

ORDINANCE NO. ___ - 18

**AN ORDINANCE OF THE CITY OF DUBLIN AMENDING SECTION 7.98
OF THE DUBLIN MUNICIPAL CODE RELATING TO THE
SOLID WASTE AND RECYCLING ENCLOSURE STANDARDS**

The City Council of the City of Dublin does hereby ordain as follows:

Section 1: Section 7.98 of the Dublin Municipal Code is hereby deleted in its entirety and replaced with the following:

Chapter 7.98

SOLID WASTE AND RECYCLING ENCLOSURE STANDARDS

7.98.010 Applicability.

A. The requirements of this chapter shall apply to all buildings or development permits for:

1. New commercial development projects.
2. New multifamily development projects with five (5) units or more that will utilize shared waste and recycling enclosures.
3. Commercial development projects that trigger a planning entitlement (such as a site development review or conditional use permit) and consist of uses including but not limited to grocery stores, restaurants, markets, auto repair/use and daycares that generate food waste, grease and/or vehicle fluids, and packaging material in addition to uses that have the potential to pollute stormwater as determined by the Director of Public Works.
4. Any other project, including but not limited to tenant improvements, where the Public Works Department concludes that the use has the potential to discharge pollution into the city's storm sewer system. When this chapter applies to a tenant improvement, the property owner or applicant shall be responsible for making improvements only to the waste enclosure used by the tenant.

7.98.020 Definitions.

The terms used in this chapter have the meanings set forth below:

“Collection” means the removal and transportation of solid waste, recycling and organics by the collector from the place of delivery to a disposal facility approved under the collector’s agreement with the city or by a nonexclusive franchise agreement.

“Collector” means that person or business having an exclusive franchise agreement with the city granting to him/her or it the exclusive privilege of collecting or causing to be collected or transported for a fee any solid waste within the city or any portion thereof.

“Commercial development” means construction of buildings consisting of retail, professional, wholesale, or industrial facilities.

“Compactor” means any roll-off container or bin which has a compaction mechanism, whether stationary or mobile.

“Discharge” means (A) any addition of any pollutant that has potential to enter navigable waters from any point source or (B) any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.

“Food service establishments” include restaurants, markets, bakeries, grocery stores and all other establishments that prepare and/or serve fresh food on the premises.

“National Pollutant Discharge Elimination System (NPDES)” means a national program under Section 402 of the Clean Water Act for regulation of discharges of pollutants from point sources to waters of the United States. Discharges are illegal unless authorized by a NPDES permit.

“Organics” means all types of plant debris including grass and weed clippings, shrub and tree pruning, branches (less than four (4) feet in length and four (4) inches in diameter), leaves, plants, flowers, food scraps and food-soiled paper products.

“Owner” means the owner or owners of real property having fee title to the property as identified in the most recent equalized assessment roll of the Alameda County Assessor.

“Pollutant” means dredged soil, solid waste, incinerator residue, sewage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal and agricultural waste discharge into water.

“Public Works Director” means the City of Dublin Public Works Director or his or her designee.

“Recycling” consists of any clean, dry paper, plastic and glass (bottles, jars and jugs only), and metal cans (tin and aluminum) placed in a single container. Cardboard is accepted in recycling bins and carts; however, cardboard only dumpsters are also available. Cardboard only dumpsters can be a logistically preferable option to maximize space within containers as a cardboard box can often fill an entire recycling cart.

“Roll-off container” means a metal container that is normally loaded onto a motor vehicle and transported to an appropriate facility.

“Solid waste” means all putrescible and non-putrescible solid waste (garbage), including paper, ashes, industrial or commercial wastes, demolition and construction wastes, discarded home and industrial appliances, animal solid and semi-solid wastes other than fecal matter, vegetable wastes, and other discarded solid and semi-solid wastes, but does not include hazardous waste, as herein defined, sewage, or abandoned automobiles.

“Stormwater” means rainwater runoff, snow melt runoff, surface runoff and drainage.

“Tenant” means any person or persons other than the owner occupying or in possession of the residence or commercial space.

“Waste Enclosure” means a structure intended to serve collection and storage needs for solid waste, recycling, and organics waste.

“Waste Handling Standards for Commercial Properties and Multi-Family Properties with Shared Service” means the document maintained by the Public Works Director describing waste enclosure design, construction and operational standards.

7.98.030 General construction and design standards.

The location, design and construction of enclosures for the set out and collection of garbage, recycling, organics or other discarded materials shall conform to all applicable regulations set out in this Ordinance and to all other provisions of the Dublin Municipal Code. A development may be required to have multiple waste enclosures to meet the required amount of capacity. The Public Works Director shall review the design of all enclosures. All enclosures are subject to a site development review permit.

All commercial uses within the city shall at a minimum provide adequate space for separate garbage bins, recycling bins, and organics bins. If a food establishment will generate grease, fat or tallow, adequate space for those containers is also required if the grease, fat or tallow containers are not designed and established inside the commercial building. The types and size of bins shall be based on the volume of tonnage generated by the planned commercial activity, as estimated by the Public Works Director and applicant as reported in the required Waste Enclosure Requirements Checklist, and with the aim of reducing, as much as possible, the number of service trips per week by the collector.

Enclosure Element	Requirements
Location	Shall not be located along frontage roadways, in front of fire hydrants, behind parking spaces, or within 5' of combustible building wall, opening, or combustible roof eave line
User Access	<ul style="list-style-type: none">• Multifamily properties shall observe California Building Code and CCR Title 24 part 2 requirements regarding accessibility for persons with disabilities• Shall provide pedestrian entrance with outward opening door• An accessible path of travel shall be provided from the main building to the pedestrian entrance door

Service Provider Access	<ul style="list-style-type: none"> • Enclosure shall be directly accessible to service provider during normal collection days and hours • Provide a turnaround or separate exit that allows the truck to move forward rather than backwards • Minimum turnaround radius must be 45'
Standard Enclosure Floor	Minimum 18'x10' plus 6" protective buffers
Dumpster Spacing	<ul style="list-style-type: none"> • Minimum 1' between the wall and container • Minimum 1'6" between two containers • Minimum 3' wide pathway along the front side of the enclosure
Protective Buffer on Interior Enclosure Walls	Minimum 6" concrete curbs, bollards, or wall bumpers.
Enclosure Wall Height	Minimum 6'
Opening Between Wall and Ceiling or Screen	Maximum 2'
Ceiling Height	Minimum 10'6"
Height Clearance for Enclosure Approach	Minimum 18'
Height Clearance at Service Location	Minimum 32'
Driveway Access	Minimum 50' direct access
Driveway Weight Handling Requirements	62,000 lbs

Apron Elevation	<ul style="list-style-type: none"> • Apron surface shall be the same elevation as the enclosure pad threshold and the surrounding surfaces • Minimum slope of 1% grade per foot away from the enclosure pad and maximum of 2%
Apron Length	10'
Apron Weight Handling Requirements	20,000 lbs. of direct force
Pad Interior Elevation	<ul style="list-style-type: none"> • Pad surface elevation shall equal that of the apron threshold • A slope of 1-1.5% toward the center of the enclosure. • Sanitary sewer drain shall be flush with the enclosure pad (when applicable)
Enclosure Pad Weight Handling Requirements	20,000 lbs. of direct force
Enclosure Gates	<ul style="list-style-type: none"> • Double gates with a maximum length of 12' each • Single set of gates required for openings of 24' and under • Free hanging gates with no center poll • Shall have a mechanism to secure doors in both an open and closed position • Shall be lockable using a standard padlock
Enclosure Opening	Minimum of 12'

Roof	<ul style="list-style-type: none"> • Roofs with a minimum height of 10'6" are required • Shall extend past any open side of enclosure except the front gates and be angled to drain into landscaping
Material	<ul style="list-style-type: none"> • Design of enclosure shall incorporate the same materials and style as the primary building • Graffiti resistant coating shall be used on exterior walls • Roofs shall be painted with rust-inhibitive paint
Lighting	Minimum 1' candle with motion sensor in area around and inside the enclosure
Landscaping	5' landscape strip on the 3 non-gated walls if visible from roadways or other public spaces
Service Level Minimum for Multifamily Properties with Shared Service	<p>Minimum of 50 gallons of service shall be provided for every 3 residents. Of that provide space for 40% as trash, 40% as recycling, and 20% as organics (excluding any plant debris from facility maintenance). Provide adequate enclosure space to store estimated solid waste generation. Estimated occupancy shall be based on the number of bedrooms with an assumed 2 people per bedroom</p>
Chutes for Multifamily Properties	<ul style="list-style-type: none"> • If chutes are used, a garbage and recycling chute must be provided with space in the chute room to collect and store organic waste • Minimum of 6' between chute opening and trash room floor • Minimum of 6'5" between the center of the trash

	chute and the center of the recycling chute
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7.98.040 Food Service Establishments Requirements

Waste enclosures for Food Service Establishments shall include a hose bib and a drain connected to the sanitary sewer. The applicant shall contact the Dublin San Ramon Services District and the Alameda County Environmental Health Department for specifications and requirements.

7.98.050 Existing Development

If an existing development does not have an existing trash enclosure, the development may, at the discretion of the Public Works Director, be required to install a trash enclosure that meets the requirements of this Chapter.

7.98.060 Multifamily Requirements

- A. Multifamily complex enclosures in the City of Dublin are required to contain space for separate collection of garbage, recycling and organics.
- B. Waste enclosures for collection of garbage, recycling and organics at multifamily apartment and condominium housing shall observe the requirements of the California Building Code and the requirements of CCR Title 24, regarding accessibility to solid waste and recycling collection containers for persons with disabilities (CCR Title 24, Part 2).

7.98.070 Compactors.

- A. Compactors are generally not permitted unless preapproved by the Public Works Director. Inclusion of a compactor shall not supplant the requirements as per the Section 7.98.030 of this Chapter that a site provide adequate enclosure space for recycling and organics collection.
- B. Compactors may require additional space and electrical connections, as well as separate building permits.
- C. Compactors are required to be covered and shall include plumbing directed to the sanitary sewer system to capture possible leaks and spills. The applicant shall contact the Dublin San Ramon Services District for connection and discharge requirements.

D. Adequate room for servicing and backing up and turning shall be provided on site and shall not require use of the public right-of-way.

7.98.080 Roll-off boxes

A. Roll-off boxes are permitted only for temporary use, unless approved by the Public Works Director.

B. Placement of roll-off boxes shall be subject to approval by the Public Works Director.

7.98.090 Permits

All necessary permits shall be obtained prior to the construction of any enclosures within the city of Dublin.

7.98.100 Exceptions

The Public Works Director or his or her designee shall have the authority to grant exceptions to the requirements of this chapter. The Public Works Director shall review the requests for exceptions on a case-by-case basis. The determination of the Public Works Director may be appealed to the City Manager as set forth in Section 1.04.050 of the Dublin Municipal Code.

7.98.110 Stormwater Pollution Prevention

A. All properties shall comply with the federal Clean Water Act and provisions of Chapter 7.75

B. Waste enclosures within the city that are subject to the standards in this chapter shall have a roof to comply with the city of Dublin's National Pollution Discharge Elimination System (NPDES) Stormwater Permit.

C. Ongoing Waste Enclosure Use and Maintenance. At a minimum, the following best management practices shall be adhered to:

1. The enclosure shall only be used for storage of garbage, recycling, cardboard, organics and used cooking oil/grease containers. Storage of hazardous waste or any other items inside the enclosure is strictly prohibited.

2. Storage of garbage, recycling, cardboard only, or organics containers outside of the enclosure is strictly prohibited. All containers shall be stored inside of the enclosure. Exceptions to this requirement may be approved by the Director of Public Works due to lack of enclosure or lack of enclosure space.
3. All solid waste and used cooking oil/grease shall always be contained within appropriate water-tight, covered containers including secondary containment. A supply of spill response materials designed to absorb leaking fluids and/or cooking oil/grease spills shall be kept near the enclosure.
4. Overfilling garbage, recycling and/or organics containers is prohibited. Solid waste shall not protrude above the top rim of the container and shall allow for the lid(s) to close fully. Establishments that have more than three instances of overflowing containers within 6 months will be required to increase their service level(s).
5. Solid Waste enclosures shall be maintained in good working condition and in the condition that they were approved. Maintenance and cleaning of the solid waste enclosure is the day-to-day responsibility of the occupant or owner of the premises.
6. Washing out the solid waste enclosure to the storm drain system is prohibited. Wash water shall be collected and discharged to the sanitary sewer only and is subject to Dublin San Ramon Services District discharge requirements.

7.98.120 Public Litter Containers for Commercial and Multi-Family Properties

- A. It shall be the responsibility of the property owner to install, maintain, and empty the public litter containers for all new developments.
 1. Location of Public Litter Containers:
 - a. Install public litter containers within 10 feet of any food-generating or -selling store planned for the property.
 - b. Include containers along internal, on-site walkways at intervals of 300- 350 feet.
 - c. Locate containers at entrance and exit of property.

2. Properties That Involve Outdoor Eating Area
 - a. Include 3-compartment discard waste cans that are central and visible to the eating area
 - b. Label the 3-compartment discard waste cans with clear signage describing organics, recycling and garbage.
3. Design of Public Litter Containers:
 - a. When selecting public litter containers, they should be considered as a design element, and the design should reflect aesthetic as well as functional concerns.
 - b. Public litter containers should be selected from the same or a similar design family as other site furnishings (such as benches, bollards, bike racks, etc.) and should be finished or painted to complement other site furnishings.
 - c. Public litter container construction should use durable, high quality materials, such as galvanized or stainless steel.
 - d. Materials should be painted to reflect colors similar to nearby elements. Material and paint selection should be graffiti resistant.
 - e. Public litter containers should include recycling containers and should be able to open from the side to allow easy access for removal of waste.
4. Maintenance of Public Litter Containers
 - a. It is the responsibility of the property manager or owner to empty the contents of the public litter containers at least once a week or more frequently as use dictates to prevent overflow of any litter containers
 - b. Public Litter Containers should be kept clean and free of graffiti.
5. The Public Works Director, at his or her discretion, may also require installation of public litter containers that comply with this Section 7.98.120, for any multi-family or commercial property having repeated litter issues. Such issues may include but are limited to overflowing garbage and/organics containers, litter on the ground in common areas, or other litter-related incidences causing a disturbance to the health, comfort or welfare of the community.

7.98.130 Pet Waste Containers

- A. It shall be the responsibility of the property owner to install, maintain, and empty pet waste bag and disposal stations within new parks and trails. Owners shall ensure that the frequency and location of the stations adequately address the unique needs of the property.
- B. The Public Works Director, at his or her discretion, may also require installation of pet waste bag and disposal stations on any property having repeated pet waste issues. Such issues may include but are limited to overflowing pet waste containers, pet waste on the ground in high foot traffic areas, or other pet waste-related incidences causing a disturbance to the health, comfort or welfare of the community.

Section 2. Severability. The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the ordinance or their applicability to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall take effect and be enforced thirty (30) days following its adoption.

Section 4. Posting. The City Clerk of the City of Dublin shall cause this Ordinance to be posted in at least three (3) public places in the City of Dublin in accordance with Section 36933 of the Government Code of the State of California.

PASSED, APPROVED AND ADOPTED this ~~8th~~4th day of ~~November~~December, 2018

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

City Clerk

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