

ORDINANCE NO. 171687

An ordinance amending Sections 12.03, 12.05, 12.07, 12.07.01, 12.07.1, 12.08, 12.09.1, 12.09.3, 12.12.1, 12.12.2, 12.13.5, 12.14, 12.16, 12.18, 12.22, 12.24, and of the Los Angeles Municipal Code, and adding new Sections 12.21 A 18 and 12.21 A 19 to the Los Angeles Municipal Code relating to recycling.

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1. Section 12.03 of the Los Angeles Municipal Code is hereby amended by adding in proper alphabetical sequence the following definitions:

Recyclable Materials. Items or materials to be recycled or reused, including but not limited to yard waste, paper, plastic, glass, metal, newspaper, and cardboard.

Recycling Area or Room. An outdoor space or a room within a building which is designated for the collection of Recyclable Materials generated by the use(s) occupying only that site, is approved by the Fire Department and the Department of Building and Safety, and has the space to accommodate Recycling Receptacles.

Recycling Collection or Buyback Center. A facility where Recyclable Materials are deposited or redeemed for monetary value, and which may include baling or crushing operations for the purposes of efficiency of storage and transfer (volume reduction), but shall not include sorting or processing activities for other than temporary storage purposes.

Recycling Materials Processing Facility. A facility which accepts Recyclable Materials for sorting and processing on the site. For the purpose of this definition, processing shall mean the process of changing the physical characteristics of a Recyclable Material, including the shredding, smelting, grinding and crushing of cans, bottles, and other materials, for other than temporary storage purposes.

Recycling Materials Sorting Facility. A facility which accepts commingled or source-separated Recyclable Materials of various types, which are separated on the site using a manual or automated system. For the purpose of this definition, source-separated Recyclable Materials are those which are separated

from the waste stream at their point of generation for the purpose of recycling. This may include baling or crushing operations for the purposes of efficiency of storage and transfer (volume reduction), but shall not include processing activities for other than temporary storage purposes.

Recycling Receptacle. A container which is suitable for the collection of Recyclable Materials. Containers shall be covered, durable, waterproof, rustproof, and of incombustible construction, and shall provide protection against the environment or be in completely enclosed indoor recycling areas. Containers must be clearly labeled to indicate the type of material to be deposited.

Sec. 2. Section 12.03 of the Los Angeles Municipal Code is hereby amended to delete the definition of “Recycling Center or Site.”

Sec. 3. Section 12.03 of the Los Angeles Municipal Code is hereby amended by amending the following definition of “Recycling Center Operator or Junk Dealer” to read as follows:

Recycling Center Operator or Junk Dealer. A person having a fixed place of business in the City and engaging in, conducting, managing or carrying on the business of buying, selling or otherwise charging or re-selling for reuse, materials approved for collection at an approved Recycling Center or Buyback Center, Recycling Materials Processing Facility, Recycling Materials Sorting Facility or Junk Yard as defined by this Code.

Sec. 4. Subdivision 15 of Subsection A of Section 12.05 is hereby deleted.

Sec. 5. Subdivision 2 of Subsection A of Section 12.07 is hereby deleted.

Sec. 6. Subdivision 5 of Subsection A of Section 12.07.01 is hereby deleted.

Sec. 7. Subdivision 5 of Subsection A of Section 12.07.1 is hereby deleted.

Sec. 8. Subdivision 5 of Subsection A of Section 12.08 is hereby deleted.

Sec. 9. Subdivision 10 of Subsection A of Section 12.09.1 is hereby deleted.

Sec. 10. Subdivision 5 of Subsection B of Section 12.09.3 is hereby deleted.

Sec. 11. Subdivision 7 of Subsection A of Section 12.12.1 is hereby deleted.

Sec. 12. Subdivision 11 of Subsection A of Section 12.12.2 is hereby deleted.

Sec. 13. Subdivisions 12 and 13 of Subsection A of Section 12.13.5 are hereby deleted.

Sec. 14. Subdivision 11 of Subsection A of Section 12.14 is hereby deleted.

Sec. 15. Paragraph (w) of Subdivision 2 of Subsection A of Section 12.16 is hereby deleted.

Sec. 16. Paragraph (d) of Subdivision 3 of Subsection B of Section 12.18 is hereby deleted.

Sec. 17. Subdivision 21 of Subsection A of Section 12.22 is hereby deleted.

Sec. 18. Subparagraph 5 of paragraph (a) of Subdivision 23 of Subsection A of Section 12.22 is hereby amended to read as follows:

(5) Recycling Area or Room. Every Mini-Shopping Center or Commercial Corner Development located on a lot zoned C1.5 or less restrictive shall establish a Recycling Area or Room on the lot or lots for the collection of glass, cans, papers and plastics. The Recycling Area or Room shall be primarily for the use of merchants, employees, and tenants of the Mini-Shopping Center or Commercial Corner Development, shall be kept locked and secured from unauthorized entry, and shall conform to the requirements of Section 12.21 A 19 (c) of this Code.

Sec. 19. Subdivision 40 of Subsection C of Section 12.24 of the Los Angeles Municipal Code is hereby amended to read as follows:

40. The following **recycling uses** in the zones hereinafter specified, subject to the limitations indicated.

(a) The depositing of glass, cans, papers, plastic, beverage containers, and similar Recyclable Materials, Recycling Collection or Buyback Centers, and Mobile Recycling Centers, in the C2, C5, CM, P, PB, MR1, M1, or MR2 Zones, provided that the facility complies with all of the conditions set forth in Section 12.21 A 18(d) of this Code, except when the conditions are specifically modified by the Zoning Administrator.

(b) The depositing of glass, cans, papers, plastic, beverage containers, and similar Recyclable Materials, Recycling Collection or Buyback Centers, and Mobile Recycling Centers, in the M2 or M3 Zones when the facility is not in compliance with all of the conditions set forth in Section 12.21 A 18(d) of this Code.

(c) Recycling Materials Processing Facilities in the M2 and M3 Zones when the facility is not in compliance with all of the conditions set forth in Section 12.21 A 18(f) of this Code.

(d) Recycling Materials Sorting Facilities in the M and MR Zones when the facility is not in compliance with all of the conditions set forth in Section 12.21 A 18 (e) of this Code.

(e) In approving an application for a conditional use pursuant to this subdivision, in addition to the findings required pursuant to this section, the Zoning Administrator shall find that the location of the proposed recycling use will not be materially detrimental to the public welfare or injurious to the properties or improvements in the affected community. An application for a conditional use shall be referred forthwith for review to the councilperson of the district in which the property is located.

(f) An administrative fine of \$250.00 may be collected by the Department of Building and Safety pursuant to the procedures set forth in Section 12.21 A 18(g) of this Code for any violation of a condition or other action of a Zoning Administrator in approving any recycling use pursuant to this subdivision.

Sec. 20. Subdivision 41 of subsection C of Section 12.24 of the Los Angeles Municipal Code is hereby deleted.

Sec. 21. A new subdivision 18 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is hereby added to read as follows:

18. Recycling Centers And Facilities.

(a) Any educational institution, church, league or charitable institution, or any organization described in Section 501 (c)(3) or (4) of the Internal Revenue Code shall be allowed to collect cans, bottles, papers, and plastic on its grounds as an accessory use or on City property, if approved by the City department with jurisdiction over that property, in all zones provided that:

(1) the area for depositing Recyclable Materials does not exceed 200 square feet and shall be a minimum of 10 feet from all buildings, and 150 feet from the property line of any adjoining property in an A or R Zone, except for areas for the collection of newspapers only;

(2) all Recycling Receptacles are covered, durable, waterproof, rustproof, and of incombustible construction;

(3) notwithstanding other provisions of this code, Recycling Receptacles are enclosed by an eight-foot chain link fence with wooden slats, concrete block or similar construction (enclosure), which shall be properly maintained at all times;

(4) either the Recycling Receptacle or the enclosure is clearly identified with the business name, address, telephone number, hours of operation and notice that no material is to be left outside the enclosure;

(5) each Recycling Receptacle clearly indicates the type of material to be deposited;

(6) on a daily basis the area for depositing Recyclable Materials is kept free of litter, debris, spillage, bugs, rodents, odors, and other similar undesirable hazards;

(7) the hours of operation are Monday through Saturday from 8 a.m. to 4 p.m., and Sunday from 10 a.m. to 4 p.m., except when the collection site is further than 500 feet from any A or R Zone, then the permitted hours of operation are seven days a week from dawn until dusk.

(8) the enclosure is kept secure from unauthorized entry by a locking gate or guard maintaining security for the main building;

(9) the enclosure does not diminish the required number of parking spaces or impair traffic flow; and

(10) newspapers are emptied from Recycling Receptacles when full or every week, whichever occurs first and all other materials are emptied from Recycling Receptacles when full or every 72 hours, whichever occurs first.

(11) The baling of newspapers is permitted; however can or bottle crushing is not permitted.

(12) An administrative fine of \$250.00 may be collected by the Department of Building and Safety pursuant to the procedures set forth in Paragraph (g) of this Subdivision for any violation of the provisions of this subparagraph.

(b) Any educational institution, church, league, or charitable institution, or any organization described in Section 501 (c)(3) or (4) of the Internal Revenue Code shall be permitted the use of Mobile Recycling Centers as defined in Section 12.03 of this Code, for organized drives for the collection of cans, bottles, papers, and plastic in all zones provided that:

(1) collections may be made on the grounds of the organization sponsoring the collection drive unless otherwise authorized by the Department of Building and Safety, or on a continuous basis at a recycling center certified by the California Department of Conservation, Recycling Division;

(2) the collection of materials shall not be conducted on the site of an existing residential structure;

(3) not more than three drives shall be conducted on the same site within a 12-month period and the duration of any drive shall not exceed 30 days. No drive shall be conducted within a 90-day period following a prior drive on the same site or within 1,000 feet of the same site;

(4) a permit for which no fee shall be charged must be obtained from the Social Service Department for the purpose of verifying proper time limitations prior to initiation of any drive conducted pursuant to this subdivision;

(5) the Mobile Recycling Center shall be a minimum of 10 feet from all buildings; and

(6) the Mobile Recycling Center shall be maintained such that it is secured from unauthorized entry.

(7) An administrative fine of \$250.00 may be collected by the Department of Building and Safety pursuant to the procedures set forth in Paragraph (g) of this Subdivision for any violation of the provisions of this paragraph.

(c) Recycling Collection or Buyback Centers, including reverse vending machines and Mobile Recycling Centers, as defined in Section 12.03 of this Code, shall be permitted in conjunction with grocery markets in the C1 or any less restrictive zone, or in the P or PB Zone in conjunction with a grocery market on the same site in a C1 or less restrictive zone.

(1) All Recycling Collection or Buyback Centers established pursuant to this paragraph must be in conjunction with a grocery market on the same site.

(2) For the purposes of this paragraph, the term “grocery market” shall mean a retail business, of which greater than one half of the floor area is devoted to the sale of food items for consumption or use off the premises, excluding alcoholic beverages.

(d) The depositing of glass, cans, papers, plastic, beverage containers, and similar Recyclable Materials, Recycling Collection or Buyback Centers, and Mobile Recycling Centers, shall be permitted in the M2 and M3 Zones without obtaining a conditional use permit pursuant to Section 12.24 C 40 (b) of this Code, provided that all of the following conditions are met:

(1) the lot upon which the Recycling Collection or Buyback Center is located is not within 1,000 feet of any A, R, C, P, PB, MR, or M1 Zone or use;

(2) the area for depositing Recyclable Materials does not exceed a total of 1,000 square feet;

(3) the area for depositing Recyclable Materials shall be a minimum of 10 feet from all property lines, except for Reverse Vending Machines and Reverse Vending Machine Commodity Storage Bins located 24 inches or less from the exterior wall of a building;

(4) the entire site shall be enclosed by a 6-foot high concrete block or masonry wall. In addition, if the facility is located in any C, P or PB Zone, a five-foot landscaped buffer, approved by the City Planning Department as provided in Section 12.21 A 6 (i) of this Code, shall be maintained along all street frontages;

(5) all Recycling Receptacles shall be covered, durable, waterproof, rustproof, of incombustible construction, and of sufficient capacity to accommodate the materials collected;

(6) except for Reverse Vending Machine Commodity Storage Bins, either the Recycling Receptacle or the enclosure is clearly identified with the operator's name, address, telephone number, hours of operation, and a notice that no material shall be left outside the enclosure, and each Recycling Receptacle must clearly indicate the type of material to be deposited.

(7) on a daily basis the site is kept free of litter, debris, spillage, bugs, rodents, odors, and other similar undesirable hazards;

(8) Recyclable Materials, other than Recyclable Materials contained in reverse vending machine commodity storage bins, are emptied from Recycling Receptacles when full or every week, whichever occurs first;

(9) all recycled goods shall be placed or stored in Recycling Receptacles and not be left out on the site by the end of the business day;

(10) paper products and other lightweight materials shall be immediately placed into covered Recycling Receptacles when they are dropped off;

(11) the hours of operation shall not exceed Monday through Friday from 7 a.m. to 8 p.m., Saturday from 8 a.m. to 6 p.m., and Sunday from 10 a.m. to 6 p.m., except for Reverse Vending Machines that are located within 24 inches of the exterior wall of a building, which may operate from 7 a.m. to 10 p.m., seven days a week;

(12) all Recycling Receptacles and containers shall be kept secure from unauthorized entry to prevent scavenging and theft of recyclable materials;

(13) the area for depositing Recyclable Materials and/or enclosure shall not impair traffic flow nor diminish the required parking spaces except that up to 10 percent of the required parking spaces may be used as part of the area utilized for Recyclable Materials; provided, however, that if the area for depositing Recyclable Materials is abandoned, then the parking spaces shall be reestablished;

(14) any activity involving baling and hand sorting of Recyclable Materials, as well as automated can conveyor/magnetic or mechanical separators, and crushers for can, glass, or plastic bottles, is conducted in compliance with Section 12.19 A 4 (b)(1) of this Code.

(15) at least one trash receptacle shall be provided within a recycling site;

(16) the area for collection of Recyclable Materials, and all driveways, parking areas, storage areas, and loading zones shall be paved and maintained in good condition;

(17) a source of running water shall be maintained on the site; and

(18) no Recycling Center Operator shall permit loitering, camping, public begging, consumption of alcoholic beverages, use of illegal narcotics, or any other criminal activity on any premises over which he has control.

(19) An administrative fine of \$250.00 may be collected by the Department of Building and Safety pursuant to the procedures set forth in Paragraph (g) of this Subdivision for any violation of the provisions of this paragraph.

(e) Recycling Materials Sorting Facilities shall be permitted in all M and MR Zones without obtaining a conditional use permit pursuant to Section 12.24 C 40 (d) of this Code, provided that all of the following conditions are met:

(1) the facility is located at least 1,000 feet from any A, R, C, P, or PB Zone or use;

(2) the facility shall be operated by a Recycling Center Operator or Junk Dealer;

(3) notwithstanding any other provisions of the Code, no processing of Recyclable Materials, shall be permitted at the facility;

(4) Recyclable Materials to be sorted shall be limited to paper, cardboard, glass, metal, plastic and other items that are deemed appropriate by the Department of Building and Safety, Bureau of Sanitation, and Fire Department;

(5) the hours of operation shall be limited to 7 a.m. to 8 p.m., seven days a week, if the facility is located within 1,000 feet of an A or R Zone or any residential use. Otherwise, operation may be 24 hours a day. All operations must comply with Section 111.03 of this Code. The facility and all related activities shall be administered by on-site personnel during the hours the center is open;

(6) no depositing of Recyclable Materials shall be permitted during hours the center is not open;

(7) the facility shall be clearly identified with the operator's name, address, telephone number, hours of operation and a notice stating that no material shall be left outside the recycling center enclosure;

(8) Recycling Receptacles shall be provided that are durable, waterproof, rustproof and of incombustible construction and of a capacity which are sufficient to accommodate the materials collected;

(9) automated sorting and separating machinery shall be permitted, provided that the machinery is conducted in compliance with Section 12.19 A 4 (b) (1) of this Code;

(10) adequate parking, loading, and drive through space to accommodate customers, shall be provided as required in Section 12.19 A 4 (b) (4) of this Code;

(11) the facility shall be maintained in a clean, safe and sanitary condition on a daily basis;

(12) a source of running water shall be maintained on the site;

(13) the facility shall utilize some type of dust mitigation and/or wind mitigation measures to prevent blowing debris;

(14) the facility shall comply with the other limitations as set forth in Section 12.19 A 4(b) of this Code;

(15) the facility shall be surrounded by a 6-foot high concrete block wall and a 5-foot landscaped buffer, approved by the City Planning Department as provided in Section 12.21 A 6(i) of this Code, adjoining all street frontages; and

(16) no Recycling Center Operator shall permit loitering, camping, public begging, consumption of alcoholic beverages, use of

illegal narcotics, or any other criminal activity on any premises over which he has control.

(17) An administrative fine of \$250.00 may be collected by the Department of Building and Safety pursuant to the procedures set forth in Paragraph (g) of this subdivision for any violation of the provisions of this paragraph.

(f) Recycling Materials Processing Facilities shall be permitted in the M2 and M3 Zones without obtaining a conditional use permit pursuant to Section 12.24 C 40 (c) of this Code, provided that all of the following conditions are met:

(1) the facility shall be located at least 1,000 feet from any A, R, C, P, PB, MR, or M1 Zone or use;

(2) the facility shall be operated by a Recycling Center Operator or Junk Dealer;

(3) notwithstanding any other provisions of the Code, Recyclable Materials collected and processed on the site shall be limited to paper, cardboard, glass, metal, plastic and other items that are deemed appropriate by the Department of Building and Safety, Bureau of Sanitation, and Fire Department;

(4) hours of operation shall be limited to 7 a.m. to 8 p.m., seven days a week, if the facility is located within 1,000 feet of an A or R Zone or any residential use. Otherwise, operation may be 24 hours a day. All operations must comply with Section 111.03 of this Code. The facility and all related activities shall be administered by on-site personnel during the hours the center is open;

(5) no depositing of Recyclable Materials shall be permitted during hours the center is not open;

(6) the facility shall be clearly identified with the operator's name, address, telephone number, hours of operation and a notice stating that no material shall be left outside the recycling center enclosure;

(7) if Recycling Receptacles are used for storage of materials on site, they shall be durable, waterproof, rustproof, and of incombustible construction;

(8) processing machinery, such as weighing scales and crushing and separating machines shall be permitted, provided that the machinery is conducted in compliance with Section 12.19 A 4 (b)(1) of this Code;

(9) the facility shall provide adequate parking, loading, and drive through space to accommodate customers, as required in Section 12.19 A 4 (b) (4) of this Code;

(10) the facility shall be maintained in a clean, safe and sanitary condition on a daily basis;

(11) a source of running water shall be maintained on the site;

(12) the facility shall utilize some type of dust mitigation and/or wind mitigation measures to prevent blowing debris;

(13) the facility shall comply with the other limitations as set forth in Section 12.19 A 4(b) of this Code;

(14) the facility shall be surrounded by a 6-foot high concrete block wall and a 5-foot landscaped buffer, approved by the City Planning Department as provided in Section 12.21 A 6(i) of this Code, adjoining all street frontages; and

(15) no Recycling Center Operator shall permit loitering, camping, public begging, consumption of alcoholic beverages, use of illegal narcotics, or any other criminal activity on any premises over which he has control.

(16) An administrative fine of \$250.00 may be collected by the Department of Building and Safety pursuant to the procedures set forth in Paragraph (g) of this subdivision for any violation of the provisions of this paragraph.

(g) An administrative fine of \$250.00 may be collected by the Department of Building and Safety for any violation of the provisions of this subdivision pursuant to the following provisions.

(1) **Definitions.** As used in this subparagraph the term "Superintendent" means the Superintendent of the Department of Building and Safety. The term "Department" means the Department of Building and Safety.

(2) **Notice to Comply.** For any use found to be in violation of Section 12.21 A 18, the Superintendent shall send a Notice to Comply to the owner of the property and the operator of the use. The Notice to Comply shall clearly state the following:

(i) The violation must be corrected by a Compliance Date specified in the Notice, which date shall be no more than 15 days from the date the Notice is mailed.

(ii) Failure to correct the violation on or before the Compliance Date may result in the imposition of an administrative fine in the amount of \$250.00.

(iii) Repeated violations can result in nuisance abatement procedures under the provisions of the Code.

(3) **Reinspection.** The Superintendent shall reinspect a property for which a Notice to Comply was issued pursuant to this paragraph subsequent to the Compliance Date.

(4) **Failure to Correct Violation.** If any violation specified in the Notice to Comply is not corrected prior to the Compliance Date as specified in the Notice to Comply, an administrative fine of \$250.00 may be collected by the Department.

If the Department determines that a fine is due, then it shall notify the person cited by United States mail in a sealed envelope, with postage paid, addressed to the last known address of the person cited as the address appears in the last equalized assessment roll. Service of the notice shall be deemed to have been completed at the time of deposit with the United States Postal Service.

The person cited shall remit the fine to the Department within 30 days after the date of mailing the notice. If the person cited fails to do so, then the Department, by sending a second notification by certified mail, may demand payment of the fine from the person cited and may prohibit the issuance of any building permit, license or approval to the cited person until such fees are paid.

(5) Appeals. Appeals may be made from a Notice to Comply issued by the Department pursuant to this subdivision pursuant to Section 12.27 A of this Code.

Sec. 22. A new Subdivision 19 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is hereby added to read as follows:

19. Areas For Collecting And Loading Recyclable Materials.

(a) Purpose. In accordance with state regulations regarding recycling facilities, these provisions that require adequate areas for collecting and loading Recyclable Materials serve to divert solid waste and address source reduction, recycling, and composting activities.

(b) Definitions. As used in this subdivision, the term “development project” shall mean any of the following:

(1) The issuance of a building permit for a commercial, industrial, or institutional building where solid waste generated by the facility is collected and loaded.

(2) The issuance of a building permit for a marina where solid waste generated by the facility is collected and loaded. For the purpose of this definition, the floor area of a marina is the space dedicated to the docking or mooring of marine vessels.

(3) Any new public facility where solid waste generated by the facility is collected and loaded, or any improvements to an area of an existing public facility used to collect and load solid waste generated by the facility. For purposes of this definition, a public facility includes but is not limited to buildings, structures, marinas, and outdoor recreation areas owned by a local agency.

(4) The issuance of a building permit for a residential building having four or more living units where solid waste generated by the units is collected and loaded.

(5) The issuance of a building permit for four or more residential units, including detached single-family homes, where solid waste generated by the units is collected and loaded and serves all four or more units.

(c) Requirements For Recycling Areas Or Rooms In A Development Project. All new construction development projects, all multiple-family residential development projects of four or more units where the addition of floor area is 25 percent or more, and all other development projects where the addition of floor area is 30 percent or more, shall provide an adequate Recycling Area or Room, as defined in Section 12.03 of this Code, for collecting and loading Recyclable Materials.

Any existing development project for which multiple building permits are issued within a 12-month period which results in the expansion of the existing development project beyond the above thresholds shall also provide a Recycling Area or Room.

The Recycling Area or Room shall be available for use by persons residing or employed on the property, but shall be kept secured from unauthorized entry by the general public. No payment shall be made to persons depositing Recyclable Materials and no processing of Recyclable Materials shall be permitted, except for periodic loading of materials into a vehicle for removal from the site. The following requirements shall also apply:

(1) It shall be the responsibility of the property owner and lessee to supply and maintain Recycling Area(s) or Room(s) and Recycling Receptacles that are adequate for the collection of all Recyclable Materials generated by the use(s) occupying the site;

(2) The Recycling Area or Room shall comply with the following standards for minimum size:

(i) for multiple-family residential uses of 20 or less dwelling units, or commercial, industrial or institutional uses with a total floor area of less than 3,000 square feet, the minimum Recycling Area or Room shall be 30 square feet;

(ii) for multiple-family residential uses of 21 to 50 dwelling units, or commercial, industrial or institutional uses having a total floor area of 3,001 to 7,500 square feet, the minimum Recycling Area or Room shall be 60 square feet;

(iii) for multiple-family residential uses of 51 or more dwelling units, or commercial, industrial or institutional uses having a total floor area of greater than 7,500 square feet, the minimum Recycling Area or Room shall be 100 square feet;

(iv) every Recycling Area or Room shall contain a minimum vertical space of at least eight feet;

(3) The Recycling Area or Room shall be of adequate size for the collection of all Recyclable Materials generated by the use(s) occupying the site, without such materials overflowing the area or forcing significant amounts of Recyclable Materials to be discarded as general refuse, or the Department of Building and Safety shall determine the area to be inadequate and require a larger space, even if the area provided exceeds the minimum requirements listed in Subparagraph 2 above;

(4) To encourage active participation in recycling to the maximum extent possible, each property owner, manager, or lessee shall inform all tenants and/or employees living or working on the property of the availability and location of the Recycling Area(s) or Room(s), the types of materials that are collected for recycling, that the recycling collection facilities are located on the property pursuant to state law requiring the diversion of a substantial portion of solid waste;

(5) Each property owner or lessee shall contract with a recycler or hauler for the pick-up of Recyclable Materials, separate from trash collection, when receptacles are full or every week, whichever occurs first;

(6) No toxic or hazardous material shall be stored in Recycling Areas or Rooms recycling or receptacles;

(7) All Recyclable Materials shall be placed or stored in Recycling Receptacles. Paper products and other lightweight materials shall be immediately placed into covered Recycling Receptacles when they are dropped off;

(8) On a daily basis the Recycling Area or Room shall be kept free of litter, debris, spillage, bugs, rodents, odors, and other similar undesirable hazards;

(9) The Recycling Area or Room shall be clearly identified by one or more signs designating it for recycling collection and loading;

(10) The Recycling Area or Room shall be available for use by persons residing or employed on the property, but shall be kept secured from unauthorized entry by the general public;

(11) Recycling Areas or Rooms shall not diminish the required number of parking spaces or impair traffic flow;

(12) Recycling Areas and Rooms shall be placed alongside of trash areas or rooms wherever possible. In all cases, recycling areas and rooms shall be separate from trash areas or rooms and shall comply with the following:

(i) Recycling Rooms shall comply with Section 91.6102 of this Code and must be equipped with an automatic sprinkler system pursuant to Section 57.21.04 A 3 of this Code.

(ii) outdoor Recycling Areas in commercial, industrial, or public facilities, or residential buildings having four or more living units shall be confined to the rear one-half of the lot and shall not exceed an area of 300 square feet.

(iii) outdoor Recycling Areas shall be completely enclosed by an eight-foot wall or chain link fence with wooden slates, concrete block, or similar construction (enclosure) with gates of the same height. No material shall exceed the height of the wall or fence. The enclosure shall be constructed with a concrete floor sloped to drain, and a water faucet for hose attachment shall be located adjacent to or within the enclosure. The enclosure shall be secured by a locking gate.

(iv) pursuant to Section 57.21.04 A 2 of the Code, outdoor Recycling Areas shall be located a minimum of 10 feet from any building or building opening except when located adjacent to a minimum one-hour wall and a minimum of 10 feet from any building opening.

Sec. 23. URGENCY CLAUSE. The City Council declares that this ordinance is required for the immediate protection of the public peace, health and safety of the community. Adverse impacts have been created by recycling centers, including noise from crushing, grinding or shredding of recyclable materials, breaking of glass; objectionable odors, spillage of recyclable materials; infestation of insects, rodents; the presence of trash, rubbish, debris, etc.; trash being blown off the site onto neighboring properties; exhaust fumes and dust from machinery processing recyclable materials; heavy vehicular traffic; and, in some instances, extended hours of operation which disturb nearby residents. Presence of recycling centers in or near residential neighborhoods has encouraged scavengers to pick through residents' trash waiting to be picked up at the curb by the City, thus resulting in trespassing on private property, the dumping of unwanted trash on lawns, streets and sidewalks, and the loss to the City of the revenue from these pilfered recyclables. This ordinance is needed to ensure that no new recycling areas are established without being required to go through the conditional use process, as established by this ordinance, which would ensure that such facilities, when located in close proximity to residential properties and other commercial uses, are compatible with the surrounding area. The ordinance also requires recycling areas in new and existing developments, as mandated by State law, and it is necessary to implement this as soon as possible. For these reasons, this ordinance shall become effective upon publication pursuant to Section 281 of the Los Angeles City Charter.

(40947)

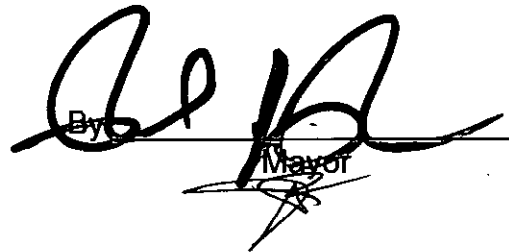
Sec. 24. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of AUG - 6 1997.

J. MICHAEL CAREY, City Clerk

By 
Deputy

Approved AUG 13 1997

By 
Mayor

Approved as to Form and Legality:

MAY 28 1997
JAMES K. HAHN, City Attorney

By 
GWENDOLYN RYDER POINDEXTER
Assistant City Attorney

Pursuant to Sec. 97.8 of the City Charter,
disapproval of this ordinance recommended
for the City Planning Commission _____

May 21, 1997

See attached report


Director of Planning

File No. C.F. 94-0056; 91-2109 S1
89-0515; 87-0882 S1

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