

ORDINANCE NO. 2993

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 19.58.340 TO REGULATE THE SPACE ALLOCATED FOR THE TEMPORARY STORAGE, COLLECTION, AND LOADING OF RECYCLABLE MATERIALS AND SOLID WASTE IN DEVELOPMENT PROJECTS

WHEREAS, in 1989 the California Integrated Waste Management Act (AB 939) required cities and counties to divert 50% of their waste stream from landfills; and

WHEREAS, shortly after adopting AB939, the State found that limited storage space within existing facilities was a key deterrent to implementing effective municipal recycling programs and accomplishing the mandated 50% diversion requirement; and

WHEREAS, to solve this problem, the Legislature passed AB 1327 (California Solid Waste Reuse and Recycling Access Act of 1991) which required the California Integrated Waste Management Board (CIWMB) to develop a model ordinance relating to adequate areas for collection and loading of recyclable materials in development projects; and

WHEREAS, local agencies were required to adopt the model, or an ordinance of their own by September 1, 1993; and

WHEREAS, if a local agency did not adopt its own ordinance, the model ordinance adopted by the CIWMB took effect and was to be enforced by the local agency; and

WHEREAS, the City has not adopted its own ordinance, but wishes to do so now; and

WHEREAS, the Environmental Review Coordinator has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "project" as defined under Section 15378 of the State CEQA Guidelines, therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA.

NOW, THEREFORE, the City Council of the City of Chula Vista does hereby ordain:

SECTION I. That Section 19.58.340 of the Chula Vista Municipal Code is amended to read as follows:

19.58.340 Recycling and solid waste storage.

A. All subdivisions or any new construction requiring a building permit and costing more than \$20,000 to construct ("qualifying project") shall include adequate, accessible, and convenient areas dedicated for the accumulation, temporary storage and removal of designated recyclables and solid waste. These recycling and solid waste areas shall be enclosed within a minimum five-foot-high masonry wall or higher if deemed necessary by the director of planning to adequately screen the area, built to standards adopted by the city for a freestanding wall (#4 steel and fully grouted) and shall be designed to accommodate the containers used by the

recycling and solid waste service company contracted with the city. A wooden enclosure may be substituted for a wall in the C-O zone and multiple-family zones by the director of planning.

B. A Recycling and Solid Waste Plan shall be submitted by the applicants of any qualifying project. Said Plan shall be reviewed and approved by the City Manager or his/her designee. A Plan must comply with city and state solid waste and recycling regulations/standards before it can be approved. Building permits may not be issued until the Plan is approved.

C. A Recycling and Solid Waste Planning Manual setting forth recycling and solid waste space allocation regulations, design standards, and guidelines shall be drafted by the City Manager and adopted by the City Council.

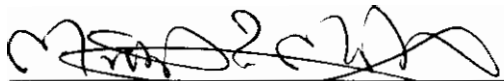
D. The precise location of any recycling and solid waste area shall be approved by the Director of Planning upon review of the site plan. Recycling and solid waste areas shall be accessible and convenient to both the occupants and franchise hauler and shall only be used for the temporary storage, collection and loading of solid waste and recyclables.

E. Recycling and solid waste enclosures shall be permanently maintained; recycling and solid waste areas shall be kept neat and clean; and approved Recycling and Solid Waste Plans shall be adhered to and followed.


SECTION II. This ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

Submitted by

Approved as to form by



Michael Meacham
Conservation and Environmental
Services Director



Ann Moore
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 1st day of February, 2005, by the following vote:

AYES: Councilmembers: Castaneda, Davis, McCann, Rindone and Padilla

NAYS: Councilmembers: None

ABSENT: Councilmembers: None



Stephen C. Padilla, Mayor

ATTEST:



Susan Bigelow, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2993 had its first reading at a regular meeting held on the 25th day of January, 2005 and its second reading and adoption at a regular meeting of said City Council held on the 1st day of February, 2005.

Executed this 1st day of February, 2005.



Susan Bigelow, MMC, City Clerk