

RESOLUTION NO. 2021-302

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING THE SOLID WASTE EXEMPTION POLICY FOR RESIDENTIAL
GENERATORS**

WHEREAS, Elk Grove Municipal Code (EGMC) Title 30 Solid Waste Management provides that a Solid Waste Exemption Policy for residential generators shall be established by resolution of the City Council; and

WHEREAS, the proposed Solid Waste Exemption Policy for residential generators is consistent with existing policy and has been updated to ensure compliance with recent legislation known as Senate Bill No. 1383 (Short-Lived Climate Pollutants (SLCP): Organic Waste Methane Emissions Reductions); and

WHEREAS, the adoption of this Resolution is exempt from environmental review under the California Environmental Quality Act (CEQA) as an action taken for the protection of natural resources and the environment. (CEQA Guidelines §§ 15307, 15308.)

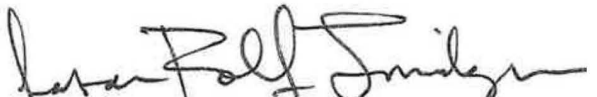
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby approves the Solid Waste Exemption Policy for Residential Generators pursuant to Elk Grove Municipal Code Section 30.20.020 attached hereto as Exhibit A and incorporated herein by reference.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 13th day of October 2021




BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

EXHIBIT A

OFFICE
8401 Laguna Palms Way
Elk Grove, California 95758
elkgrovecity.org/recycle

SPECIAL WASTE COLLECTION CENTER
9255 Disposal Lane
Elk Grove, CA 95624
916.627.3232



SOLID WASTE EXEMPTION POLICY

RESOLUTION No.: 2021-302

EFFECTIVE DATE: JANUARY 1, 2022

1 INTRODUCTION

1.1 PURPOSE

Pursuant to EGMC Section 30.20.020, this policy sets forth procedures and guidelines for obtaining residential solid waste exemptions in the City of Elk Grove. Furthermore, it establishes the criteria and applicable documentation necessary to qualify for an exemption. The available exemptions are intended to accommodate the following situations:

- (1) secondary structures;
- (2) self-hauling; and
- (3) commercial service in-lieu of residential service.

1.2 GENERAL REQUIREMENTS

- 1) Approved exemptions are valid only for the current owner/occupant of a property and are not transferable to a new owner/occupant or to a new property
- 2) All recipients of a solid waste exemption, regardless of the type of exemption, shall source-separate all recyclable materials and organic waste generated onsite and place them into the appropriate containers pursuant to EGMC Section 30.20.010.
- 3) There is no exemption for the residential or commercial Storm Drain Service Fee. Storm Drain Service is provided to all properties in Elk Grove, regardless of solid waste service exemption or a temporary solid waste service interruption. The Storm Drain Service Fee will continue to be billed to each account. Late charges may be assessed for payments not received by the due date listed on the utility bill.
- 4) There is no exemption for the Household Hazardous Waste (HHW) Availability Fee. The cost to provide HHW collection, disposal, and education is included in monthly Solid Waste Rate.

However, households who has received an exemption or service interruption are still responsible for proper disposal of all HHW and thus are subject to the HHW Availability Fee to cover their cost of using the Special Waste Collection Center for HHW disposal. The HHW Availability Fee will continue to be billed to each account and late charges may be assessed for payments not received by the due date listed on the utility bill.

2 TYPES OF EXEMPTIONS

2.1 SECONDARY STRUCTURE EXEMPTION

A secondary structure exemption allows property owners with a secondary structure on the same or an adjoining parcel to set-up a single account for solid waste service with one utility bill and solid waste containers for the primary residence only. The secondary residence may use the solid waste containers of the primary residence/parcel.

In order to qualify for an exemption for a secondary structure, the following requirements must be met:

- A. Residency: The legal property owner must reside on the property in either of the two structures or on either parcel.
- B. Solid Waste Service: The primary structure or parcel must subscribe to solid waste service through the City's franchised residential hauler including refuse, recycling, and organic waste service. Refuse service shall be a minimum of one 64-gallon refuse container.
- C. Secondary Structure: The secondary structure must be located on a single fixed permanent foundation. The square footage of the secondary structure must not be more than 1,000 square feet. The secondary structure must be detached from the primary structure.
- D. Adjoining Parcels: The secondary structure must be located on the same parcel as the primary residence or a directly-adjacent (contiguous) parcel that is under the same ownership as the primary residence.

2.2 SELF-HAUL EXEMPTION

Applicants seeking a Self-Haul Exemption must meet all the following criteria for the duration of the exemption:

- A. Property must be located within an area zoned by the City as Agricultural Residential (AR).
- B. Recipients of an approved self-haul exemption shall either haul all waste to a high diversion organic waste processing facility or use separate collection and storage containers for each waste type as follows:
 - i. A minimum of one container for recyclable materials;
 - ii. A minimum of one container for organic waste; and
 - iii. A minimum of one container for garbage.

Recipients of an approved self-haul exemption shall source-separate these materials into the appropriate containers and shall exclude and properly dispose of all prohibited container contaminants pursuant to EGMC Section 30.20.010 (F).

- C. All solid waste generated onsite shall be disposed on a WEEKLY basis using one of the following methods:
 - i. All solid waste, including garbage, recyclable material, and organic waste, shall be transported to a high diversion organic waste processing facility; or
 - ii. All recyclable material shall be transported to a facility that recovers recyclable material and prevents disposal in a landfill; all organic waste shall be transported to a facility that processes or recovers source-separated organic waste and prevents disposal in a landfill or managed onsite through composting; and all garbage shall be transported to a permitted transfer station or landfill.
- D. Weekly receipts from solid waste facilities must be kept and provided to the City upon request as proof of proper weekly disposal. Failure to show proof of solid waste disposal for each week that a person is a non-customer shall constitute a public health and safety risk sufficient to permit the City to revoke an approved exemption and administratively require such person to subscribe to, use, and pay for solid waste collection service from the City's franchised hauler.
- E. Only the owner or occupant of the property may remove solid waste from the property.
- F. All vehicles used to remove solid waste shall be owned by the owner or occupant of the property approved for a self-haul exemption.
- G. Persons engaged in removal of waste shall be responsible for any excess damage and wear and tear to the City's roadways, whether paved or not, resulting from the illegal weight of solid waste transported or from any leaks or spills of oils, fluids or solids from vehicles used in such solid waste removal.
- H. An owner or occupant approved for a self-haul exemption shall comply with insurance requirements as specified by the City.
- I. It is unlawful for any person approved for a self-haul exemption to collect or transport solid waste for any other person or property.
- J. During transport, all waste shall be covered or contained such that no waste shall leak, blow out or fall from the vehicle while transporting.
- K. All removal must be done safely and quietly with due regard to the property of others.
- L. In no event shall any solid waste be incinerated, burned, or dumped on public property or the private property of another.

2.3 COMMERCIAL SERVICE IN-LIEU EXEMPTION:

An exemption may be granted for residents who subscribe to solid waste service as a commercial customer (with commercial-sized dumpsters) through one of the City's Authorized Haulers in-lieu of

receiving curbside service (with residential carts) through the City's Franchised Residential Hauler. Applicants seeking a Commercial Service In-Lieu Exemption shall meet all of the following requirements for the duration of the exemption:

1. Upon application submittal, a property owner or occupant shall provide evidence of an active account for commercial service from any of the City's authorized commercial haulers. Evidence may include, but is not limited to, a copy of a service contract or a recent invoice for service from the commercial hauler. Such documents must include, the owner/occupants name, the property address, and the types of solid waste collection provided including the number and size of containers.
2. Property must be located within an area zoned by the City as Agricultural Residential (AR).
3. There shall be solid waste storage containers provided by the hauler located onsite for each waste type including refuse, recyclable materials, and organic waste (unless owner/occupant demonstrates that all organic waste is managed onsite).
4. Any person authorized for a Commercial Service Exemption shall retain receipts from the authorized hauler documenting the proper disposal of their waste and shall provide these receipts to the City upon request.
5. Any property owner or occupant receiving a commercial service exemption shall continue to be subject to the waste separation requirements in EGMC 30.20.010 Section F.

2.4 OTHER EXEMPTIONS

Other exemptions may be granted at the discretion of the City Manager or a designee provided that all requested documentation is provided by the applicant.

3 APPLICATION PROCEDURE

A property owner or occupant seeking approval for an exemption from mandatory solid waste service pursuant to EGMC Section 30.20.020 must complete the form entitled "Request for Solid Waste Exemption" which can be obtained from the Recycling & Waste Division. The form shall be submitted, along with all required documents or other attachments, to the Recycling & Waste Division via the email address printed on the form or by mail to 8401 Laguna Palms Way, Elk Grove, CA 95758. An application will not be considered "complete" unless it contains all required attachments and all information requested by the City has been provided.

The City will review the application and all other information submitted and provide notification of approval or denial within 30 days of application submittal. If the request is denied, the notification shall be accompanied by a written explanation detailing the reasons for denial.

Until a property owner or occupant receives notification that the City has approved the exemption application, the owner of record will remain liable to pay for solid waste collection services

4 COMPLIANCE MONITORING & ENFORCEMENT

4.1 ANNUAL RENEWAL

Approved exemptions are valid for one year and will be automatically renewed unless the City receives information that the property owner or occupant no longer qualifies for an exemption. In such cases, the City will contact the owner or occupant to provide them with an opportunity to present any and all documentation necessary to demonstrate continued eligibility for a solid waste exemption.

4.2 PERIODIC COMPLIANCE INSPECTIONS

Any owner or occupant who receives an approved exemption pursuant to Section 2 of this policy shall be subject to periodic compliance inspections at the discretion of the City. Such inspections may include:

4.2.1 Request for documentation

Exemption recipients shall keep all required documentation pursuant to Section 2 above. Upon request, the recipient shall provide the City with copies (electronic or physical) of any or all required documents. Recipients shall not be required to retain or provide documents that are more than three years old.

4.2.2 Site Visit

In some cases, the City may elect to verify compliance via a site visit. The exemption recipient shall provide access, or arrange to provide access, to the property for a City employee or a designated representative to verify the presence of solid waste storage containers, the number and size of containers, or the management of organic waste. This section is not intended to permit a City employee or representative to enter the interior of a private residential property.

4.3 CODE VIOLATIONS

If the City's Code Enforcement Division determines that a Code violation has occurred because a specific property's solid waste is creating a nuisance or threatening public health, any approved Exemption will be immediately rescinded, solid waste containers will be delivered, and billing will commence. The City will continue to bill for this service until a new Exemption has been approved.

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2021-302

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on October 13, 2021 by the following vote:

AYES: **COUNCILMEMBERS:** *Singh-Allen, Nguyen, Hume, Spease, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California