

Ordinance No. 2222

**BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMPBELL
AMENDING CERTAIN SECTIONS OF TITLE 21 OF THE CAMPBELL MUNICIPAL
CODE RELATED TO THE REGULATION OF COLLECTION CONTAINERS**

The City Council of the City of Campbell does ordain as follows:

SECTION 1. Location in C-1 Zoning District Subject to Permit: Subsection B of Campbell Municipal Code section 21.10.040 is amended to read as follows, with strikeouts (~~strikeouts~~) indicating deleted text and underlining indicating new text:

B. Permitted uses in C-1 (Neighborhood Commercial) zoning district. The following uses are permitted with a zoning clearance in compliance with Chapter 21.40 (Zoning Clearances):

1. Automated teller machines (ATM's);
2. Banks and financial services;
3. Catering business, only when ancillary to a restaurant;
4. Collection containers, small, subject to obtaining a permit pursuant to section 21.36.245;
4. ~~5.~~ Dry cleaning;
5. 6. Grocery stores (under ten thousand square feet);
6. 7. Hardware stores (under ten thousand square feet);
7. 8. Laundromats, self-service;
8. 9. Libraries, public;
9. 10. Light rail passenger terminals;
10. 11. Meat markets;
11. 12. Offices, professional;
12. 13. Outdoor seating, when twelve total seats or less;
13. 14. Parking lots/structures, public;
14. 15. Personal services, general;
15. 16. Pharmacies/drug stores;
16. 17. Photocopying;
17. 18. Photography studio/supply shop;
18. 19. Repair and maintenance, consumer products;
19. 20. Restaurants or cafes (excluding fast food or drive-ins);
20. 21. Retail stores, general merchandise;
21. 22. Satellite television or personal internet broadband dishes/antenna (less than three feet in diameter);
22. 23. Schools K—12, public;
23. 24. Shopping centers (under ten thousand square feet);
24. 25. Travel agencies;
25. 26. Universities/colleges, public;

26. ~~27.~~ Vending machines;
27. ~~28.~~ Wireless telecommunications facilities - stealth (requires approval of a site and architectural review permit).

SECTION 2. Other Recycling Facilities in C-1 Zoning District Subject to Use Permit:
Subsection C of Campbell Municipal Code section 21.10.040 is amended to read as follows, with strikeouts (~~strikeouts~~) indicating deleted text and underlining indicating new text:

C. Uses allowed with conditional use permit in C-1 (Neighborhood Commercial) zoning district. The following uses are permitted with a conditional use permit in compliance with Chapter 21.46 (Conditional Use Permits):

1. Alternative fuels and recharging facilities;
2. Arcades;
3. Broadcast and recording studios;
4. Commercial day care centers;
5. Commercial schools;
6. Community/cultural/recreational centers;
7. Convalescent/rest homes;
8. Convenience markets/stores;
9. Conversion, commercial converted from residence;
10. Dancing and live entertainment;
11. Emergency shelters;
12. Furniture, furnishings, and equipment stores (greater than ten thousand square feet);
13. Furniture, furnishings, and equipment stores (under ten thousand square feet);
14. Garden centers/plant nurseries;
15. Gasoline stations;
16. Government offices and facilities (local, state or federal);
17. Grocery stores (greater than ten thousand square feet);
18. Hardware stores (greater than ten thousand square feet);
19. Health/fitness centers;
20. Hotel;
21. Late night activities;
22. Liquor establishments;
23. Liquor stores;
24. Medical services, clinics;
25. Medical services, extended care;
26. Motel;
27. Museums, public;

28. Music (recordings) stores;
29. Outdoor seating, when more than twelve total seats;
30. Pet stores;
31. Philanthropic collection trailers;
32. Public assembly uses;
33. Public utility structures and service facilities;
34. Radio or television transmitters;
35. Recycling facilities - reverse vending machines, other than such machines with a permit issued pursuant to section 21.36.245;
36. Recycling facilities - small collection facility, other than such facilities with a permit issued pursuant to section 21.36.245;
37. Restaurants with late night activities or banquet facilities;
38. Restaurants, fast food (with or without drive-in service);
39. Schools - K-12, private;
40. Shopping centers (greater than ten thousand square feet);
41. Spa services;
42. Studios, large;
43. Studios, small;
44. Tanning studios;
45. The use of any building that was constructed as a residential structure for a commercial or office use;
46. Transitional housing;
47. Tutoring centers, large
48. Tutoring centers, small
49. Universities/colleges, private;
50. Veterinarian clinics and animal hospitals;
51. Video rental stores;
52. Warehouse retail stores;
53. Wireless telecommunications facilities - non-stealth.

SECTION 3. Location in C-2 Zoning District Subject to Permit: Subsection B of Campbell Municipal Code section 21.10.050 is amended to read as follows, with strikeouts (~~strikeouts~~) indicating deleted text and underlining indicating new text:

B. Permitted uses in C-2 (General Commercial) zoning district. The following uses are permitted with a zoning clearance in compliance with Chapter 21.40 (Zoning Clearances):

1. Ambulance service;
2. Artisan products, small-scale assembly;
3. Automated teller machines (ATM's);

4. Banks and financial services;
5. Blueprinting shops;
6. Catering business, only when ancillary to a restaurant;
7. Collection containers, large and small, subject to obtaining a permit pursuant to section 21.36.245;
- ~~7.~~ 8. Dry cleaning;
- ~~8.~~ 9. Furniture, furnishings, and equipment stores (greater than ten thousand square feet);
- ~~9.~~ 10. Furniture, furnishings, and equipment stores (under ten thousand square feet);
- ~~10.~~ 11. Garden centers/plant nurseries;
- ~~11.~~ 12. Grocery stores (under ten thousand square feet);
- ~~12.~~ 13. Handicraft industries, small scale assembly;
- ~~13.~~ 14. Hardware stores (under ten thousand square feet);
- ~~14.~~ 15. Hotels;
- ~~15.~~ 16. Laundromats, self-service;
- ~~16.~~ 17. Libraries, public;
- ~~17.~~ 18. Light rail passenger terminals;
- ~~18.~~ 19. Medical services, laboratories;
- ~~19.~~ 20. Motels;
- ~~20.~~ 21. Offices, professional;
- ~~21.~~ 22. Outdoor seating, when twelve total seats or less;
- ~~22.~~ 23. Parking lots/structures, public;
- ~~23.~~ 24. Personal services, general;
- ~~24.~~ 25. Pharmacies/drug stores;
- ~~25.~~ 26. Photocopying;
- ~~26.~~ 27. Photography studio/supply shop;
- ~~27.~~ 28. Repair and maintenance, consumer products;
- ~~28.~~ 29. Restaurants or cafes (excluding fast food or drive-ins);
- ~~29.~~ 30. Retail stores, general merchandise;
- ~~30.~~ 31. Satellite television or personal internet broadband dishes/antenna (less than three feet in diameter);
- ~~31.~~ 32. Schools K—12, public;
- ~~32.~~ 33. Shopping centers (under ten thousand square feet);
- ~~33.~~ 34. Travel agencies;
- ~~34.~~ 35. Universities/colleges, public;
- ~~35.~~ 36. Vending machines;
- ~~36.~~ 37. Wireless telecommunications facilities - stealth (requires approval of a site and architectural review permit).

SECTION 4. Other Recycling Facilities in C-2 Zoning District Subject to Use Permit:
Subsection C of Campbell Municipal Code section 21.10.050 is amended to read as follows, with strikeouts (~~strikeouts~~) indicating deleted text and underlining indicating new text:

C. Uses allowed with conditional use permit in C-2 (General Commercial) zoning district. The following uses are permitted with a conditional use permit in compliance with Chapter 21.46 (Conditional Use Permits):

1. Adult day care facilities;
2. Alternative fuels and recharging facilities;
3. Arcades;
4. Banquet facilities;
5. Bed and breakfast inns (only in historic structures);
6. Broadcast and recording studios;
7. Caretaker/employee housing (not to exceed six hundred forty square feet and one bedroom);
8. Cat and dog day care facilities;
9. Cat and dog grooming facilities;
10. Cat Boarding facilities;
11. Check cashing;
12. Commercial day care centers;
13. Commercial schools;
14. Community/cultural/recreational centers;
15. Convalescent/rest homes;
16. Convenience markets/stores;
17. Conversion, commercial converted from residence;
18. Dancing and live entertainment;
19. Department stores;
20. Drive-in theaters;
21. Emergency shelters;
22. Equipment rental establishments;
23. Gasoline stations;
24. Golf courses and golf driving ranges;
25. Government offices and facilities (local, state or federal);
26. Grocery stores (greater than ten thousand square feet);
27. Hardware stores (greater than ten thousand square feet);
28. Health/fitness centers;
29. Hospitals;
30. Indoor amusement/entertainment/recreation centers;
31. Late night activities;

32. Liquor establishments (on-site consumption only);
33. Liquor stores (off-site consumption only);
34. Massage Establishments;
35. Medical services, clinics;
36. Medical services, extended care;
37. Miniature golf courses;
38. Motor vehicle - cleaning, washing, and detailing;
39. Motor vehicle - oil change facilities;
40. Motor vehicle - parts and supplies (very limited maintenance/installation);
41. Motor vehicle - renting and leasing;
42. Motor vehicle - sales (new and/or used);
43. Museums, public;
44. Music (recordings) stores;
45. Nightclubs with or without food service;
46. Outdoor active activities (e.g., drive-up windows);
47. Outdoor amusement/entertainment/recreation centers;
48. Outdoor retail sales and activities;
49. Outdoor seating, when more than twelve total seats;
50. Payday lender, subject to the requirements of section 21.36.260;
51. Personal services, limited;
52. Pet stores;
53. Pharmacies/drug stores, with drive-up service;
54. Philanthropic collection trailers;
55. Public assembly uses;
56. Public utility structures and service facilities;
57. Public works maintenance facilities and storage yards;
58. Radio or television transmitters;
59. Radio stations;
60. Recycling facilities - reverse vending machines, other than such machines with a permit issued pursuant to section 21.36.245;
61. Recycling facilities - small collection facility, other than such facilities with a permit issued pursuant to section 21.36.245;
62. Restaurants with late night activities or banquet facilities;
63. Restaurants, fast food (with or without drive-in service);
64. Schools - K—12, private;
65. Second hand/thrift stores;
66. Shopping centers (greater than ten thousand square feet);
67. Sign shops;
68. Spa services;

69. Studios, large;
70. Studios, small;
71. Tanning studios;
72. Theaters, movie or performing arts;
73. Transitional housing;
74. Tutoring center, large;
75. Tutoring center, small;
76. Universities/colleges, private;
77. Veterinary clinics and animal hospitals;
78. Video rental stores;
79. Warehouse retail stores;
80. Wireless telecommunications facilities - non-stealth.

SECTION 5. Location in C-M Zoning District Subject to Permit: Subsection B of Campbell Municipal Code section 21.10.070 is amended to read as follows, with strikeouts (~~strikeouts~~) indicating deleted text and underlining indicating new text:

B. Permitted uses in C-M (Controlled Manufacturing) Zoning District. The following uses are permitted with a zoning clearance in compliance with Chapter 21.40 (Zoning Clearances):

1. Artisan products, small-scale assembly;
2. Blueprinting shops;
3. Business support service;
4. Collection containers, large and small, subject to obtaining a permit pursuant to section 21.36.245;
- ~~4.~~ 5. Clothing products manufacturing;
- ~~5.~~ 6. Electronics and equipment manufacturing;
- ~~6.~~ 7. Food and beverage product manufacturing;
- ~~7.~~ 8. Furniture/cabinet shops;
- ~~8.~~ 9. Glass products manufacturing;
- ~~9.~~ 10. Handicraft industries, small-scale assembly;
- ~~10.~~ 11. Laundries/dry cleaning plants;
- ~~11.~~ 12. Light rail passenger terminals;
- ~~12.~~ 13. Machinery manufacturing;
- ~~13.~~ 14. Metal products fabrication;
- ~~14.~~ 15. Offices, professional;
- ~~15.~~ 16. Paper products manufacturing;
- ~~16.~~ 17. Pharmaceutical manufacturing;
- ~~17.~~ 18. Plastics and rubber products;

- ~~18.~~ 19. Printing and publishing;
- ~~19.~~ 20. Research and development;
- ~~20.~~ 21. Satellite television or personal internet broadband dishes/antenna (less than three feet in diameter);
- ~~21.~~ 22. Sign manufacturing;
- ~~22.~~ 23. Textile products manufacturing;
- ~~23.~~ 24. Warehousing, wholesaling and distribution facility, incidental (less than fifty percent of floor area);
- ~~24.~~ 25. Wireless telecommunications facilities - stealth (requires approval of a site and architectural review permit).

SECTION 6. Location in M-1 Zoning District Subject to Permit: Subsection B of Campbell Municipal Code section 21.10.080 is amended to read as follows, with strikeouts (~~strikeouts~~) indicating deleted text and underlining indicating new text:

B. Permitted uses in M-1 (Light Industrial) zoning district. The following uses are permitted with a zoning clearance in compliance with Chapter 21.40 (Zoning Clearances):

- 1. Ambulance service.
- 2. Artisan products, small-scale assembly.
- 3. Blueprinting shops.
- 4. Business support service.
- 5. Clothing products manufacturing.
- 6. Collection containers, large and small, subject to obtaining a permit pursuant to section 21.36.245;
- ~~6.~~ 7. Electronics and equipment manufacturing.
- ~~7.~~ 8. Emergency shelters, only in that portion of the M-1 zone bounded generally by Camden Avenue, Los Gatos Creek County Park, Hacienda Avenue and Winchester Boulevard.
- ~~8.~~ 9. Food and beverage product manufacturing.
- ~~9.~~ 10. Furniture/cabinet shops.
- ~~10.~~ 11. Glass products manufacturing.
- ~~11.~~ 12. Handicraft industries, small-scale assembly.
- ~~12.~~ 13. Laboratories.
- ~~13.~~ 14. Laundries/dry cleaning plants.
- ~~14.~~ 15. Light rail lines.
- ~~15.~~ 16. Light rail passenger terminals.
- ~~16.~~ 17. Lumber and wood products, including incidental mill work.
- ~~17.~~ 18. Machinery manufacturing.
- ~~18.~~ 19. Metal products fabrication.

- ~~19.~~ 20. Offices, professional.
- ~~20.~~ 21. Paper products manufacturing.
- ~~21.~~ 22. Pharmaceutical manufacturing.
- ~~22.~~ 23. Plastics and rubber products.
- ~~23.~~ 24. Printing and publishing.
- ~~24.~~ 25. Repair and maintenance, consumer products.
- ~~25.~~ 26. Research and development.
- ~~26.~~ 27. Rug and upholstery cleaning.
- ~~27.~~ 28. Satellite television or personal internet broadband dishes/antenna (less than 3 feet in diameter).
- ~~28.~~ 29. Sign manufacturing.
- ~~29.~~ 30. Sign shops.
- ~~30.~~ 31. Textile products manufacturing.
- ~~31.~~ 32. Trucking/freight terminals.
- ~~32.~~ 33. Warehousing, wholesaling and distribution facility, incidental.
- ~~33.~~ 34. Warehousing, wholesaling and distribution facility, primary.
- ~~34.~~ 35. Wireless telecommunications facilities—stealth (requires approval of a site and architectural review Permit).
- ~~35.~~ 36. Sexually oriented business in compliance with Chapter 5.55 and section 21.36.205 of this Code.

SECTION 7. Other Recycling Facilities in M-1 Zoning District Subject to Use Permit: Subsection C of Campbell Municipal Code section 21.10.080 is amended to read as follows, with strikeouts (~~strikeouts~~) indicating deleted text and underlining indicating new text:

C. Uses allowed with conditional use permit in M-1 (Light Industrial) zoning district. The following uses are permitted with a conditional use permit in compliance with Chapter 21.46 (Conditional Use Permits):

1. Ancillary retail uses serving industrial uses.
2. Ancillary retail operations associated with a lawfully established use which occupy no more than 25% of the use's existing floor area.
3. Alternative fuels and recharging facilities.
4. Broadcast and recording studios.
5. Building material stores/yards.
6. Caretaker/employee housing.
7. Cat and dog day care facilities.
8. Cat and dog grooming facilities.
9. Cat Boarding facilities.
10. Catering business.

11. Chemical products.
12. Construction equipment rentals.
13. Contractor's equipment yards.
14. Conversion, industrial converted from residence.
15. Dog Boarding facilities.
16. Emergency shelters, except as permitted in that portion of the M-1 zone described in Section 21.10.080(B)(7).
17. Government offices and facilities (local, State or federal).
18. Health/fitness centers.
19. Late night activities.
20. Marine sales (new and used), with/without service facilities.
21. Motor vehicle—cleaning, washing, and detailing.
22. Motor vehicle—dismantling.
23. Motor vehicle—leasing.
24. Motor vehicle—oil change facilities.
25. Motor vehicle—painting.
26. Motor vehicle—renting.
27. Motor vehicle—repair and maintenance (minor and major/only within an enclosed structure).
28. Motor vehicle—repair and maintenance (minor/only within an enclosed structure).
29. Motor vehicle—sales (new and/or used).
30. Motor vehicle—tune-up.
31. Motor vehicle—tune-up—light duty only.
32. Motor vehicle—window tinting.
33. Outdoor storage.
34. Parking lots/structures, public.
35. Public assembly uses.
36. Public utility structures and service facilities.
37. Public works maintenance facilities and storage yards.
38. Radio or television transmitters.
39. Radio stations.
40. Recycling facilities - large collection facility, other than such facilities with a permit issued pursuant to section 21.36.245.
41. Recycling facilities - processing facility.
42. Restaurants or cafes (excluding fast food or drive-ins).
43. Storage facilities (one facility per every five thousand people of the population).
44. Studios, large.
45. Studios, small.

46. Towing services.
47. Trailer sales (with or without service facilities).
48. Transitional housing.
49. Veterinary clinics and animal hospitals.
50. Wireless telecommunications facilities - non-stealth.

SECTION 8. Addition to the Provisions Applying to Special Uses Section: Section 21.36.245 is added to Chapter 21.36 of the Campbell Municipal Code is added to read as follows, with underlining indicating new text:

21.36.245 Collection Containers.

A.Purpose. The City has experienced a proliferation of Collection Containers and their placement in required parking stalls, required landscaped areas, in residential areas located in many zoning districts of city, often without property owner's permission. The proliferation of these containers in-and-of themselves contribute to visual clutter; and in areas throughout the State, collection containers have contributed blight due to graffiti, and the accumulation of debris and excess items outside of the collection containers. They can also interfere with the proper collection of data concerning the diversion of waste within the City from landfills. The purpose of these regulations is to promote the health, safety, and/or welfare of the public, and protect the property rights of the owners of parcels on which the collection containers are located, by providing minimum blight-related performance standards for the operation of collection containers, including establishing criteria to ensure that (1) material is not allowed to accumulate outside of the collection containers, (2) the collection containers remain free of graffiti and blight, (3) the collection containers are maintained in safe and sanitary conditions, (4) the collection containers are not placed without the approval of the property owners, (5) contact information is readily available so that the operators can be contacted if there are any blight-related questions or concerns, and that operators properly report information concerning the diversion of materials from landfills. This section regulates the size, number, placement, installation and maintenance of collection containers, as is necessary to accomplish the foregoing purposes.

B.Definition in Municipal Code. As used herein, the terms and phrases shall have the same meaning as defined in Chapter 21.72.020 of the Municipal Code.

C.Conflicting Provisions. Where a conflict exists between the regulations or requirements in this section and applicable regulations or requirements contained in other sections of the Campbell Municipal Code, the applicable regulations or requirements of this section shall prevail.

D.Permit Requirements.

1. Except as provided in paragraph 2 below, it is unlawful to place, operate, maintain or allow a collection container on any real property unless the property owner

and operator of the collection container first obtain an annually renewable permit from the City.

2. Collection containers that satisfy the following standards are exempt from the permit requirements of this section:

- a. Collection containers that are located within an entirely enclosed and lawfully constructed and permitted building, or that otherwise cannot be seen from outside of the boundaries of the property on which the containers are located, provided that such collection containers satisfy the operational requirements set forth in subsections I through K;
- b. Cargo storage containers that are in compliance with section 21.36.050 of this Code;
- c. Refuse or recycling containers that comply with the provisions of Chapter 6.04 of this Code.

3. Approval of collection containers on more than one parcel may be sought in a single application.

4. An application for a collection container shall be processed as ministerial action in accordance with this section. The Community Development Director shall be the decision maker.

E. Application Requirements.

The permit application shall be made on a form provided by the Community Development Department, and shall include:

1. The signatures of the property owner and the operator of the collection container, acknowledging that they will be equally responsible for compliance with all applicable laws and conditions related to the collection containers for which they are seeking approval;
2. A non-refundable application fee in an amount set by resolution of the City Council;
3. The name, address, email, website (if available) and telephone number of the operator of the collection container and property owner on which the collection container is to be located, including 24-hour contact information;
4. A vicinity map showing (a) the proposed location of the collection containers; and (b) the distance between the site and all existing collection containers owned or controlled by the applicant within five-hundred feet of the proposed location for the collection containers;

5. Photographs of the location and adjacent properties;
6. A site plan containing:
 - a. Location and dimensions of all parcel boundaries;
 - b. Location of all buildings;
 - c. Proposed collection container location;
 - d. Distance between the proposed collection container and parcel lines buildings; and
 - e. Location and dimension of all existing and proposed driveways, garages, carports, parking spaces, maneuvering aisles, pavement and striping/markings;
7. Elevations showing the appearance, materials, and dimensions of the collection container, including the information required in this section to be placed on the collection container and notice sign;
8. A description and/or diagram of the proposed locking mechanism of the collection container;
9. A maintenance plan (including graffiti removal, pick-up schedule, and litter and trash removal on and around the collection container); and
10. Any other information regarding time, place, and manner of the collection container's operation, placement, and maintenance that is reasonably necessary to evaluate the proposal's consistency with the requirements of this section.

F. Permit Expiration and Renewal. A permit issued under this section shall expire and become null and void annually on the anniversary of its date of issuance, unless renewed prior to its expiration. An application for renewal must be submitted prior to the expiration of the permit on a form provided by the Community Development Department, and shall include:

1. The signatures of the property owner and the operator of the collection container, acknowledging that they will be equally responsible for compliance with all applicable laws and conditions related to the collection containers for which they are seeking approval;

2. A non-refundable application fee in an amount set by resolution of the City Council;
3. Photographs of the location and adjacent properties taken within ten days of the submittal of the renewal application;
4. A detailed description of any information that is different from the information submitted on the previous application; and
5. Any other information regarding time, place, and manner of the collection container's operation, placement, and maintenance that is reasonably necessary to evaluate the proposal's consistency with the requirements of this section.

G. Decision on Application.

1. The Community Development Director shall approve or deny an application within sixty days of the receipt of a completed application. If the Community Development Director fails to take action on the application within the required sixty days, the application shall be deemed approved.

2. The Community Development Director shall approve the application if all of the following are true, otherwise the Director may deny the application:

a. The applicant has submitted a complete, fully executed and accurate application accompanied by the applicable fee;

b. The property on which the collection container is to be located has been free of graffiti (as defined in subsection (e) of California Government Code section 53069.3 or any successor statute) for at least six months prior to the submission of the application;

c. The property on which the collection container is to be located has been free of any conditions constituting a public nuisance (as defined in section 6.10.020 of this Code) for at least six months prior to submission of the application;

d. The applicant is neither currently in violation of, nor has been found in violation of this section or Chapter 6.10 of this Code within one year prior to submission of the application; and

e. The application will be in compliance with all of the applicable provisions of this section.

3. The Community Development Director shall mail written notice to the applicant of the Director's decision by First Class United States mail, addressed to the

applicant at the address provided on the application. If the application is denied, or approved subject to conditions, the notice shall set forth the reasons for the denial or conditions, as well as the facts supporting the Director's reasons.

4. The decision of the Community Development Director shall be final, and not subject to administrative appeal.

H. Revocation. Any permit issued under this section may be revoked or modified as provided in Chapter 21.68 of this Code.

I. Location of containers.

1. No large collection container shall be located outside of a C-2, C-M or M-1 zoning district.

2. No small collection container shall be located outside of a C-1, C-2, C-M or M-1 zoning district.

3. No collection container shall be located within five-hundred feet from any other collection container, except those described in paragraph 2 of subsection D of this section.

4. No collection container shall be located within three-hundred feet of a residentially zoned parcel.

5. No collection container shall be located on or within:

a. The public right-of-way (including sidewalks);

b. Area designated for landscaping;

6. No collection container shall be located in or block or impede access to any:

a. Required parking or driveway areas;

b. Pedestrian routes;

c. Emergency vehicle routes; d.

Building ingress and egress;

e. Required handicapped accessibility routes;

f. Required easements; or

g. Trash enclosure areas or access to trash bins or trash enclosures.

h. Any place that would impede the functioning of exhaust, ventilation, or fire extinguishing systems.

7. No more than one collection container shall be located on any parcel, except for those described in paragraph 2 of subsection D of this section.

8.No large collection container shall be located within the designated setback space of any parcel.

J.Physical Attributes.

1.All collection containers, other than those described in paragraph 2 of subsection D of this section shall:

- a. Be fabricated of durable and waterproof materials;
- b.Be placed on ground that is paved with a durable concrete surface and secured with appropriate supports, anchorages, or attachments;
- c.Have a tamper-resistant locking mechanism for all collection openings;
- d. Not be electrically or hydraulically powered or otherwise mechanized;
- e. Not be considered a fixture of the site or an improvement to real property.

2.A small collection container shall be no taller than seven feet above the finished grade of the parcel on which it is located.

3.Small collection containers shall have the following information conspicuously displayed in at least two-inch type visible from the front on the collection container:

- a.The name, address, 24-hour telephone number, and, if available, the Internet Web address, and email address of the operator of the collection container and the agent for the property owner;
- b.The type of material that may be deposited; and
- c.A notice stating that no material shall be left outside the collection container.

4.Large collection containers shall have the following information conspicuously displayed in at least four-inch type visible on all sides of the collection container:

- a.The name, address, 24-hour telephone number, and, if available, the Internet Web address, and email address of the operator of the collection container and the agent for the property owner;
- b.The type of material that may be deposited;
- c.A notice stating that no material shall be left outside the collection container; and
- d.A statement that no items may be left for collection unless an attendant is on duty.

K.Maintenance and Operation.

1.No overflow collection items, litter, debris or dumped materials shall be allowed to accumulate within twenty feet of any collection container.

2.Collection containers shall be maintained and in good working order, and free from graffiti, removed or damaged signs and notifications, peeling paint, rust, and broken collection operating mechanisms.

3.Collection containers shall be serviced not less than weekly between 7:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends. This servicing includes maintenance of the container, the removal of collected material and abatement of any graffiti, litter, or nuisance condition as defined in section 6.10.020 of this Code.

4.The operator shall maintain an active email address and a 24-hour telephone service with recording capability for the public to register complaints.

5.Any conditions that are in violation of this section must be remedied or abated within forty-eight hours of being reported to the operator or property owner. Notice to the operator shall be provided telephone and/or email at the number or address that is required to be placed on the container pursuant to this Code section. Notice to the property owner shall be effective upon delivery of the notice by First Class United States Mail to the address listed on the last equalized County Assessor's role.

5.Collection containers cannot be used for the collection of solid waste and/or any hazardous materials except as authorized by Chapter 6.04 of this Code or other applicable law.

6.The operators of the collection containers shall report all tonnage collected within city limits on a annual basis by June 1st of the following year to the public works department (pursuant to the requirements of Integrated Waste Management Act, (AB 939, Chapter 1095, Statutes of 1989) and the Per Capita Disposal Measurement Act of 2008 (Chapter 343, Statutes of 2008 [Wiggins, SB 1016] and SB 1016, the Per Capita Disposal Measurement System i) in order to properly account for the City of Campbell waste diversion and recycling efforts.

7.Large collection containers shall have an attendant present at the container at all times that items are being collected.

SECTION 9: Definitions of Collection Container: The following definitions are added to subsection C of Campbell Municipal Code section 21.72.020 between the definitions of "child day care facilities" and "clothing products manufacturing" to read as follows, with underlining indicating new text:

"Collection container" means a drop-off box, container, receptacle, trailer or similar facility that accepts textiles, shoes, books and/or other salvageable items of personal property.

"Collection container, small" means a collection container that occupies no more than eighty-four cubic feet.

"Collection container, large" means a collection container that occupies more than eighty-four cubic feet.

SECTION 10: Definition of Recycling Facilities: The definition of "recycling facilities" in subsection R of Campbell Municipal Code section 21.72.020 is amended to read as follows, with underlining indicating new text and ~~strikeouts~~ indicating deleted text:

"Recycling facilities" means ~~this land use type includes~~ a variety of facilities involved with the collection, sorting, and processing of recyclable materials. ~~Typically a center for the collection and/or processing of recyclable materials.~~ A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers located on a residentially, commercially, or industrially designated site used solely for the recycling of material generated on the site.

1. "Collection facilities (large and small)" means a center where the public may donate, redeem, or sell recyclable materials, which may include the following, where allowed by the applicable zoning district:

a. Large collection facilities which occupy an area of more than eight-four cubic 350 square-feet, including but not limited to large collection containers and/or include permanent structures;

b. Small collection facilities which occupy an area of eighty-four cubic 350-square feet or less and may include:

(1) A mobile unit;

(2) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 85 cubic 50-square-feet; and

(3) Kiosk-type units, which may include permanent structures; and

(4) Small collection container.

c. Reverse vending machine(s);

2. "Processing facilities" means a structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by means of baling, briquetting, cleaning, compacting, crushing,

flattening, grinding, mechanical sorting, remanufacturing, and shredding. Processing facilities include the following types:

a. Light processing facility occupies an area of under 45,000 square feet of collection, processing, and storage area, and averages two outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding, and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not bale, compact, or shred ferrous metals other than food and beverage containers; and

b. A heavy processing facility is any processing facility other than a light processing facility.

3. "Recycling or recyclable material" means reusable domestic containers and other materials which can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper, and plastic. Recyclable material does not include refuse or hazardous materials.

4. "Reverse vending machines" means an automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.

A bulk reverse vending machine is a reverse vending machine that is larger than 85 cubic 50 square-feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.

SECTION 10: This Ordinance shall become effective (30) days following its passage and adoption and shall be published once within fifteen (15) days upon passage and adoption in the Campbell Express, a newspaper of general circulation in the City of Campbell, County of Santa Clara.

PASSED AND ADOPTED this 16th day of May, 2017, by the following roll call vote:

AYES: COUNCILMEMBERS: Landry, Waterman, Resnikoff
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: Gibbons
ABSTAIN: COUNCILMEMBERS: Cristina

APPROVED: Paul Resnikoff
Paul Resnikoff, Vice Mayor

ATTEST: Wendy Wood
Wendy Wood, City Clerk