

**MODEL ORDINANCE OF THE CALIFORNIA  
INTEGRATED WASTE MANAGEMENT BOARD RELATING TO  
AREAS FOR COLLECTING AND LOADING RECYCLABLE  
MATERIALS IN DEVELOPMENT PROJECTS**

Resolution No. 93-57

**WHEREAS**, Public Resources Code Section 42910(a) establishes that the California Integrated Waste Management Board shall adopt a model ordinance for adoption by any local agency relating to adequate areas for collecting and loading recyclable materials in development projects; and

**WHEREAS**, Public Resources Code Section 42911(b) states that if by September 1, 1993, a local agency has not adopted an ordinance for collecting and loading recyclable materials in development projects, the model ordinance adopted by the California Integrated Waste Management Board shall take effect on that date; and

**WHEREAS**, Public Resources Code Section 42911(b) further states that the model ordinance shall be enforced by the local agency and have the same force and effect as if adopted by the local agency as an ordinance; and

**WHEREAS**, there may be cities and/or counties in the State of California that do not adopt an ordinance in compliance with Public Resources Code Section 42911(a);

**NOW, THEREFORE**, be it resolved that the California Integrated Waste Management Board hereby adopts this ordinance to be in effect for and enforced by the City Councils and Boards of Supervisors of those local agencies that do not adopt an ordinance in compliance with Public Resources Code Section 42911(a):

The City Council/County Board of Supervisors of the subject cities and/or counties do ordain as follows:

**SECTION I  
PURPOSE**

Cities and counties must divert 50 percent of all solid waste by January 1, 2000, through source reduction, recycling, and composting activities.

Diverting 50 percent of all solid waste requires the participation of the residential, commercial, industrial, and public sectors.

The lack of adequate areas for collecting and loading recyclable materials that are compatible with surrounding land uses is a significant impediment to diverting solid waste and constitutes an urgent need for state and local agencies to address access to solid waste for source reduction, recycling, and composting activities. This ordinance has been developed to meet that need.

**SECTION II  
DEFINITIONS**

The following definitions shall apply to the language contained in this ordinance:

A. **DEVELOPMENT PROJECT** – Means any of the following:

1) A project for which a building permit is required for a commercial, industrial, or institutional building, marina, or residential building having five or more living units, where solid waste is collected and loaded and any residential project where solid waste is collected and loaded in a location serving five or more living units.

2) Any new public facility where solid waste is collected and loaded and any improvements for areas of a public facility used for collecting and loading solid waste.

3) The definition of development project only includes subdivisions or tracts of single-family detached homes if, within such subdivisions or tracts there is an area where solid waste is collected and loaded in a location which serves five or more living units. In such instances, recycling areas as specified in this ordinance are only required to serve the needs of the living units which utilize the solid waste collection and loading area.

**B. IMPROVEMENT**– An improvement adds to the value of a facility, prolongs its useful life, or adapts it to new uses. Improvements should be distinguished from repairs. Repairs keep facilities in good operating condition, do not materially add to the value of the facility, and do not substantially extend the life of the facility.

**C. FLOOR AREA OF A MARINA**– The floor area of a marina shall be defined as the space dedicated to the docking or mooring of marine vessels.

**D. PUBLIC FACILITY**– The definition of public facility includes, but is not limited to buildings, structures, marinas, and outdoor recreation areas owned by a local agency.

**E. RECYCLING AREA (AREAS FOR RECYCLING)**– Space allocated for collecting and loading of recyclable materials. Such areas shall have the ability to accommodate receptacles for recyclable materials. Recycling areas shall be accessible and convenient for those who deposit as well as those who collect and load any recyclable materials placed therein.

### **SECTION III GENERAL REQUIREMENTS**

A. Any new development project for which an application for a building permit is submitted on or after September 1, 1993, shall include adequate, accessible, and convenient areas for collecting and loading recyclable materials.

B. Any improvements for areas of a public facility used for collecting and loading solid waste shall include adequate, accessible, and convenient areas for collecting and loading recyclable materials.

C. Any existing development project for which an application for a building permit is submitted on or after September 1, 1993 for a single alteration which is subsequently performed that adds 30 percent or more to the existing floor area of the development project shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials.

D. Any existing development project for which an application for a building permit is submitted on or after September 1, 1993 for multiple alterations which are conducted within a twelve month period which collectively add 30 percent or more to the existing floor area of the development project shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials.

E. Any existing development project for which multiple applications for building permits are submitted within a twelve month period beginning on or after September 1, 1993 for multiple alterations which are subsequently performed that collectively add 30 percent or more to the existing floor area of the development project shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials.

F. Any existing development project occupied by multiple tenants, one of which submits on or after September 1, 1993, an application for a building permit for a single alteration which is subsequently performed that adds 30 percent or more to the existing floor area of that portion of the development project which said tenant leases shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials. Such recycling areas shall, at a minimum be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

G. Any existing development project occupied by multiple tenants, one of which submits on or after September 1, 1993 an application for a building permit for multiple alterations which are conducted within a twelve month period which collectively add 30 percent or more to the existing floor area of that portion of the development project which said tenant leases shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials. Such recycling areas shall, at a minimum be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

H. Any existing development project occupied by multiple tenants, one of which submits within a twelve month period beginning on or after September 1, 1993 multiple applications for building permits for multiple alterations which are subsequently performed that collectively add 30 percent or more to the existing floor area of that portion of the development project which said tenant leases shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials. Such recycling areas shall, at a minimum be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

I. Any costs associated with adding recycling space to existing development projects shall be the responsibility of the party or parties who are responsible for financing the alterations.

#### **SECTION IV GUIDELINES FOR ALL DEVELOPMENT PROJECTS**

A. Where local standards exist, recycling areas should be designed to be architecturally compatible with nearby structures and with the existing topography and vegetation, in accordance with such standards.

B. The design and construction of recycling areas shall not prevent security of any recyclable materials placed therein.

C. The design, construction, and location of recycling areas shall not be in conflict with any applicable federal, state, or local laws relating to fire, building, access, transportation, circulation, or safety.

D. Recycling areas or the bins or containers placed therein must provide protection against adverse environmental conditions, such as rain, which might render the collected materials unmarketable.

E. Driveways and/or travel aisles shall, at a minimum, conform to local building code requirements for garbage collection access and clearance. In the absence of such building code requirements, driveways and/or travel aisles should provide unobstructed access for collection vehicles and personnel.

F. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the recycling areas.

G. Developments and transportation corridors adjacent to recycling areas shall be adequately protected for any adverse impacts such as noise, odor, vectors, or glare through measures including, but not limited to maintaining adequate separation, fencing, and landscaping.

#### **SECTION V ADDITIONAL GUIDELINES FOR SINGLE TENANT DEVELOPMENT PROJECTS**

A. Areas for recycling shall be adequate in capacity, number, and distribution to serve the development project.

B. Dimensions of the recycling area shall accommodate receptacles sufficient to meet the recycling needs of the development project.

C. An adequate number of bins or containers to allow for the collection and loading of recyclable materials generated by the development project should be located within the recycling area.

#### **SECTION VI ADDITIONAL GUIDELINES FOR MULTIPLE TENANT DEVELOPMENT PROJECTS**

A. Recycling areas shall, at a minimum be sufficient in capacity, number, and distribution to serve that portion of the development project leased by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area(s) pursuant to Section III of this ordinance.

B. Dimensions of recycling areas shall accommodate receptacles sufficient to meet the recycling needs of that portion of the development project leased by the tenant who submitted an application or applications resulting in the need to provide recycling area(s) pursuant to Section III of this ordinance.

C. An adequate number of bins or containers to allow for the collection and loading of recyclable materials generated by that portion of the development project leased by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area pursuant to Section III of this ordinance should be located within the recycling area.

**SECTION VII  
LOCATION**

A. Recycling areas shall not be located in any area required to be constructed or maintained as unencumbered, according to any applicable federal, state, or local laws relating to fire, access, building, transportation, circulation, or safety.

B. Any and all recycling area(s) shall be located so they are at least as convenient for those persons who deposit, collect, and load the recyclable materials placed therein as the location(s) where solid waste is collected and loaded. Whenever feasible, areas for collecting and loading recyclable materials shall be adjacent to the solid waste collection areas.

**SECTION VIII  
DECLARATION OF SEVERABILITY**

All provisions of this Ordinance are severable and, if for any reason any sentence, paragraph, or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of the Ordinance.

**CERTIFICATION**

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board on March 31, 1993.

Dated: March 31, 1993

Ralph E. Chandler

Executive Director