

ARTICLE VI BUSINESSES, PROFESSIONS, TRADES AND OCCUPATIONS

PART 3 COMMERCIAL ENTERPRISES

6434.2. LIMITATION.

No more than three (3) permits for the collection, hauling or disposing of commercial refuse in the City shall be in effect at any one time; provided, however, that no permit renewal shall be denied to a hauler holding a permit as of June 30, 2003, if the hauler meets and complies with all applicable City requirements.

(a) Santa Anita Race Track (SART) Permit and Refuse Fee. The limitation of Section 6434.2 shall not apply to Santa Anita Race Track. A special refuse permit shall apply to SART to allow for commercial collectors who may not hold a permit pursuant to Arcadia Municipal Code Section 6434.2 subject to payment of a permit fee as follows:

The Santa Anita Race Track shall be billed quarterly in the amount of Ten Thousand Fifty-nine Dollars (\$10,059.00) (Forty Thousand Two Hundred Thirty-five Dollars (\$40,235.00) per year) to fund the cost of preparing, adopting, implementing and administering the source reduction and recycling element and the integrated waste management plan mandated by Public Resource Code 40000 et seq.

(b) Commercial Refuse Fee. Each commercial/industrial waste hauler shall pay a permit fee to the City in the amount of nine and one-half percent (9.5%) of any and all gross monthly receipts resulting from the operation of business in the City. This fee shall be charged to fund the cost of preparing, adopting, implementing and administering the source reduction and recycling element and the integrated waste management plan mandated by Public Resources Code 40000 et seq. This fee shall be in addition to any other fee or charge for solid waste collection authorized by this Code, and may be subsequently amended by resolution of the City Council.

(1) Purpose of Calculation/Gross Receipts. For the purposes of calculation of such a permit fee, "gross monthly receipts" means any and all compensation received by the permitted haulers in connection with collecting, transporting, disposing and/or recycling of solid waste kept, accumulated or produced in the City plus any and all such compensation received by the waste hauler or the waste hauler's subcontractors in connection with collecting, transporting, disposing, and/or recycling of solid waste produced, kept or accumulated in the City, with the exception of compensation received from the sale of material recovered through recycling.

(2) Method of Calculation and Payment. Each month a permit fee shall be calculated as nine and one-half percent (9.5%) of the gross monthly receipts received in the preceding calendar month. The permit fee must be received by the City no later than the last day of the month following the month which is being reported.

(3) Requirements for Reporting Business Activity. The waste hauler shall file a monthly collection report to the City, and it must be received by the City no later than the last day of the month following the month which is being reported. The report shall include the following information:

1. Total tonnage of solid waste disposed;
2. Total number of accounts served;
3. Total gross receivables for the month.

(4) City Inspection Authority. The permitted haulers shall maintain accurate and complete books and accounts of all revenues and income arising out of its operations under the permit granted and in a manner which conforms with generally accepted accounting principals. The waste hauler's books, accounts and records, arising out of or related to its operations under the permit granted, shall at all times be open to inspection, examinations and audit by authorized officers, employees and agents of the City.

(5) Definition of Waste. In addition to those definitions set forth in Arcadia Municipal Code Section 5110 et. seq., solid waste shall include all solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded appliances, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable and animal solid and semisolid wastes, and other discarded solid and semisolid

wastes excluding hazardous, infectious wastes and liquid waste. (Added by Ord. 1256 adopted 8-27-64; amended by Ord. 1364 adopted 3-5-68; amended by Ord. 1517 adopted 2-18-75; amended by Ord. 1989 adopted 6-1-93; amended by Ord. 2029 adopted 2-7-95; amended by Ord. 2180 adopted 6-3-03; amended by Ord. 2198 adopted 9-7-04)

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ARTICLE V SANITATION AND HEALTH

PART 3 COMMERCIAL AND INDUSTRIAL RECYCLING

5130.1. COMMERCIAL/INDUSTRIAL WASTE HAULER REQUIREMENTS.

Any recycling company or waste hauler as permitted pursuant to Article VI, Chapter 4, Part 3, Division 4 of the Arcadia Municipal Code shall:

(a) Work with customers in the City to recycle and educate customers about the need to recycle. Within ninety (90) days of the issuance of the hauler's business license, the hauler shall submit to the Public Works Services Director a strategy and methodology for increasing diversion and recycling within the City;

(b) Achieve annual diversion rates, as provided under applicable state law, for all commercial waste as defined in the City's Source Reduction and Recycling Element including, but not limited to, varieties of paper, plastics, glass, as well as wood, yard and other greenwaste, manure, and construction and demolition debris, collected or removed within the City;

(c) Report to the City all materials considered diverted or recycled resulting in source reduction, recycling, composting and/or transformation from the commercial and industrial waste stream by using the diversion formula set forth in Section 5130.1(d);

(d) In calculating the annual diversion rate achieved, each hauler shall utilize the following formula and definitions incorporated by reference from Title 14, California Code of Regulations, Article 6.1 Solid Waste Generation Study, Section 18722 et seq. The following equation defines the "Integrated Waste Management (AB 939) Generation-Based Diversion Quantification Methodology":

Generation = Disposal + Diversion

$$\text{Diversion Rate (\%)} = \frac{\text{Diversion Tons}}{\text{Generation Tons}}$$

A hauler may only claim diversion tonnages resulting from source reduction, recycling, composting, and transformation activities. Diversion shall be quantified on an "avoided disposal" basis. The overall calculated annual diversion tonnage to be reported to the City by a hauler may include a combination of the diversion quantities achieved by the customers serviced by the hauler, and the tonnage diverted by the hauler. Diversion quantities achieved by a customer may include those resulting from the customer's internal source reduction practices, and may further include recycling tonnage given to an independent third party recycler. Diversion quantities and practices shall be subject to audit by an independent third party approved by the Public Works Services Director, at the cost and expense of the hauler.

A hauler may petition the City to use a different calculation methodology to determine diversion tonnage upon showing, based upon substantial evidence, that the above methodology cannot be accomplished due to lack of available data, or other circumstances. The approval of the City's Public Works Services Director shall be required for any alternative method of calculation.

(e) A hauler that does not achieve at least an annual 50% diversion rate may petition the City for continuation of its commercial refuse permit if the hauler provides to the Public Works Services Director substantial evidence, in a form and content deemed satisfactory by the Public Works Services Director, that shows 1) the disposed solid waste does not consist of readily recyclable materials, or 2) refusal by the hauler's customers to cooperate in recycling programs, or 3) the cost of recycling is unreasonably prohibitive, or 4) other reasons for failure to achieve at least an annual 50% diversion rate (e.g., space limitations, refusal by business to report internal business recycling, etc.), and by demonstrating "good faith" in implementing other waste reduction and recycling programs. The City's Public Works Services Director may approve the continuation of the permit if the Director finds that there is a reasonable basis for doing so, and that the hauler has demonstrated "good faith" in implementing other waste reduction and recycling programs. The City may require an alternative annual diversion goal and impose additional conditions for the continuation of the commercial refuse permit.

A hauler can demonstrate "good faith" waste reduction and recycling programs by 1) providing documentation of other program(s) that the hauler is implementing, and/or 2) participating in cooperative waste reduction and recycling programs with the City.

(f) Each permitted commercial hauler servicing an entity shall provide a recycling container for the customer's source separated recyclables at no additional charge to the commercial customer upon request of the commercial customer. (Former Section was repealed and replaced by Ord. 2180 adopted 6-3-03)

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