

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO,
CALIFORNIA, AMENDING SUBSECTION (B) OF SECTION
15-2750 OF THE FRESNO MUNICIPAL CODE, RELATING
TO RECYCLING FACILITIES

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Subsection (B) of Section 15-2750 of the Fresno Municipal Code is amended to read:

SECTION 15-2750. RECYCLING FACILITIES. Recycling facilities shall
be located and operated in compliance with the following standards:

...

B. **CRV Recycling Centers.** California Redemption Value (CRV) Recycling Centers are facilities available for the general public for the recycling of products such as glass, aluminum cans, and plastic beverage containers as defined by the State's Department of Resources Recycling and Recovery.

~~1. **Permanent Location.** CRV Recycling Centers shall not be temporary. All associated improvements shall be permanent in nature.~~

~~2. **Hours of Operation.** CRV Recycling Centers shall not be open for business on the same day as regularly scheduled refuse collection for nearby residential areas.~~

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: MED

Ordinance No.

3[1]. **Materials.** CRV and Commingled Materials as defined by Government Code 14506.5 and 14512 of the California Beverage Container Recycling & Litter Reduction Act may be accepted. ~~Newspapers, cardboard, copper, or industrial materials may not be accepted, unless the facility is located within an industrial district.~~

4. ~~Minimum Lot/District Size.~~

a. ~~If a CRV Recycling Center is ancillary to a primary use, the site shall be a minimum of one acre in area.~~

b. ~~If the Recycling Center is the sole or primary use on the site, the site shall be a minimum of one half acre in area.~~

5[2]. **Permitted Locations.** Facilities are permitted as ~~shown in~~ only within the permitted interior footprint of a business subject to California Public Resources Code section 14571.6, subject to a Conditional Use Permit, which will expire after two years, and a Solid Waste and Recycling Facilities Permit. ~~the applicable base district. The following provisions shall also apply:~~

a. ~~In Industrial Districts CRV Recycling Centers may be the primary use.~~

b. ~~In all other districts a CRV Recycling Center shall be operated in conjunction with a retailer such as a~~

~~supermarket, super drug store, or other retailer that sells CRV type goods.~~

~~c. Recycling Centers may be located in a Commercial District that does not house a retailer that sells CRV type goods, subject to the following:~~

~~i. The parcel must within 1,320 feet of an existing supermarket, super drug store, or other retailer that sells CRV type goods.~~

~~ii. The site shall be a minimum one acre in area.~~

~~iii. The facility shall comply with all property development standards, including setbacks, landscaping, parking, etc., of the zone district in which the facility is located.~~

~~d. New Recycling Centers in Commercial Districts shall only be permitted in unserved (and non-exempt) convenience zones.~~

~~6. **Maximum Size.** The Recycling Center shall be limited to a maximum footprint of 700 square feet. Of these 700 square feet, only 500 square feet may be used for building and/or storage area. The remaining 200 square feet may be used for office space, staging areas, or patios/permanent shade structures. If the facility is~~

~~proposed in a permanent building, a larger building area will be allowed on a case-by-case basis.~~

~~7. **Separation.** Except where mandated by State law, CRV Recycling Centers shall physical maintain separation from specific uses as follows. Distances shall be measured from the boundaries of the actual facility and not the property line.~~

~~a. From Residential Uses. 75 feet.~~

~~b. From Public Streets. 20 feet.~~

~~c. From Parks. ½ mile.~~

~~d. From Liquor Stores. ½ mile.~~

~~e. From Schools. ½ mile.~~

~~f. From Another Recycler. New CRV Recycling Centers shall not be located within a half mile of an existing recycling center (or an existing light processing facility that accepts CRV material from the general public).~~

~~8. **Parking.** Patrons and the attendant shall not reduce available parking spaces below the minimum number required for the existing buildings.~~

~~9. **Pavement.** The area used for recycling and parking, and/or storage shall be paved per Public Works Standards for parking lots.~~

~~40[3]. **Equipment.** No power-driven processing equipment, except for reverse vending machines, may be used.~~

~~11. Containers. Containers shall be constructed of durable waterproof and rustproof material(s) and secured from unauthorized removal of material. Capacity sufficient to accommodate materials collected in the collection schedule. ISO containers shall comply with Section 15-2736.~~

~~12. Identification. Containers shall be clearly marked to identify the type of accepted material, the name and telephone number of the facility operator, and the hours of operation.~~

~~13[4]. **Signs.** Signs shall be a maximum of 20 percent per side of facility or container or 16 square feet, whichever is larger. In the case of a wheeled facility, the side is measured from the pavement to the top of the container. Signs shall be a maximum of 10 percent per side of facility.~~

~~14[5]. **Site Maintenance.** Sites shall be maintained clean, sanitary, and free of graffiti, litter, and any other undesirable materials.~~

~~15[6]. **Voucher System.** Upon recommendation by the Fresno Police Department, the Director may require that a Recycling Center implement a voucher system. No money shall be kept in or about the licensed premises. The petitioner shall implement and utilize a voucher system to compensate patrons for raw recycled materials purchased by the business. The center shall provide the patron with a "voucher" which can be exchanged for~~

cash at a predetermined business establishment (e.g. stores, check cashing locations, etc.).

46[7].**Video Surveillance.** Upon recommendation by the Fresno Police Department, the Director may require that the site be monitored by video surveillance.

~~17. **Building/Structure Design and Architectural Compatibility.**~~

~~Recycling Centers shall be limited to single story structures with a height no greater than 10 feet (12 feet if the structure includes architectural features), unless proposed in a permanent building.~~

~~b. A typical ISO container or other type of metal building or structure may be permitted if it is:~~

~~i. Screened by a permanent decorative wall consistent with the architecture of the shopping center; or~~

~~ii. Contained within a permanent or semi-permanent sheath type structure that is consistent or compatible with the architecture of the shopping center.~~

~~c. The storage container shall be painted to match the existing shopping center including the body color and all trim existing. Prominent architectural features of the~~

~~center (such as tile accents) shall be incorporated into the design of the storage container.~~

~~d.—— Screen walls shall be architecturally compatible with the existing shopping center. Chain link fencing may be permitted if it is not visible from a public street or a Residential District.~~

~~e.—— If the facility conducts most of its business outdoors and is not shaded by adjacent trees or buildings during operating hours, a shade structure is allowed for employees. Permanent shade structures are encouraged, but portable shade structures, tents, or umbrellas may be provided for the comfort and safety of the customers and attendant on a case-by-case basis. Shade structures shall remain clean and in good order and shall be replaced if damage or excessive wear becomes visible. To the extent possible, this shade structure or tent shall be architecturally compatible with the shopping center and recycling facility (i.e., of similar colors as the building). The maximum square footage of these shade structures is 120 square feet. Details of the shade structure(s) shall be included in the operational statement. Elevations will be required with application submittal.~~

~~48~~**[8]. Landscaping.** ~~a.~~ Sites shall be in compliance with approved Landscape Plans. [Additional landscaping may be required pursuant to other sections of the municipal code.]

~~b. If the site was developed prior to existing landscaping requirements, landscaping within the immediate vicinity of the storage container and sorting area shall be provided.~~

~~49~~[9]. Site Maintenance and Operational Requirements.****

a. Recyclable materials shall be stored in containers ~~or in the storage unit~~ [a permanent structure on a foundation (temporary structures, i.e. ISO containers, for this use are not allowed)].

b. CRV [Recycling] Centers shall maintain an adequate on-site refuse container for disposal of non-hazardous waste and a container for customers to pour remaining liquids into from their CRV materials. These refuse containers shall be screened from public view.

c. ~~The storage unit~~ [The permanent structure] and surrounding area shall be cleaned and washed and all litter surrounding the site removed as needed to maintain a safe and healthy environment.

d. The operator shall ensure compliance with the Fresno Metropolitan Flood Control District.

e. All shopping carts found within 25 feet of the recycling center not belonging to the existing shopping center shall be returned to their owners. Shopping carts are prohibited on the premises and within 25 feet of the area used to accept recyclable materials.

i. The applicant shall indicate in the operational statement how these requirements will be accomplished,

ii. The operator shall post a sign advising that it is illegal to take shopping carts or that possession of stolen shopping carts is a misdemeanor.

iii. The operator must comply with the Abandoned Shopping Carts Ordinance, Fresno Municipal Code Section 9-3101 et seq., as may be amended.

f. Signs shall be posted informing customers of the Abandoned Shopping Cart Ordinance (Section 9-3103 of the Fresno Municipal Code).

~~g. An on-site restroom facility or a written letter from a nearby store within in the shopping center that allows the recycling center employees to use the store's on-site restroom facilities is required.~~

~~h. The Recycling Center shall be illuminated to ensure comfortable and safe operation.~~

20[10]. Other Requirements.

a. [CRV] Recycling facilities [Centers] must obtain a Solid Waste [and] Recycling [Facilities] Permit from the Code Enforcement Division.

b. Frequent responses by the Fresno Police Department (FPD) arising out of or relating to the operation or management of the real property owned or controlled by the permit-holder causing any combination of the following: animal disturbances; violent criminal acts; illegal consumption of intoxicants in public view; gaming activities; and juvenile disturbances, or any of the other activities set forth in the Fresno Municipal Code (FMC) Section 10-708(g) may result in an FPD recommendation to the Director to commence proceedings to revoke the Site Plan Review/Development Permit or Conditional Use Permit application for violation of the Management of Real Property Ordinance. In addition to recommending the commencement of revocation proceedings, the FPD may pursue any of the other remedies set forth in FMC, Section 10-710, Violation, including assessing fines against the proprietor for the violations of the Management of Real Property Ordinance.

c. "Frequent," for this subsection, means response by the Fresno Police Department is occurring more than 1.5 times the average number of such responses (three calls for every two) for property of a similar size and character within the same policing district.

[11. Applicability.]

a. All of the provisions of this Section shall be immediately enforceable as to CRV Recycling Centers. Any person legally operating a CRV Recycling Center prior to the effective date of this Section shall be subject to the following:

i. If located in a permanent structure or building, the operator shall have a one year grace period from the effective date to come into compliance with this Section. After the one year grace period, all the provisions of this Section shall be immediately enforceable.

ii. If not located in a permanent structure, the operator shall have a six month grace period from the effective date to come into compliance with this Section. After the six month grace period, all the provisions of this Section shall be immediately enforceable.

iii. Operator shall file a new entitlement application with the Development and Resource Management Department to lawfully operate after the grace period.

12. **Severability.** If any section, sentence, clause or phrase of this article is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this article. The Council hereby declares that it would have passed this ordinance and adopted this article and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.]

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2017.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2017
Mayor Approval/No Return: _____, 2017
Mayor Veto: _____, 2017
Council Override Vote: _____, 2017

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Mary Raterman-Doidge Date
Deputy

MRD:prn [73186prn/ord] 09-12-17