

Chapter 8.39 - RECYCLING

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8.39.010 - Purpose.

The purpose of this chapter is to establish requirements for recycling of recyclable materials generated from residential facilities (both single family and multi-family) and commercial facilities (including city buildings). These requirements are intended to increase the diversion of recyclable materials from landfill disposal, conserve the capacity and extend the useful life of the landfill, reduce greenhouse gas emissions, and avoid the potential financial and other consequences to the city of failing to meet AB 939 requirements.

(Ord. No. 1097, § 1)

8.39.020 - Definitions.

"Act" or "AB 939" means the California Integrated Management Act of 1989, Assembly Bill 939.

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

"Commercial facilities" or "commercial premises" means any facilities, premises, building, structures and areas used principally for business, commercial or individual purposes, and including the following: Hotels, motels, apartment buildings, condominium buildings including all other places that are not defined as residential units or residential facilities in this section as defined by the city. Commercial facilities or commercial premises includes city buildings.

"Composting" means the controlled biological decomposition of organic wastes that are source separated from the solid waste stream.

"Disposal" means the final depositions 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.

"Franchisee" has the same meaning as set forth in Section [8.36.010](#) of this [Title 8](#).

"Garbage" means all animal or vegetable refuse from kitchens, all household waste resulting from the preparation of food and all animal or vegetable refuse from establishments where food stuff intended for human consumption shall be handled commercially. The word "garbage" shall include swill.

"Green waste" means vegetative cuttings, shrubs, stumps, brush, tree trimmings, grasses and related materials which have been separated from other solid waste. Green waste does not include stumps or branches with

a diameter exceeding eighteen inches or a length exceeding four feet.

"Health officer" means any officer or employee of the city authorized or directed by the city council to perform the duties prescribed in this chapter.

"Person" has the same meaning as set forth in Section [8.36.010](#) of this [Title 8](#).

"Recyclable material" or "recyclable" means material which has been source separated or commingled with other similar material and can be reused or processed into a form suitable for reuse through reprocessing or remanufacture, consistent with the requirements of the Act, and includes paper, newsprint, printed matter, pasteboard, paper containers, cardboard, glass, aluminum, and other plastics, beverage containers, compostable materials, or designated as recyclable by the California Integrated Waste Management Board, or any other agency with jurisdiction, and which are collected by a permittee pursuant to this chapter.

"Recycling" means the process of collection, sorting, cleaning, treating and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw materials for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. Recycling does not include transformation as defined as the incineration, pyrolysis, distillation, gasification, or biological conversion other than composting.

"Recycling facility" means a recycling, composting, or material recovery or reuse facility.

"Refuse" means all forms of garbage, rubbish and swill, as those terms are herein defined.

"Residential facility" or "residential unit" means any building or portion thereof designed or used exclusively as the residence.

"Rubbish" means all refuse other than garbage, including paper, rags, leaves, glass, vines, dust, sawdust, cans, sweepings, trimmings from lawns, trees and flower gardens, pasteboard boxes, metal shavings, boxes and ashes, but shall not include refuse from building construction or repairs.

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

"Solid waste" means all putrescible and non-putrescible solid waste, semi-solid and liquid wastes, such as refuse, garbage, rubbish. Solid waste shall not include hazardous and infectious waste, medical waste, recyclable material, sewage collected and treated in a municipal or regional sewage system or materials or substances having commercial value.

"Swill" means all classes of putrefied or easily or easily decomposable animal or vegetable matter, and shall include any matter or substance used in the preparation, cooking, dealing in or storage of meats, vegetables, fish, fruits and vegetables that are subject to immediate decay and attraction of rodents.

(Ord. No. 1097, § 1)

8.39.030 - Unlawful acts.

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

(Ord. No. 1097, § 1)

8.39.040 - Recycling requirement.

Every person who is a tenant, lessee or occupant of any residential unit, the keeper of every apartment house, commercial premises and of every other person having solid waste, green waste and/or recyclable material, shall recycle.

(Ord. No. 1097, § 1)

8.39.050 - Delivery of recyclable materials to recycling facility.

Franchisees who collect recyclable materials generated with 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. In addition, persons who self-haul recycling material must report on a yearly basis to the city the number of pounds/tonnage he or she recycles.

(Ord. No. 1097, § 1)

8.39.060 - Recycling containers.

A. Each occupant of a residential (single and multi-family) facility and owner of a commercial facility in the city shall have a recycling container for the purpose of recycling recyclable material.

The franchisee shall provide recycling containers and bins for residential (single and multi-family) facilities and commercial facilities as part of the monthly service as negotiated between franchisee and city. There shall be a sufficient number of containers of a type and size approved by the city council, specifically designed for the containment of recyclable material, each of which shall have suitable bales or handles and a tight fitting cover which shall prevent leakage or escape of odors, and which, cumulatively when filled within four inches of the top shall contain all recyclable material which would ordinarily accumulate on such premises between collections. The exterior of such receptacles, including covers, shall be kept clean from accumulated grease or decomposing materials. The city shall have the discretion to determine the size of recyclable container to be used for multi-family facilities.

Except when placed in accordance with Section [8.39.050](#) hereof for collection purpose, such receptacles shall be kept and maintained only in storage locations prescribed by specific permit or regulations relating to the property at such location, otherwise in an inconspicuous location on the premises permitted by the Calexico Zoning Ordinance, as the same presently exists or as may be amended from time to time or as specified by use permit or other entitlement for use.

B. Container Signage. Automatic lift containers, bins, roll-offs, and other containers provided by a franchisee 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 to whom the container belongs, and shall display a list of the recyclable materials which may be deposited into the container.

(Ord. No. 1097, § 1)

8.39.070 - Reporting.

Persons required to recycle may reasonably and privately be requested by city to demonstrate recycling in accordance with this chapter.

(Ord. No. 1097, § 1)

8.39.080 - Selling or donating recyclable materials.

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

(Ord. No. 1097, § 1)

8.39.090 - Scavenging of recyclable materials prohibited.

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.

No person shall be guilty of a violation of this section unless the person knew or reasonably should have known that the recyclable materials were set out for the purposes of collection by another person authorized to collect the recyclable materials.

(Ord. No. 1097, § 1)

8.39.100 - Enforcement.

- A. **Authority.** The director of utility services is authorized to administer and enforce the provisions of this chapter. The director or anyone designated by the director to be an enforcement official may exercise any enforcement powers as provided in Title 1 of this code.
- B. **Remedies.** It is unlawful to violate any provision or requirement of this chapter. The failure to comply with any requirement of this chapter constitutes a violation of this chapter. Each instance of a violation of this chapter is a separate offense. Violations of the provisions or requirements of this chapter may be prosecuted as misdemeanors subject to the penalties provided in Title 1. The director or designee may seek injunctive relief or civil penalties in the superior court or may pursue any administrative remedy provided in Title 1 of this code.
- C. **Remedies Cumulative.** Remedies under Section 8.39.100 are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided herein shall be cumulative and not exclusive.
- D. **Strict Liability.** Except as otherwise set forth in Section 8.39.090, violations of this chapter shall be treated as strict liability offense regardless of intent.

(Ord. No. 1097, § 1)