken from Section 5.24 (Construction and Demolition Debris Diversion Facilities). Salvage is allowed in Section 5.20.110(f) and addressed in greater detail as part of Title 16 Building Regulations and City green building codes (no modification proposed as part of Attachment 1 updates). The term “general contractor” was also revised to the original “contractor” in this section. Section 5.20.109 (Requirements for special events) was also revised to include only items related to sorting refuse properly. Text pertaining to single-use food service items is no longer in the ordinance text under “special events.”

Compliance and Enforcement

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

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

Multifamily customers would not be subject to fees or fines, provided the complex has easily accessible containers and signage for all recyclables, compostables and garbage. Should managers/owners of multifamily buildings fail to provide appropriate containers and signage, the owner would be subject to the same fees and enforcement actions for commercial customers. Administrative citations will not apply to individual sorting errors as defined in section 5.20.030(b).

Proposed Compliance Process For Commercial Customers:

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

Note: GreenWaste reserves the right to not collect recyclable or compostable

materials that may jeopardize the integrity of processing equipment and/or the marketability of the materials.

Business and Multifamily Outreach

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

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

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

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

customers, janitorial staff, workers and tenants will be the primary method of ensuring compliance.

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

Timeline

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

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

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

Resource Impact

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

they sort properly and downsize their garbage container.

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

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

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

Policy Implications

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

Environmental Review

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

Attachments:

- Attachment A: Proposed Ordinance Chapter 5.20 and 18.23 (DOCX)

Ordinance No. _____

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

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

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

"CHAPTER 5.20

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

5.20.010 Definitions.

~~Within and limited to this chapter, the~~ following words and phrases ~~whenever used in this chapter~~ shall be construed as defined in this section, unless the context indicates otherwise.

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

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

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

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

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

(5) "City manager" means the person referred to in Section 2.08.140 of the municipal code, ~~City Manager of the City of Palo Alto or the city manager's~~ or designee.

(6) "Collection agreement" means a contract with the ~~city~~City for the collection of

~~solid waste and recyclable materials, refuse~~ pursuant to Section 5.20.040.

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

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

(9) “Commercial/~~industrial~~ premises” means all any occupied real property in ~~the~~ city Palo Alto, except property occupied by federal, state or local governmental agencies which do not consent to their inclusion, and except residential premises as defined in subsection (3127) hereof, and shall include, without limitation, any wholesale ~~and or~~ retail establishments, restaurants and food service establishments, bars, stores, shops, shopping center, offices, industrial establishments, manufacturing establishments, service stations, repair, research and development establishments, professional, services, sports or recreational facilities, any place or premises where an animal is maintained or sheltered, construction or demolition sites, a multiple dwelling that is not a residential premises, and any other commercial or industrial business facilities, structures, sites, or other establishments in ~~the city~~ Palo Alto.

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

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

(124) “Construction and/or demolition site” means any real property in ~~the city~~ Palo Alto, ~~in on or from at~~ which a building or structure, or any portion thereof, is being ~~fabricated~~constructed, assembled, erected or demolished, and ~~which produces~~during which construction or demolition waste which must be removed from the property.

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

(143) “Container” means any bin, box, cart, compactor, drop box, roll-off box, or receptacle, used for the storage of solid waste, recyclable materials, compostable materials or other materials designated by the City for collection by the collector. ~~standard container, mini-can container or cart.~~

(154) "Director" means the person referred to in Section 2.08.190 of the Municipal Code, director of public works for the city of Palo Alto or the director's designee.

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

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

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

(1916) "Hazardous waste" means waste defined as hazardous by Public Resources Code section 40141, as it now exists or may ~~subsequently~~ be amended, namely, a waste or combination of wastes, which ~~because of~~ due to its quantity, concentration, or physical, chemical or infectious characteristics, may do either of the following: (i) cause or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; (ii) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed. "Hazardous waste" includes extremely hazardous waste and acutely hazardous waste, and any other waste as may hereafter from time to time be designated as hazardous by the ~~Environmental Protection Agency ("EPA")~~ or other agency of the United States Government, or by the California Legislature or any agency of the State of California empowered by law to classify or designate waste as hazardous, extremely hazardous or acutely hazardous.

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

(2117) "Manure" shall mean the waste droppings ~~from of~~ any animal.

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

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

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

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

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

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

(26) “Public solid waste or recycling receptacles” means ~~receptacles~~ any container for the collection of solid waste, ~~or~~ recyclable materials or compostable materials that are both located on public property and intended for use by the general public.

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

(28) “Recycling” means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become ~~Solid-solid~~ waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. ~~Recycling~~ This term does not include transformation as that term is defined in Public Resources Code section 40180201.

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

(30) “Refuse service” means the weekly or other periodic collection, processing and disposal of materials properly deposited in the collector-provided containers for solid waste, as well as weekly collection and processing of recyclable materials and weekly collection and processing of compostable materials.

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

(3126) "Residential householder" means any person ~~or persons holding~~owning or occupying residential premises in ~~the city~~Palo Alto, ~~whether or not the owner of the residential premise.~~

(3227) "Residential premises" means any residential dwelling unit ~~within the city~~Palo Alto, including, without limitation, a multiple unit residential complexes, such as a rental housing projects, condominiums, apartment houses, mixed condominiums and rental housing, and a mobile home parks, except any multiple dwelling which, with the prior written approval of the director, receives commercial bin service.

~~(33) "Salvage" means the controlled removal of construction or demolition debris/material from a permitted building, construction, or demolition site for the purpose of recycling, reuse, or storage for later recycling or reuse. Examples include air conditioning and heating systems, columns, balustrades, fountains, gazebos, molding, mantels, pavers, planters, quoins, stair treads, trim, wall caps, bath tubs, bricks, cabinetry, carpet, doors, ceiling fans, lighting fixtures, electrical panel boxes, fencing, fireplaces, flooring materials of wood, marble, stone or tile, furnaces, plate glass, wall mirrors, door knobs, door brackets, door hinges, marble, iron work, metal balconies, structural steel, plumbing fixtures, refrigerators, rock, roofing materials, siding materials, sinks, stairs, stone, stoves, toilets, windows, wood fencing, lumber and plywood. (28) "Residential recycling collection" means the process by which recyclable materials and yard trimmings are placed at the curb of a residence for collection, removal and disposal.~~

(3429) "Solid waste" ~~shall mean~~s ~~all putrescible and nonputrescible~~ solid and semisolid wastes, generated in or upon, related to the occupancy of, remaining in or emanating from ~~Residential residential~~premises or commercial/~~industrial~~ premises, including garbage, trash, ~~refuse, paper,~~ rubbish, ashes, industrial wastes, ~~demolition and construction wastes, discarded home and industrial appliances,~~ manure, ~~vegetable or~~ animal carcasses, solid or semisolid wastes, and other solid and semisolid wastes. "Solid waste" shall not include liquid wastes or sewage, abandoned vehicles, hazardous waste, ~~or~~ recyclable materials or compostable materials.

(350) "Solid waste enterprise" shall mean any ~~individual, partnership, joint venture, unincorporated private organization, or private corporation~~person regularly engaged in the business of providing solid waste, ~~or~~ recyclable materials or compostable materials handling services.

~~(31) "Solid waste or recyclable materials handling services" shall mean the collection, transportation, storage, transfer, or processing of solid waste or recyclable materials.~~

~~(32) "Source separated commingled recyclable materials" are source separated recyclable materials in any combination of two or more source separated single recyclable materials.~~

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

~~(364) “Source separated single recyclable materials” are source separated means~~ recyclable materials that are separated from other recyclable materials or solid waste and placed in separate containers according to type or category of materials and ~~can be~~ directly marketed as a ~~distinct~~ single commodity, ~~as determined by the director.~~

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

~~(376) “Yard trimmings” means any~~ plant trimmings generated from the maintenance or alteration of public, commercial premises or residential premises landscapes, including, without limitation, grass cuttings, yard clippings, leaves, tree trimmings, pruning, brush and weeds, excepting those materials which are prohibited under written rules and regulations promulgated by the director.

5.20.020 Declaration of policy

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

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

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

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

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

5.20.030 Discarding of ~~solid waste and recyclable materials~~ refuse

(a) No person shall throw, drop, leave, place, keep, accumulate, or otherwise dispose of any ~~solid waste or recyclable materials~~ refuse upon private property either with or without the intent to later remove the same from ~~such that~~ place or premises, or upon any street, public right-of-way, sidewalk, gutter, stream, or creek, or the banks thereof, or any public place or public property.

(b) All persons shall separate their refuse according to its characterization as solid waste, compostable materials, or recyclable materials, and place each type of refuse in a separate container designated for disposal of that type of refuse. No person may mix any type of refuse, or deposit refuse of one type in a collection container designated for refuse of another type, except as otherwise provided in this chapter. This ~~section shall~~ does not prohibit the placement of ~~solid waste or recyclable materials~~ refuse in public solid waste or recycling receptacles, or in containers, ~~bins or boxes for~~ collection in accordance with the provisions of this chapter, ~~or at the city landfill or posted recycling centers in accordance with the procedures thereof.~~ This section does not prohibit any person from engaging in home composting. Administrative citations or any other enforcement actions will not apply to this paragraph for a person occupying a residential premise.

5.20.040 Collection, removal and disposal only by authorized persons

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

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

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

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

5.20.050 No unauthorized ~~bins, boxes, or~~ containers.

(a) Except as expressly authorized by this Chapter 5.20, no person other than a collector may ~~place a bin, box or a~~ container within ~~the city~~Palo Alto.

(b) The ~~city~~City shall notify, in writing, any person who violates this Section 5.20.050 that the prompt and permanent removal of ~~such the bin, box or~~ container from the place or premises is required. The ~~city~~City shall deliver ~~such the~~ written notice by posting a copy of the notice prominently upon the ~~bin, box, or~~ container. If the ~~bin, box, or~~ container is identified ~~with by~~ the name and telephone number of the solid waste enterprise servicing it, as required by Section 5.20.130(e), the ~~city~~City shall ~~also~~ endeavor to contact the enterprise by telephone. ~~The failure of the City to notify telephonically the owner of the presence of the container at the place or premises telephonically~~ shall not invalidate the notice. The ~~city~~City may impound or cause to be impounded any ~~such bin, box or~~ container if the same is not permanently removed from the place or premises within the time set forth in the notice, which time shall be not less than twenty-four hours after the posting of the notice, or not less than six business hours after the telephonic notification, if any notice is provided. For purposes of this Section 5.20.050, "business hours" ~~shall mean~~ the hours of 7:00 a.m. ~~to and~~ 6:00 p.m., Monday through Saturday. Any person who violates this Section 5.20.050 shall be liable to the ~~city~~City for all fines and charges levied in connection with the collection, transportation, storage and handling of ~~such that bin, box or~~ container by the ~~city~~City. The ~~bin, box or~~ container impounded by the ~~city~~City shall be retrieved by the owner or his or her representative immediately after all applicable fines and charges have been paid. The ~~city~~City manager may delegate to the collector the authority to impound any unauthorized ~~bins, boxes, and~~ containers and to collect the fines and charges levied by the ~~city~~City.

(c) Upon posting of a written notice of violation upon the unauthorized ~~bin, box or~~ container, the customer person using the unauthorized ~~bin, box or~~ container shall immediately cease placing ~~solid waste and recyclable materials~~refuse therein.

5.20.060 Contracting for special hauling ing services.

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

5.20.070 Use of agents or subcontractors by the collector.

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

5.20.080 Number of solid waste containers required.

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

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

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

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

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

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

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

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

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

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

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

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

5.20.090 Collection and ownership of recyclable materials—~~Residential Premises.~~

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

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

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

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

5.20.100 Collection and ownership of recyclable compostable materials—~~Commercial/industrial premises.~~

~~(a) The city shall provide a program for the collection of recyclable materials from commercial/industrial premises.~~

~~(b) When recyclable materials are placed in bins, boxes, or containers that the city or the collector provide for the collection of recyclable materials, such recyclable materials shall become the property of the city or the collector, as the case may be. The city or the collector shall have the exclusive right to collect recyclable materials from such bins, boxes, or containers.~~

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

(b) Compostable materials placed for curbside collection in a container shall become the property of the collector at the time of placement at the curb or other designated location for collection of the container.

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

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

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

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

5.20.105 Contamination of containers

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

(1) The collector will notify any person who occupies commercial premises whenever the City or the collector determines the recyclable materials or compostable materials container of that person is contaminated with solid waste and the waste must be removed. After the person removes the solid waste from the recyclable materials and compostable materials container, the collector will return to the commercial premises to service the container or containers and the person occupying the commercial premises will be charged a “return trip” fee specified in the refuse rate schedules.

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

(3) The fees outlined in 5.20.105 (a)(1) – (2) will also apply if a person occupying a commercial premises places recyclable materials in containers designated for compostable materials or compostable materials in containers designated for recyclable materials.

(4) On or after July 1, 2021, if a person occupying a commercial premises places recyclable materials and/or compostable materials in containers designated for solid waste, the person will be subject to a “contamination” fee.

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

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

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

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

(b) The owner or manager of any multifamily property or commercial premises must provide the number and type of containers at the property or premises sufficient to make the

source separation of refuse convenient for the owners, occupants, tenants, employees, contractors, and customers of the property or commercial premises.

(c) The three types of containers shall: (1) Be appropriate in number and size with respect to the quantity of solid waste, compostable materials, and recyclable materials anticipated to be generated at the property or premises; (2) Bear appropriate signage and be color-coded – blue containers for recyclable materials, green containers for compostable materials, and black containers for solid waste – to identify the type of refuse to be contained and meet any additional design criteria established by the City; and (3) Be placed as close together as practicable to provide equally convenient access to users.

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

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

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

5.20.109 Requirements for special events.

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

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

(c) The three types of containers shall:

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

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

(3) Be placed together as a waste station to provide equally convenient access to users.

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

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

5.20.110 Exclusions

(a) Residential Householder Exclusion. No provision of this chapter shall prevent a residential householder from collecting and disposing of occasional loads of solid waste generated ~~in or on his or her~~ at the residential premises, ~~or from~~ composting yard trimmings at home, or ~~from~~ selling, donating or disposing of recyclable or compostable materials generated ~~in or on his or her~~ at the residential premises. The containers provided by the collector may not be used for activities authorized by this paragraph ~~(a)~~. Notwithstanding the foregoing, no residential householder shall employ or engage any solid waste enterprise, other than the collector to haul or transport solid waste, ~~or~~ recyclable materials, or compostable materials to a disposal or processing facility, ~~nor shall any~~ No residential householder may collect or dispose of solid waste generated ~~elsewhere than in or on his or her~~ at a location that is not the residential premises.

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

(c) Commercial Source Separated Recyclable Materials and Compostable Materials

(1) Commercial/~~industrial~~ business owners shall retain the right to donate or sell recyclable materials and compostable materials, or to pay fees for services to solid waste enterprises other than the collector for the collection of particular recyclable materials and compostable materials, so long as all recyclable materials and compostable materials collected are source separated single recyclable materials and compostable materials. ~~Glass, tin, aluminum, and plastics can be collected as source separated commingled recyclable materials. The director may authorize, by written rules and regulations, collection of other recyclable materials as source separated commingled recyclable materials. All r~~ Recyclable materials and compostable materials collected pursuant to this paragraph (c) ~~must~~ shall be ~~taken~~ transported to a recyclable materials and compostable materials ~~ing~~ facility achieving a diversion rate of 90 percent and where not more than 10 percent of the materials are, ~~and not~~ disposed of in a landfill.

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

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

(d) Collection of Source Separated Single Recyclable Materials. No provision of this chapter shall prevent a recycler, junk dealer or other enterprise engaged in the business of buying and marketing source separated single recyclable materials in the stream of commerce and which buys such materials for marketing and not for disposition in a landfill or transfer station (as defined in Public Resources Code Section 40200), from buying recyclable materials for ~~a~~ monetary or other valuable consideration. ~~;~~ ~~nor shall any provision of this chapter prevent~~ ~~such~~ A recycler, junk dealer or enterprise which buys such recyclable materials shall not be prohibited from removing and transporting such those materials to a destination for marketing in the stream of commerce.

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

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

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

~~(2) For purposes of this paragraph (f), no bins or boxes that are detachable from the vehicle that delivered them to the Construction or demolition site can be used.~~

(23) All vehicles used ~~in to carrying out such~~facilitate the collection, removal and disposal activities shall be owned by or under the exclusive control of the licensed contractor and shall meet all of the requirements of this chapter and all other laws, statutes, rules, regulations and ordinances of the state of California and the ~~city~~City. All vehicles shall be subject to inspection by and the approval of the director from time to time.

(g) Reinforced Concrete Exclusion. In addition to the authority granted by paragraph (f) of this Section 5.20.110, nothing in this chapter shall prevent a commercial/industrial business owner, residential householder, or licensed contractor from using a solid waste enterprise other than the collector to dispose of reinforced concrete.

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

(i) Self-Haul Exclusion. In addition to the authority granted by paragraph (a) of this Section 5.20.110 nothing in this chapter shall prevent a commercial/~~industrial~~ business owner or residential householder from, on a regular basis, collecting and disposing of solid waste generated ~~in or on at their place or~~ premises, in lieu of availing themselves of the services of the collector. No residential householder or commercial/~~industrial~~ business owner shall employ or engage any solid waste enterprise, other than the collector, to haul or transport ~~such materialsthe solid waste~~ to a disposal or processing facility. Any residential householder or commercial/~~industrial~~ business owner who pursuant to this paragraph (~~hi~~) seeks to on a regular basis collect and dispose of solid waste generated ~~in or on at the place or~~ premises, ~~must shall~~ first obtain ~~a self-haul permitapproval from of the director~~city, and must comply with ~~the~~ procedures ~~for applicable to~~ self-hauling ~~that are to be~~ adopted by ~~the city council by~~ resolution.

(j) General Requirement. In all cases where the right to an exclusion pursuant to this Section 5.20.110 is exercised, disposal shall be made at a disposal or processing facility ~~which that~~ meets all applicable regulatory requirements. Any disposal by a person exempted under this section shall not ~~be relieve d-such person from of~~ any obligation or liability imposed by this chapter or any other ~~city~~ ordinance, resolution, rule or regulation for the payment of the minimum solid waste and recyclable materials disposal rates imposed pursuant to this chapter, ~~or or of rates for the use of the city landfill, or of~~ any other applicable rates or fees. Notwithstanding the foregoing, any person with a valid self-haul permit obtained pursuant to paragraph (~~hi~~), and who does not use the solid waste collection services offered by the collector, shall be exempt from the payment of the solid waste collection rates imposed for use of the services provided by the collector.

(k) **Backhauling Compostable Materials.** A commercial business may opt out of the compostable materials service levels required by this chapter, provided that business verifies to the satisfaction of the director that all compostable materials generated on-site will be transported to a central facility to be later composted or otherwise recycled at a 90 percent rate and not placed in a landfill.

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

(m) **De Minimus Exception.** The director may waive any of the requirements of this section if documentation satisfactory to the director, based upon rules and regulations, is provided to establish that the materials in any type of container, on an on-going basis is incidental to any other materials originating from that collection location.

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

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

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

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

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

5.20.130 Maintenance and placement of ~~bins, boxes, and~~ containers.

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

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

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

(d) Where a ~~bin, box, or~~ container is not rented from the collector but is rented from another solid waste enterprise and approved by the ~~city~~City, the ~~customer renter~~ shall be responsible for ensuring that the ~~bins, boxes, or~~ containers meets the same standards of quality and upkeep as are maintenance applicable to the ~~bins, boxes, and~~ containers supplied by the collector. The renter shall procure the written standards or rules and regulations of the collector prior to renting from another solid waste enterprise.

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

5.20.140 Frequency of solid wasterefuse collection.

The Collector or ~~his or her~~its duly authorized agents or subcontractors shall collect solid wasterefuse from all residential premises and commercial/~~industrial~~ premises within the city Palo Alto at least once a week, unless the director authorizes less a different frequency of collection as provided in Section 5.20.

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

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

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

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

—5.20.160 Litter, Spillage or leakage of solid waste and recyclable materials ~~refuse~~.

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

5.20.170 Special permits in hardship cases.

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

5.20.180 No Accumulation of ~~solid waste or recyclable materials~~ refuse.

(a) ~~Every No~~ person shall ~~keep the place or premises occupied by him or her, and every owner of any unoccupied place or premises shall keep the same, in a clean and sanitary condition and shall not cause, suffer or permit any~~ solid waste type of refuse to accumulate ~~in, on or about such~~ at its place or premises for a period in excess of one calendar week, except the director may authorize by written rules and regulations a different frequency of less frequent collection, removal and disposal of refuse for compactors at commercial/~~industrial~~ premises. This provision shall not be construed to prohibit any person from keeping temporarily storing building materials ~~in, on or about~~ at any place or premises during the period of active

construction, reconstruction or repair of a building or structure thereon under a current valid building permit, ~~nor the keeping of~~ storing wood ~~neatly piled in an orderly pile upon such~~ at the place or premise for household use, ~~nor the retaining compostable materials for home~~ composting ~~of yard trimmings~~ purposes.

5.20.190 ~~No b~~ Burning, burial, or dumping of solid waste or recyclable materials restrictions.

(a) No person shall burn any ~~solid waste or recyclable materials~~ refuse within ~~the city~~ Palo Alto at any time.

(b) No person shall bury or dump any ~~solid waste or recyclable material~~ type of refuse within ~~the city~~ Palo Alto. Compostable materials may be buried on-site by the occupant of the residential place or premises, except at the city landfill in accordance with the procedures thereof, at any time.

5.20.200 Hazardous waste.

No person shall deposit any ~~Hazardous~~ hazardous waste in ~~the city landfill nor in any bin, box, or a~~ container.

~~5.20.210 Manure containers required.~~

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

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

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

5.20.220 Scavenging prohibited.

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

~~(a)~~ (a) No person shall tamper with, modify, scavenge from or deposit any type of refuse placed in any refuse container ~~solid waste or recyclable materials in, any solid waste or recyclable materials bin, box, or container~~ which has is not ~~been~~ provided for his or her the use

of that person, without the permission of the person responsible for ~~owner of~~ the container and payment of the fees therefor under this chapter.

(~~b~~e) Except as otherwise provided in Sections 5.20.~~090410~~ and 5.20.~~110090~~ ~~of this code~~, no person shall collect any type of refuse originating ~~the recyclable materials~~ from any residential ~~place or~~ premises or any posted recycling centers within ~~the city~~Palo Alto.

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

~~5.20.230 No trespassing in city landfill.~~

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

~~5.20.240 Schedule of rates for the use of the city landfill.~~

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

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

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

5.20.250 Liability for payment of rates.

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

5.20.260 Penalty for failure to pay collection rate.

(a) All collection rates and charges imposed by the ~~council~~Council pursuant to the provisions of this chapter for the collection, removal and disposal of solid waste~~all types of refuse~~ shall be a civil debt owing to the city~~City~~ from the owner, occupant or person maintaining or controlling the place or premises receiving the services.

(b) All such collection rates and charges shall be billed along with other municipal utility bills, if so billed, and shall be subject to the provisions of the city's~~City's~~ utility rates and regulations governing the collection and payment of other utility rates. The City may by agreement permit the collector or other person to collect the applicable rates and charges for

refuse service. Notwithstanding the foregoing, fees for the use of ~~drop~~-boxes may be collected by the collector.

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

5.20.280 Administration by ~~city~~City manager.

(a) The ~~city~~City manager or designee shall adopt such-written rules and regulations, not inconsistent with this chapter, as may be necessary for the proper administration and enforcement of this chapter. ~~Such~~The written rules and regulations may include, but are not limited to, regulations relating to the required frequency of ~~solid waste and recyclable materials~~refuse collection from various types of places or premises, the types of special ~~bins, boxes, and~~ containers required for placement at certain classes of places or premises, and regulations governing the vehicles used in making ~~such~~ collections, ~~and regulations governing the use and operation of the city landfill.~~

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

5.20.290 Penalty for violation.

Violation of any provision of this chapter shall be subject to the provisions and penalties set forth in Title 1 of the Municipal Code unless otherwise specified~~this code~~.

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

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

(A) Purpose

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

(B) Requirements

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

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

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

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

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

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

//

//

//

//

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

