

## **CONCORD MUNICIPAL CODE EXCERPT:**

### **ARTICLE III. SOURCE REDUCTION AND RECYCLING**

#### **Sec. 82-81. Purpose.**

Assembly Bill 939, the Source Reduction and Recycling Act (Public Resources Code § 40000 et seq.) requires all cities and counties to reduce the amount of waste going to the landfill by 25 percent by 1995 and 50 percent by the year 2000. To reduce waste going to the landfill, it is necessary that all existing and future development be required to participate by designing and implementing plans to reduce and recycle waste.

(Code 1965, § 5430; Ord. No. 91-19)

#### **Sec. 82-82. Definitions.**

For purposes of this article, unless the context clearly indicates otherwise, certain words and phrases have the meanings given in this section:

(Code 1965, § 5431; Ord. No. 91-19)

*Development.* Any new or existing project, facility, or building, the users of which generate waste within and/or on the property.

(Code 1965, § 5431; Ord. No. 91-19)

*Facility.* Something that is installed or established to serve a particular purpose.

(Code 1965, § 5431; Ord. No. 91-19)

*Plan.* An adopted written policy approved by the city describing how waste reduction and recycling is to be accomplished within a development.

(Code 1965, § 5431; Ord. No. 91-19)

*Recoverable material.* Material which is capable of being retrieved or diverted from disposal or transformation for the purpose of recycling, reuse, and composting. Recoverable material does not include those materials generated from and reused on-site for manufacturing purposes.

(Code 1965, § 5431; Ord. No. 91-19)

*Recycling.* The process by which material which would otherwise be disposed of is collected and reused to make another product after its first use is completed and for which a market is identified for the collected materials.

(Code 1965, § 5431; Ord. No. 91-19)

*Source reduction.* Efforts taken to minimize the quantity of waste generated and entering the waste stream.

(Code 1965, § 5431; Ord. No. 91-19)

*Waste.* The unwanted byproduct of manufacturing, office work, or commercial

operations.

(Code 1965, § 5431; Ord. No. 91-19)

**Cross references:** Definitions generally, § 1-10.

**Sec. 82-83. Source reduction/recycling plans required.**

- (a) By December 31, 1995, all existing facilities and development over 10,000 square feet shall design and implement city-approved source reduction/recycling plans for white paper, computer paper, glass, cans, cardboard, polystyrene, paper products, and other recoverable materials in accordance with the Guidelines for Source Reduction/Recycling Plans on file with the Planning Division of the city.

(Code 1965, § 5432; Ord. No. 91-19)

- (b) All new development, new occupancies requiring city approval, and physical expansions of buildings or uses exceeding 10,000 square feet shall submit a source reduction/recycling plan addressing white paper, computer paper, glass, cans, cardboard, polystyrene, paper products, and other recoverable materials in accordance with the Guidelines for Source Reduction/Recycling Plans on file with the Planning Division of the city. The proposed source reduction/recycling plan shall be submitted for approval by the city at the time of filing a development application.

(Code 1965, § 5432; Ord. No. 91-19)

- (c) Residential development which includes common facilities shall include a plan for recycling in the design of common areas.

(Code 1965, § 5432; Ord. No. 91-19)

**Sec. 82-84. Exemptions from plan requirement.**

The following are exempt from the requirements of section 82-83:

(Code 1965, § 5433; Ord. No. 91-19)

- (1) Single-family dwellings and other uses which participate in the citywide curbside recycling program;

(Code 1965, § 5433; Ord. No. 91-19)

- (2) Individual tenants of multitenant buildings;

(Code 1965, § 5433; Ord. No. 91-19)

- (3) New occupancies of [or] existing development of 10,000 square feet or less.

(Code 1965, § 5433; Ord. No. 91-19)

**Sec. 82-85. Plan review fee.**

The fee charged for city review and approval of source reduction/recycling plans shall be an amount set forth in the Resolution Establishing Fees and Charges for

Various Municipal Services.

(Code 1965, § 5434; Ord. No. 91-19)

**Sec. 82-86. Contracts for collection of recyclable materials.**

- (a) The City Council may grant franchises or enter into agreements with any person, firm, or corporation for the collection, processing, and marketing of recyclable materials from designated collection locations within the city limits upon such terms and conditions as the City Council may from time to time determine to be in the best interest of the city, and consistent with the provisions of state law. In such event it shall be unlawful for any person, firm, or corporation other than the franchised contractor to collect, process, or market recyclable materials from the designated collection locations. Such contract, franchise, or agreement may be revoked at any time by the City Council for noncompliance with the provisions of this article or for violation of such contract, franchise, or agreement.

(Code 1965, § 5435; Ord. No. 91-19)

- (b) Nothing in this article shall limit the right of an individual to donate, sell, or otherwise dispose of his recyclable materials or shall limit the right of community organizations (e.g., schools, churches, youth groups) to collect such donations.

(Code 1965, § 5435; Ord. No. 91-19)

**Sec. 82-87. Violations.**

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this article shall be guilty of an infraction, punishable in accordance with chapter 1 of this Code.

(Code 1965, § 5436; Ord. No. 91-19)

**Sec. 82-88. Appeals.**

The decision of the Director of Community Development concerning application of this article shall be final and such action is not appealable.

(Code 1965, § 5437; Ord. No. 91-19)

**Sec. 82-89. Severability.**

If any section, subsection, sentence, clause, or phrase of this article is held to be invalid or unconstitutional, such decision does not affect the validity of the remaining portions of this article. The City Council declares that it would have passed this article, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more other sections, subsections, clauses, or phrases may be declared invalid or unconstitutional.

(Code 1965, § 5438; Ord. No. 91-19)

Secs. 82-90--82-110. Reserved.