

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

INTRODUCE ORDINANCE NO.424 MODIFYING CHAPTER 6.20 OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, SOLID WASTE REGULATIONS, AND ENACTING MANDATORY COMMERCIAL RECYCLING.

Summary Statement:

At its regular meeting on September 13, 2011, the Town Council directed staff to prepare an ordinance mandating commercial recycling in order for the Town to be in compliance with new state regulations mandating business recycling.

The mandatory recycling regulation affects businesses that generate over four cubic yards of waste weekly. This includes multifamily residences with five or more units and mobile home parks. Apple Valley has 176 apartment complexes containing 1468 units which would be affected by the regulation. The Town also has about 15 mobile home parks which would fall under these regulations, as well. The state regulation allows property owners of multi-family complexes to require tenants to source separate their recyclable materials.

Attached for Council's review and consideration is an ordinance which would add a Section to Chapter 6.20 of the Municipal Code and require recycling of businesses which meet the state threshold stated above. The proposed ordinance basically restates the state regulation and does not add any additional requirements of businesses.

Recommended Action:

1. Move to waive the reading of Ordinance No. 424 in its entirety and read by title only.
2. Move to introduce Ordinance No. 424, amending Chapter 6.20 of the Town of Apple Valley Municipal Code regarding solid waste and enacting mandatory commercial recycling.

Proposed by Diana McKeen Item Number _____

T. M. Approval: _____ Budgeted Item Yes No

Council Meeting Date: 10/25/11

12-1

ORDINANCE NO. 2011-424

**AN ORDINANCE OF THE TOWN OF APPLE VALLEY
AMENDING CHAPTER 6.20 OF THE TOWN OF APPLE
VALLEY MUNICIPAL CODE REGARDING SOLID
WASTE REGULATIONS AND ENACTING MANDATORY
COMMERCIAL RECYCLING**

WHEREAS, the Town Council of the Town of Apple Valley desires to comply with state regulations mandating recycling on the part of all business and commercial entities and to codify the same in the Town of Apple Valley Municipal Code (“Town Municipal Code”).

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 6.20.023 is hereby added to Chapter 6.20 of the Town Municipal Code which is hereby amended to read as follows:

“6.20.023 Mandatory commercial recycling/diversion.

(a) For purposes of this section, “business” includes any firm, partnership, proprietorship, joint-stock company, corporation, or association that is organized as a for-profit or nonprofit entity, strip mall, school, school district, special district, federal, state, local, regional agency or facility. “Business” also includes a multi-family residential dwelling of five units or more.

(b) On or before July 1, 2012, any business generating four or more cubic yards of solid waste per week shall reuse, recycle, compost, or otherwise divert its commercial solid waste from disposal by taking one, or any combination, of the following actions:

(1) Source separate recyclable materials from the solid waste being discarded and subscribe with AVCO Disposal, Inc., for the pick-up of the recyclable materials separately from the solid waste to divert them from disposal.

(2) Source separate recyclable materials from the solid waste and self-haul them to the Victor Valley Materials Recovery Facility (MRF) or other mixed waste processing facility for diversion from disposal.

(i) Each business subject to this Section which does not subscribe with AVCO Disposal, Inc., for pick-up of its recyclable materials shall be responsible for ensuring and demonstrating its compliance with the requirements of this Section to the Town Manager or his or her designee with satisfactory proof of acceptable levels of waste diversion.

(ii) To comply with Section 6.20.023(b), property owners of multi-family complexes may required tenants to source separate their recyclable materials. Tenants must source separate their recyclable materials as required by property owners of multi-family complexes subject to this Section.

(c) Nothing in this Section is intended to prevent or limit the existing right of any business to donate, sell or otherwise dispose of its recyclable materials as provided by §41952 of the Public Resources Code.”

SECTION 2. Except as specifically amended or revised by the provisions of this ordinance, the provisions of the Town of Apple Valley Municipal Code shall remain in effect.

SECTION 3. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under section 36933 of the Government Code of the State of California.

SECTION 4. This ordinance shall become effective thirty (30) days after the date of its adoption.

SECTION 5. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared to be severable.

APPROVED by the Town Council and signed by the Mayor and attested by the Town Clerk this 8th day of November, 2011.

Mayor Scott Nassif

ATTEST:

LaVonda M. Pearson
Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

John Brown
Town Attorney

Frank Robinson
Town Manager

