

ORDINANCE NO. 9 - 11

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF DUBLIN**

**ADOPTING A NEW CHAPTER 7.98 RELATING TO SOLID WASTE AND RECYCLING
ENCLOSURE STANDARDS**

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

Section 1:

Compliance with California Environmental Quality Act (“CEQA”): This Ordinance is exempt from CEQA per CEQA Guidelines Section 15061(b)(3). Section 15061(b)(3) states that CEQA applies only to those projects that have the potential to cause a significant effect on the environment. The adoption of this Ordinance is exempt from CEQA because the Ordinance does not, in itself, allow the construction of any building or structure, but it sets forth the regulations that shall be followed if and when a building or structure is proposed to be constructed or a site is proposed to be developed. This Ordinance of itself, therefore, has no potential for resulting in significant physical change in the environment, directly or ultimately.

Section 2: A new Chapter 7.98 is hereby added to the Dublin Municipal Code to read as follows:

CHAPTER 7.98 SOLID WASTE AND RECYCLING ENCLOSURE STANDARDS

7.98.010 Applicability.

- A. The requirements of this Chapter shall apply to all building or development permits for:
1. New commercial development projects.
 2. New multi-family development projects with 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 the following types of uses: grocery stores, restaurants, markets, daycare centers and auto repair/use.
 4. Any other project, including tenant improvements, where the Public Works Department concludes that the proposed 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 solid waste and recycling enclosure used by the tenant.

7.98.020 Definitions.

The terms used in this Chapter have the meaning 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 premise.

“Illicit discharge” means any discharge to the city storm sewer system that is not composed entirely of stormwater, except discharges pursuant to a NPDES permit and discharges resulting from firefighting activities.

“Mixed 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. Note: cardboard is also accepted in Mixed Recycling bins and carts; however, recycling boxes in the carts is often impractical due to the limited capacity and tendency for even flattened boxes to get jammed in the carts.

“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 green waste including grass and weed clippings shrub and tree prunings, branches (less than four feet in length and four 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.

“Point Source Pollution” means a single identifiable localized source of air, water, thermal, noise or light pollution. A point source has negligible extent, distinguishing it from other pollution sources.

“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” means processing recovered used resources (waste) into new products to prevent waste of potentially useful resources, reduce the consumption of virgin materials, reduce energy usage, reduce greenhouse gas emissions and water pollution (from landfilling), by reducing the need for solid waste disposal.

“Recyclable Materials” for the purpose of this document, means all items accepted in the City’s Commercial Recycling Program, including mixed recycling (paper, bottles and cans), cardboard and food waste/organics.

“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 nonputrescible 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 stormwater 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.

7.98.030 General Construction and Design Standards.

The location, design and construction of enclosures for the set out and collection of garbage, recyclables, food waste, landscaping debris or other discarded materials shall conform to all applicable regulations set out in these standards and to all other provisions of the Dublin Municipal Code. A development may have multiple solid waste and recycling 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.

The Public Works Director may waive some or all of the location, design and construction requirements upon findings that the existing solid waste and recycling enclosure is adequate to provide the required level of services, including capacity and access, for trash and recycling collection for the facility.

Standard enclosures shall have a minimum inside usable floor and wall dimension of 18 feet wide by 10 feet deep, to allow tenant and Collector access to the bins/carts and placement of bins sideways in the enclosure if necessary. In some instances, the required enclosure size may be greater than 18 feet by 10 feet.

All commercial uses within the City must at a minimum provide adequate space for separate garbage bins, cardboard only bins and mixed recycling bins. In addition, food service establishments shall provide adequate space for food waste/organics. If a food establishment will generate grease, fat or tallow, adequate space for those containers is also required. The types and size of bins shall be based on the volume of tonnage generated by the development activity, as estimated by the Public Works Director, and with the aim of reducing, as much as possible, the number of service trips per week by the Collector.

A. Height Clearance of the Enclosure Approach.

The entire approach to and from the front of the enclosure shall have at least 18 feet of vertical clearance to accommodate refuse truck height. The area immediately in front of the enclosure itself, or the location where the bin will be serviced, shall have at least 32 feet of vertical clearance to accommodate the servicing of the bin.

All projects shall provide clearance for front end loading vehicles, as defined below:

Vertical (approach and exit)	18 feet high
Vertical (when dumping bin)	32 feet high
Lateral	15 feet wide

B. Driveways.

An asphalt or concrete driveway with 50 feet of straight, direct access that leads to and from the enclosures to the bin is required and shall be built to withstand trucks weighting up to 62,000 pounds Gross Vehicle Weight (GVW). The driveway shall be built in accordance with the City Standard Plans and Specifications.

C. Concrete Apron at the Approach.

1. The apron surface shall be the same elevation as the enclosure pad threshold and the surrounding surfaces, with a minimum slope of 1/8 inch (1% grade) per foot away from the enclosure pad so as to direct runoff away from the enclosure.
2. The apron shall extend 10 feet from the enclosure pad and be the width of the enclosure opening. To prevent damage to the asphalt paving caused by receptacle impact, the enclosure base shall be designed to withstand up to 20,000 pounds of direct force from a single truck axle. A sufficient strength concrete shall be used to prevent chipping.

D. Concrete Enclosure Pad.

1. The enclosure pad shall be engineered to withstand up to 20,000 pounds of direct force from a single truck axle for any portion of the pad that is subject to vehicle traffic.
2. The enclosure pad surface shall be the same elevation as the apron threshold.
3. On the open side of the enclosure, a grade break line shall be constructed at the inside edge of the wall with the slab sloping inwards on the inside of the structure and away from the structure on the outside.
4. The ground on all other sides of the structure shall be sloped away from the structure.

E. Enclosure Design.

Enclosures shall be designed to provide adequate space for collecting and storing solid waste and recyclable materials, including mixed recycling, separated cardboard and food waste/organics (when appropriate). All solid waste and recycling enclosures shall be designed to provide for adequate capacity, based on the volume and tonnage generated by the development activity, as estimated by the Public Works Director, and with the aim of reducing, as much as possible, the number of service trips per week by the Collector.

1. **Material:** The design of the enclosure shall incorporate the same materials used for the primary buildings for a coordinated look and feel to the development.
2. **Landscaping:** In instances where the enclosure is visible from roadways or other public spaces, an irrigated 5-foot wide landscape strip running the length of the three non-gated enclosure walls shall be provided to allow for vines or large shrubs to shield the walls and discourage graffiti.
3. **Height of walls:** All enclosures shall have walls with a minimum height of 6 feet.
4. **Roof:** All solid waste and recycling area enclosures that are not located inside a building shall have roofs to prevent contaminants from washing into the storm drain system. The lowest part of the ceiling cannot be lower than 9 feet high. The roof shall extend past any open sides. Additionally, the roof shall not overhang the front gate so that the garbage trucks can access the bins.
5. **Inside Dimension**
 - a. All enclosures must have sufficient space for at least one bin for solid waste, a second bin of at least equal size for storing and collecting separated cardboard, and either a mixed recycling bin or cart for mixed paper, bottles and cans of sufficient size to collect mixed recycling items generated on-site. Enclosures that will be used by food establishments must also allow space for a separate food waste/organics bin of sufficient size to collect food waste generated on-site.
 - b. The required interior dimensions shall not include space required for protective curbs or bumpers and shall allow for pairing of trash and recycling container(s) in the same enclosure. All bins must be configured inside the enclosure so as to ensure full access to the entire front area of the bin.
 - c. If the enclosure will service food service establishments, adequate space must also be provided for waste cooking oil storage containers, which must be placed so that they will not interfere with the Collector's ability to service the enclosure, either by blocking access or as a result of leaking oil that creates a hazard for drivers.

- d. The enclosure shall be large enough to provide a minimum of 24 inches on each side of the bins, 24 inches between bins placed side by side and 36 inches from the front of the bin to the gate. If bins are placed facing each other, a minimum of 36 inches between bins is required. A protective buffer (cement curb, bollards or wood/rubber bumper) is required around all interior walls, including partial walls on the gated side, to prevent damage to the enclosure during servicing. Enclosure dimensions will increase depending on the size and number of required bins, which is dependent upon the use. Multiple enclosures may also be required, depending on the size of the development and type(s) of use. If there are multiple enclosures required, each enclosure shall have enough space to pair trash and recycling containers in the same enclosure, to ensure optimum diversion and to minimize contamination of recycling loads. All enclosures shall conform to the standards listed above.

6. Recycling Only Enclosures

Smaller "recycling only" enclosures may be allowed in certain cases where an existing site has adequate enclosure space for trash, but it is not possible to locate the required recycling containers within the trash enclosure, based on the Public Works Director's estimate of required volume. Drainage requirements for recycling only enclosures will depend on the types of materials stored for recycling. Recycling only enclosures designated for separated non putrescible waste (i.e. cardboard only or mixed recycling bins or carts) shall be subject to a Site Development Review permit.

7. Gates Pedestrian Doors

- a. Double gates are required for enclosures that contain two or more trash or recycling bins.
- b. Gates shall be free hanging with no center pole. The gates/doors shall be designed to ensure access and removal of each bin from the enclosure without having to move another bin.
- c. Gates shall be solid metal painted to incorporate the overall design theme of the development with outside handles on each door and a slide latch to secure the doors. The solid waste and recycling area should not be visible through the gates. In addition, gates must be approximately the same size as the enclosure walls.
- d. The gated opening shall be a minimum of 16 feet wide. Gate posts shall be placed outside this span.
- e. Bolts shall be used to secure the gate to the poles or walls.

- f. The gate doors must be constructed with a mechanism that will provide a means of securing the gate doors in both an opened and closed position. All gates must be lockable using a standard padlock.
- g. A pedestrian entrance shall be provided for all enclosures. All pedestrian doors shall open outward to avoid interfering with placement of, and access to, containers.
- h. An accessible path of travel shall be provided from the main building to the pedestrian entrance door described above.

8. Lighting

The area around and inside the enclosure must be lit with a minimum of 1.0 foot candle. A motion sensor is required.

9. Storage inside the Enclosure/ Maintenance

- a. The enclosure is for the storage of solid waste, mixed recycling, cardboard, organics and grease containers only.
- b. Enclosures shall be kept clean, with all recyclables and garbage to be placed in the proper receptacle. No trash or recyclables may be stored on the enclosure floor on either a temporarily or permanent basis. Storage of hazardous materials is not allowed in the enclosure.
- c. All solid waste, mixed recycling, cardboard, organics and grease containers are required to have lids that must be closed when not in use to contain litter and to prevent odor, pests and possible storm water pollution. In addition, all waste cooking oil storage containers must be leak proof and/or have secondary containment that does not interfere with access to cooking oil, trash or recycling containers. In addition, the waste oil hauler or property manager shall keep a supply on hand of material designed to absorb oil near the container in case there is a spill.

10. Waste Water Pollution Prevention

- a. Solid waste and recycling enclosures, with the exception of industrial uses, shall have a drain connected to the sanitary sewer. A hose bib shall be available for periodic wash down.
- b. The Applicant must contact the Dublin San Ramon Services District (DSRSD) for specific sanitary sewer connection and discharge requirements. Sanitary sewer connections and inclusion of a grease or sand/oil interceptor shall be in accordance with DSRSD standard specifications.

- c. In accordance with DSRSD discharge regulations, solid waste and recycling enclosures servicing industrial uses are prohibited from draining into the sanitary sewer system. Waste generated from these users shall be directly taken to the appropriate waste facility.
- d. Stormwater is prohibited from entering the sanitary sewer system; therefore, all solid waste and recycling enclosures that are connected to the sanitary sewer system shall have a roof to prevent stormwater from entering the sanitary system. Grading around the solid waste and recycling enclosure shall be designed to drain stormwater away from the enclosure.

F. Enclosure Location & Accessibility.

- 1. All solid waste, recycling and organics receptacles shall be placed so as to be readily accessible for removal and emptying by the collector, but they shall not be placed within the vehicle traveled portion of any street, road, avenue, way or alley, or at any location so as to constitute a nuisance, pursuant to Section 5.32.070.
- 2. All bins/enclosures are required to have direct access for collection trucks during normal solid waste, recycling and organics collection days and hours. Direct access means the collection truck can directly access the bin, and insert the forks into the sides of the bin without the driver having to get out of the truck to move the bin. A minimum straight approach of 50 feet is necessary to line up directly with the bin.
- 3. Provide a turn around or separate exit that allows the truck to move forward rather than backwards. Maximum back-up distance is 50 feet (unless a greater distance is approved by the Franchise Hauler) for any maneuver and shall be in a straight line.
- 4. Solid waste and recycling enclosures shall not be placed in front of fire hydrants and no enclosure shall be placed within 5 feet of a combustible building wall, opening, or combustible roof eave line.
- 5. Solid waste and recycling enclosures shall not be installed behind parking spaces except for instances with unusual site constraints.
- 6. For safety reasons, the turning radius shall be adequate for a 3-axle truck and shall have a minimum outside turning radius of 45 feet. A turnaround must be provided for any street, driveway or travel aisle that would otherwise require the collection truck to back up a distance greater than 150 feet.
- 7. Truck Specifications:
 - a. Front End Loader vehicles need a minimum of 50 feet of unobstructed clearance to access the solid waste and recycling enclosure. Commercial collection vehicles access the solid waste and recycling enclosure at the front of the vehicle.

- b. Vehicles servicing Roll-off containers need a minimum of 132 feet to approach and load the container, and 30 feet of overhead clearance. Roll-off containers are 20 feet in length and 8 feet wide. The weight of a Roll-off container cannot exceed 10 tons when full.

G. Exceptions for Existing Development.

If an existing development does not have an existing trash enclosure, the development may be required to install a trash enclosure that meets the requirements of this Section 7.98.030. If it is determined by the Public Works Director that there is insufficient space to construct a trash and recycling enclosure, the Public Works Director, may approve modifications to the requirements of this Section 7.98.030.

7.98.040 Multi-family Requirements.

- A. Multifamily complex enclosures in the City of Dublin are required to contain space for separate collection of solid waste, mixed recycling and organics as shown in the table below. Front loader bins shall be used to collect mixed recycling, so that the large quantities of cardboard typically generated at multi-family complexes can be easily recycled by residents.
- B. Solid waste and recycling enclosures for collection of solid waste, recyclables and organics at multi-family apartment and condominium housing shall observe the requirements of the California Building Code and the requirements of Title 24, regarding accessibility to solid waste and recycling collection containers for persons with disabilities (CCR Title 24, Part 2).
- C. Minimum requirements for an enclosure or multiple enclosures by dwelling units are as follows:

Dwelling Units (#)	Garbage (sq ft.)	Mixed Recyclables (sq ft.)	Organics (sq ft.)	Total Enclosure Area (sq ft.)
2 -- 6	30	30	30	90
7 -- 15	60	60	60	180
16 -- 25	100	100	100	300
26 -- 50	200	200	200	600
51 -- 75	300	300	300	900
76 -- 100	400	400	400	1200
101 -- 125	490	490	490	1470
126 -- 150	590	590	590	1770
151 -- 175	690	690	690	2070
176 -- 200	790	790	790	2370
> 200	Every additional 25 dwelling units shall require an additional 100 square feet for solid waste, 100 square feet for recyclables and 100 square feet for organics.			

7.98.050 Compactors.

- A. Compactors are generally not permitted unless pre-approved by the Public Works Director. Inclusion of a compactor shall not supplant the requirement that a site provide adequate enclosure space for recycling. If a compactor is installed, space for recycling (including organics if applicable) shall be provided in accordance with the requirements discussed above.
- 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 to capture possible leaks and spills.
- D. Compactors containing solid waste must be serviced at least once per week. The Applicant must provide written confirmation from the Collector that servicing of the compactor is feasible.
- E. In order to allow adequate space to hook and unhook the compactor from the roll-off truck, a back up distance of three times the length of the 35 foot truck is required (minimum 105 feet). This distance must extend straight ahead from the end of the compactor. For safety reasons, a site plan requiring a back up distance less than 105 feet to service the compactor will not be approved. Width must be at least 12 feet to allow room to maneuver and to provide clearance from objects/structures/vehicles on either side of the backup length. Immediate approach (minimum 30 feet) to a compactor or roll off box should be on a flat, level surface. Adequate room for backing-up and turning shall be provided on-site, and shall not require use of the public right-of-way.

7.98.060 Roll-off Boxes.

- A. Roll-off boxes for on-going uses are generally not permitted.
- B. Roll-off containers shall be placed directly behind a building where space is available at a loading dock to allow loading from above.
- C. Roll-off containers shall be placed on a level surface, unless roll-away protection is required. Placement of roll-off boxes shall be subject to approval by the Public Works Director.
- D. Loading docks shall be equipped with bumper pads or 8 inch high curbs to avoid undue dock damage from heavy containers.
- E. All projects shall provide clearance for roll-off vehicles as follows:
 - 1. Vertical (approach and exit): 14 feet high
 - 2. Vertical (rails raised with bin): 25 feet high
 - 3. Lateral: 10 feet wide
 - 4. Service Area Length Minimum: 75 feet long

7.98.070 Storm Water Pollution Prevention.

- A. All properties shall comply with the Federal Clean Water Act and the provisions of Chapter 7.74.
- B. Solid waste and recycling enclosures within the City that are subject to these standards must have a roof to comply with the City of Dublin's National Pollution Discharge Elimination System (NPDES) Stormwater Permit.

7.98.080 Permits.

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

7.98.090 Exceptions.

Applicants that believe they need a smaller enclosure than required in the City's Enclosure Design Standards, may request an exception from the Public Works Department.

The Public Works Director shall have the authority to grant exceptions to the requirements of this Chapter based on space and access considerations. The determination of the Public Works Director may be appealed to the City Manager.

Section 3. 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 4. Effective Date. This Ordinance shall take effect and be enforced thirty (30) days following its adoption.

Section 5. 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 21st day of June, 2011 by the following vote.

AYES: Councilmembers Biddle, Hildenbrand, Swalwell, and Mayor Sbranti

NOES: None

ABSENT: Councilmember Hart

ABSTAIN: None



 Mayor

ATTEST:



 Deputy City Clerk