

ORDINANCE NO. \_\_\_\_

**ORDINANCE AMENDING THE CITY OF DAVIS MUNICIPAL CODE ARTICLE 32.03 (“ADEQUATE AREAS FOR COLLECTING RECYCLABLE MATERIALS”) AND SECTIONS 32.01.070 (“GARBAGE SERVICE—INDIVIDUALLY SERVICED RESIDENCES”) AND 32.01.090 (“ORGANIC REFUSE MANAGEMENT”) TO MAKE CHANGES TO THE CODE REGARDING DISPOSAL AND COLLECTION OF ORGANIC REFUSE AND THE PROCESS FOR REQUESTING ADDITIONAL WASTE RECEPTACLES FOR INDIVIDUALLY SERVICED RESIDENTS**

WHEREAS, on February 5, 2019, the City Council directed City staff to modify the existing on-street yard material collection schedule for the City of Davis; and

WHEREAS, the City Manager and Recology Davis Inc., have negotiated an amendment to the 2015 Solid Waste Franchise Agreement, which includes the modified on-street yard material collection schedule; and

WHEREAS, City staff determined additional modifications were required to Chapter 32 of the Municipal Code to was required to ensure clarity of program requirements and to continue to adhere to State law on waste management; and

WHEREAS, this Ordinance reflects City Council direction from the February 5, 2019 City Council meeting to modify the on-street yard material collection schedule and the additional modifications to Chapter 32 of the Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAVIS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby adopts the recitals of this Ordinance as true and correct and such recitals are hereby incorporated by reference as though fully set forth in the text of this Ordinance.

SECTION 2. Amendment to Section 32.03.010. Section 32.03.010 of the Davis Municipal Code is hereby amended by amending the definition of “Recycling area or areas for recycling” to read as follows:

**Recycling area or areas for recycling** means space allocated for collecting and loading of recyclable materials and organics refuse. Such areas shall have the ability to accommodate the appropriate receptacles for recyclable materials. For existing residential buildings or projects between five and nine living units, “recycling areas or areas for recycling” may mean, at the discretion of the community development and sustainability department, curbside recycling.

SECTION 3. Amendment to Section 32.03.040(a). Section 32.03.040(a) of the Davis Municipal Code is hereby amended by to read as follows:

- (a) Multifamily complexes must site at minimum two recycling carts and one organics refuse cart within, or next to, each trash enclosure.

**SECTION 4.** Addition of Section 32.03.050(c). Subsection (c) is hereby added to Section 32.03.050 of the Davis Municipal Code to read as follows:

- (c) Each container for organic refuse material shall identify which materials are acceptable for that container.

**SECTION 5.** Amendment to Section 32.01.070(d). Section 32.01.070(d) of the Davis Municipal Code is hereby amended to read as follows:

- (d) Physically disabled residents may request “disabled service.” This disabled service shall consist of the retrieval of one, thirty- to one hundred-gallon cart located at an accessible point no greater than seventy-five feet from the curb. The petition for disabled service shall be submitted to and approved by the city manager or designee. Residents may become eligible for disabled service by showing their valid disabled person parking permit or license issued by the state of California. Eligibility for disabled service shall be on an annual basis.

**SECTION 6.** Addition of Section 32.01.070(f). Subsection (f) is hereby added to Section 32.01.070 of the Davis Municipal Code to read as follows:

- (f) Individually serviced residences may request an additional garbage cart from the city’s contract hauler. Any additional garbage cart(s) issued to individually serviced residents may not exceed the size of their regularly subscribed service garbage cart.

**SECTION 7.** Amendment to Section 32.01.090. Section 32.01.090 of the Davis Municipal Code is hereby repealed and replaced to read in full as follows:

**32.01.090 Organic refuse management.**

- (a) Yard refuse placed in organic refuse containers.** Unless authorized by subsection (b), yard refuse shall be containerized utilizing the acceptable organics refuse container as specified in Section 32.01.040 or subsection (c). Inorganic material (rock, dirt, gravel, concrete, etc.) or sod shall not be placed in the street for collection in any manner, including placement in organics refuse containers or in yard refuse piles unless a special pick-up has been scheduled with an appropriate receptacle designated by the city’s contract hauler for an additional charge.

- (b) Yard refuse piles authorized to be placed in the street.**

- (1) As authorized by this Section, certain yard refuse waste, as described in paragraph (2) of this subsection, may be placed or maintained in piles in the street immediately adjacent to the property from which they originated, for collection by the city or the city’s contract hauler from customers subscribed for yard refuse collection service. Such piles shall not exceed five feet in width or five feet in

height or five feet in length, the same to be so placed and maintained as not to restrict reasonable gutter drainage.

(2) If the organics refuse containers are full, only leaves and tree and shrub prunings (maximum branch diameter of eight inches) may be placed in yard refuse piles. All other yard refuse, including but not limited to grass clippings, weeds, vines and dropped fruit from on-site fruit trees, shall be containerized utilizing the acceptable organics refuse container as specified in subsection (a) and shall not be placed in yard refuse piles.

(3) Yard refuse piles shall be placed on the street for pick-up no later than 6:00 a.m. on a scheduled collection day.

(4) No yard refuse piles shall be placed or maintained in any part of a bicycle lane.

(5) No yard refuse piles shall be placed or maintained in such a way as to obstruct traffic or restrict reasonable access to a fire alarm box, fire hydrant, standpipe, alley, driveway, public sidewalk, curb cut for accessibility access, or any other public facility.

(6) Yard refuse piles shall not be placed on street undulations, traffic-calming bulb-outs or near obstructions on the street that restrict the city or the city contract hauler's equipment from collecting yard refuse piles.

(7) No person shall park or let stand any vehicle or any other item on the street that blocks the city or the city contract hauler's equipment from collecting yard refuse piles.

(8) Due to the width of the street and/or bike lanes, there are some streets where it is not possible to place yard refuse piles as required in subsection (b) as they will obstruct the bike lane or traffic lane. On these streets, also denoted as "restricted areas," yard refuse shall be containerized at all times and shall not be placed in the street for pick-up. These streets include, but are not limited to:

(A) East 8th Street from B Street to J Street;

(B) 5th Street from A Street to L Street;

(C) B Street from East 8th Street to East 14th Street.

(9) Yard refuse piles shall not be placed in the Downtown Core area, defined as the area bounded by 5th Street, the south side of 1st Street, the west side of B Street and the Union Pacific railroad tracks.

(c) On September 30, 2019 this subsection shall expire and be superseded by subsection (d) of this Section 32.01.090. Until September 30, 2019, upon a customer's receipt of a city authorized organics refuse container, the following shall apply:

(1) **Monthly Yard Refuse Pile Service.** Yard refuse piles may be placed in the street for scheduled monthly street pick-up, which shall be set to occur the week of the first Monday of each month. During this time, yard refuse piles shall not be placed in the street sooner than five days before a scheduled collection.

(2) **Leaf Drop Season Weekly Yard Refuse Pile Service.** Beginning the third Monday in October, during the designated leaf drop season (mid-October through mid-December), yard refuse piles may be placed in the street for collection. During this time, yard refuse piles shall not be placed in the street sooner than seven days before a scheduled collection.

(3) Yard refuse piles may be placed in the street if prior arrangements have been made with the city or its contract hauler for a special pick-up.

(4) Leaves may not be placed in yard refuse piles in the street unless the organics refuse container is already full.

**(d) Yard refuse collection schedule.** Effective September 30, 2019, the following yard refuse pile collection schedule applies:

(1) **Fall and Winter Collection Service.** Yard refuse piles may be placed in the street for ten scheduled street pick-ups, which shall occur every other week, beginning the week of the third Monday in October. During this time, yard refuse piles shall not be placed in the street sooner than seven days before a scheduled collection.

(2) **Spring Collection Service.** Yard refuse piles may be placed in the street for one scheduled street pick-up, which shall occur the week of the first Monday in May. During this time, yard refuse piles shall not be placed in the street sooner than seven days before the scheduled collection.

(3) **Special Pick-Up Service.** If a special pick-up of yard refuse has been scheduled with the city or its contract hauler, yard refuse piles may be placed in the street no sooner than seven days before the special pick-up.

(4) **Change in Schedule.** The City Manager and the city's contract hauler may make minor modifications to the collection schedule by mutual agreement, provided that at least ten pickups occur between October and January and one pickup occurs in May, and provided that customers receive at least 30 days prior written notice of the change.

**(e) Penalties.** In addition to any other remedies that the city may have for violation of this section, an administrative citation may be issued for any violation of this section pursuant to Davis Municipal Code Chapter 1, Article 1.02.

**SECTION 8.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or

effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

SECTION 9. The City Clerk shall certify to the adoption of this ordinance and shall cause a summary thereof to be published at least five (5) days prior to the meeting at which the proposed ordinance is to be adopted and shall post a certified copy of the proposed ordinance, and within fifteen (15) days of its adoption, shall cause a summary of it to be published, including the vote for and against the same, and shall post a certified copy of the adopted ordinance, in accordance with California Government Code Section 36933.

SECTION 10. This ordinance shall take effect and be in full force thirty (30) days from and after the date of its final passage and adoption.

INTRODUCED on the 13th day of August, 2019, and PASSED AND ADOPTED by the City Council of the City of Davis on this 3rd day of September, 2019, by the following vote:

AYES:

NOES:

ABSENT:

Brett Lee  
Mayor

ATTEST:

Zoe S. Mirabile, CMC  
City Clerk