

**ORDINANCE NO. 01-2019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AMENDING ELK GROVE MUNICIPAL CODE TITLE 30 SOLID WASTE  
MANAGEMENT, SECTIONS 30.10.010, 30.40.050, 30.50.070, 30.60.130, AND  
30.90.080**

**WHEREAS**, the City of Elk Grove may enact ordinances to preserve and protect public safety, health and welfare; and

**WHEREAS**, the City is responsible for administering programs related to solid waste generated in the City; and

**WHEREAS**, the City sets forth the terms and conditions of its solid waste management in the Elk Grove Municipal Code (EGMC) through the adoption of an ordinance duly introduced and codified; and

**WHEREAS**, the City wishes to clarify definitions and revise reporting requirements for commercial haulers in an effort to improve efficiencies; and

**WHEREAS**, new State law requires the City to promote, enforce, and comply with recycling requirements and to maximize the use of feasible source reduction, recycling and composting options in order to reduce the amount of solid waste that must be landfilled.

**NOW, THEREFORE**, the City Council of the City of Elk Grove does ordain as follows:

Section 1: Purpose and Authority

The purpose of this Ordinance is to amend Elk Grove Municipal Code Title 30 regarding solid waste management. Under California Constitution Article XI, Section 7, the City of Elk Grove may enact ordinances to preserve and protect public safety, health and welfare.

Section 2: Action – Amendments to EGMC Chapter 30.10.

A. The following definition shall be added to EGMC Section 30.10.010.C as follows:

"Compostable materials" means tree trimmings, grass cuttings, dead plants, leaves, branches and dead trees, food scraps and any other organic material that when accumulated will become active compost and that are separated, set aside, handled, packaged or offered for collection by the waste generator in a manner different from solid waste.

B. EGMC Section 30.10.010.D.5 shall be amended to read as follows:

5. "Dispose" or "disposal" means disposal as defined in California Public Resources Code Section 40192, as may be amended from time to time. Disposal does not include the use of compostable materials as alternative daily cover (ADC). Commencing January 1, 2020, ADC use shall no longer be considered as compostable materials for diversion credits.

C. EGMC Section 30.10.010.M.3 shall be amended to read as follows:

3. "Multifamily property", for purposes of EGMC Title 30 only, means any multifamily dwelling building or group of buildings that contain five (5) or more individual dwelling units located on a single tax lot regardless of waste collection service level. Multifamily complexes include, but are not limited to, apartment complexes, mobile home parks, senior housing/care facilities, and condominium complexes.

Section 3: Action – Amendments to Chapter 30.40:

A. EGMC Section 30.40.050.F shall be amended to read as follows:

F. Roll-Off Containers. Nonresidential customers may (1) subscribe to roll-off container service from an authorized commercial hauler for a maximum of seven (7) days without a building permit, or (2) subscribe to permanent roll-off container service provided such use complies with the Zoning Code, has been approved pursuant to EGMC 23.16.020, and the roll-off container is serviced, at a minimum, every fourteen (14) days. For nonresidential customers who possess a valid building permit, the roll-off container shall be serviced, at a minimum, every fourteen (14) days.

Section 4: Action – Amendments to EGMC Chapter 30.50:

Identified sections of EGMC Chapter 30.50.070 shall be amended to read as follows:

...

B. Vehicle Inspections. Commencing on January 1, 2020, all registered or franchised haulers shall submit triennially a vehicle inventory that lists (on a form provided by the City) all vehicles to be used within City limits. All registered or franchised haulers shall also submit triennially a vehicle inspection report for all vehicles to be used by the hauler. This requirement can be met by submitting a current vehicle inspection report from Sacramento County's Environmental Management Department (EMD) or the California Highway Patrol (Department of Transportation BIT inspection). All vehicles and containers used in the collection, removal, transportation or storage of commercial solid waste in the City shall be subject to inspection by the City for the purposes of determining whether or not the vehicles and containers comply with 14 CCR 17341 through 17345, and as may be amended.

C. Inspection Certification. Each registered or franchised commercial hauler will be issued a vehicle sticker triennially for each inspected vehicle. The City's vehicle sticker is evidence that the vehicle passed a triennial inspection and that the hauler was authorized as a registered or franchised commercial hauler. Stickers will be mailed to each authorized hauler with specific instructions for displaying it on the vehicle. It is unlawful for any vehicle not clearly displaying a current sticker to collect commercial solid waste in the City.

D. Vehicle Exchange. If at any point during the triennial inspection cycle, a commercial hauler places a new vehicle into service in the City or replaces an existing vehicle, that commercial hauler shall notify the City in writing within 30 days of placing the new vehicle into service. The new vehicle shall be placed on the same triennial inspection schedule as all other vehicles and shall be subject to the provisions of Section 30.50.060 and 30.50.070.

Section 5: Action – Amendments to EGMC Chapter 30.60:

Identified sections of EGMC Section 30.60.130 shall be amended to read as follows:

A. Reporting by registered or franchised commercial haulers shall occur on an annual basis or as requested by the City Manager or designee. Registered or franchised commercial haulers shall provide annual reports on February 1<sup>st</sup> of each year. Reports shall include the following information:

1. Identify the number of covered generators that:
  - a. Are in compliance with this Chapter;
  - b. Not in compliance with this Chapter;
  - c. Subscribe to recycling service;
  - d. Do not subscribe to a recycling service;
  - e. Completed a recycling plan; and
  - f. Have not completed a recycling plan.
2. The total weekly yardage of solid waste collection service and designated recyclable materials collection service provided to covered generators during the reporting period.        -->

B. If the annual report is not filed by the due dates above, the report shall be deemed delinquent and the registered or franchised commercial hauler shall pay to the City a delinquent report charge in amounts set by resolution of the City Council.

...

Section 6: Action – Amendments to Chapter 30.90:

EGMC Chapter 30.90.080.A.4 shall be amended to read as follows:

4. Roll-off containers may be placed at a residence or business by an authorized commercial hauler for a maximum of seven (7) days without a building permit, or nonresidential customers may subscribe to permanent roll-off container service provided such use complies with the Zoning Code, has been approved pursuant to EGMC 23.16.020, and the roll-off container is serviced, at a minimum, every fourteen (14) days. For nonresidential customers who possess a valid building permit, the roll-off container shall be serviced, at a minimum, every fourteen (14) days.

### Section 7: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

### Section 8: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

### Section 9: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take affect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

### Section 10: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

**ORDINANCE:** 01-2019  
**INTRODUCED:** January 9, 2019  
**ADOPTED:** January 23, 2019  
**EFFECTIVE:** February 22, 2019




\_\_\_\_\_  
STEVE LY, MAYOR of the  
CITY OF ELK GROVE

ATTEST:



\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



\_\_\_\_\_  
JONATHAN P. HOBBS,  
CITY ATTORNEY

Date Signed: January 29, 2019

**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 01-2019**

STATE OF CALIFORNIA       )  
COUNTY OF SACRAMENTO    )     ss  
CITY OF ELK GROVE         )

*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on January 9, 2019 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on January 23, 2019 by the following vote:*

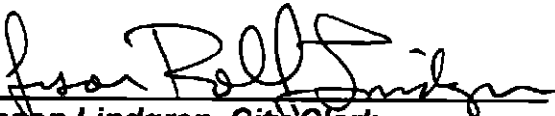
**AYES :**                   **COUNCILMEMBERS:**     *Ly, Hume, Detrick, Nguyen, Suen*

**NOES:**                   **COUNCILMEMBERS:**     *None*

**ABSTAIN:**               **COUNCILMEMBERS:**     *None*

**ABSENT:**               **COUNCILMEMBERS:**     *None*

***A summary of the ordinance was published pursuant to GC 36933(c) (1).***

  
**Jason Lindgren, City Clerk  
City of Elk Grove, California**