

ORDINANCE NO. 57.2

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF SCOTTS VALLEY
AMENDING CHAPTER 8.12 OF THE
SCOTTS VALLEY MUNICIPAL CODE
ESTABLISHING MINIMUM STANDARDS FOR THE
RECYCLING OF ELECTRONIC WASTE**

WHEREAS, the recycling of electronic devices is a valuable service and benefits the community by improving the health and safety of the community and environment; and

WHEREAS, electronic devices contain materials that pose a risk to the health and safety of residents, the environment and recycling workers if not recycled by environmentally responsible means; and

WHEREAS, some electronic device recycling methods utilize inadequate environmental standards that pose a risk to the health and safety of residents, the environment and recycling workers – such as disposal in landfills, the export of electronic devices to developing countries with inadequate environmental standards, and the use of prison, child or elderly labor; and

WHEREAS, it is the intent of the City Council to use its regulatory powers to require the use of certain electronic device recycling standards for recycling of electronic devices collected within the city limits of the City of Scotts Valley to protect the health and safety of residents, the environment, and recycling workers to the greatest extent possible; and

WHEREAS, recycling standards required for a recycler to qualify as a certified recycler under the certification program designated by the City of Scotts Valley shall be designed to protect the health and safety of residents, the environment and recycling workers to the greatest extent possible; and

WHEREAS, this ordinance will protect the health and safety of residents, the environment and recycling workers by establishing minimum electronic device recycling standards for recycling of electronic devices collected or processed within the City of Scotts Valley.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY as follows:

Section 1. Section 8.12.010 is amended to add the following definitions:

- “E. *Electronic device*: Any device powered by electricity (including batteries) that contains circuitry and is identified by the State of California as hazardous waste, whether whole or in fragments, including parts, components, or assemblies thereof: Examples include, but are not limited to: televisions, computers, central processing units, mobile computers (including notebooks, netbooks, tablets, and e-book readers), computer accessories (including input devices, webcams, speakers, data storage devices, servers, and monitors), televisions (including portable televisions and portable DVD players), video display devices (including digital picture frames and portable video devices), digital imaging devices (including printers, copiers, facsimile machines, image scanners, and multifunction machines), television peripheral devices (including video cassette recorders, DVD players, video game systems, game controllers, signal converter boxes, and cable and satellite receivers), digital cameras and projectors, digital audio players, telephones and electronic communication equipment (including cellular phones and wireless internet communication devices), networking devices (including routers, network cards, modems, and hubs), audio equipment, portable video game systems, personal digital assistants, portable global positioning system navigation devices and microwave ovens. Electronic device does not include motor vehicles or large appliances.
- F. *Electronic device collector*: Any person, partnership, corporation or other entity who collects or gathers electronic devices for processing or delivery to a recycler.
- G. *E-waste collection event*: Any one-time or ongoing event or activity organized by individuals, groups, electronic device collectors or other entities with the intended purpose of collecting or gathering items that include electronic devices for recycling or delivery to a recycler. Examples include curbside pickups, door-to-door pickups, parking lot drop-offs, permanent collection sites, or an organization’s in-house electronic device management.
- H. *Electronic device processor or recycler*: An entity that includes as part of its operations the recycling of electronic devices.
- I. *Certified recycler*: An electronic device recycler that has been certified by a third-party organization as designated by the City of Scotts Valley.
- J. *Electronic waste or e-waste*: Any electronic device as defined in this ordinance which is being collected for recycling, reuse or disposal.”

Section 2. Section 8.12.140 is hereby repealed and replaced with a new Section 8.12.140 to read as follows:

“8.12.140 E-waste Recycler Certification Required

- A. No person, partnership, corporation or other entity shall collect any electronic device for recycling in the City unless the electronic device is delivered to a recycler which meets the certification standards as required by the City, regardless of that recycler’s location.
- B. No electronic device recycler located within the City shall accept any electronic device for recycling unless that recycler meets the certification standards as required by the City.
- C. The Basil Action Network e-Stewards Recycler is designated as the initial acceptable third-party e-waste recycling certification standard. The City Council, by resolution, may select different certification programs as standards evolve. The Director of Public Works or designee shall provide information about any change in standards to collectors, recyclers and the community.”

Section 3. A new Section 8.12.150 is added to read as follows:

“8.12.150 E-waste Event Notification

- A. All notices of e-waste collection events, activities or programs open or available to the public, whether mailed, delivered directly, or placed as advertisements in any media, must include the collector’s name, address, telephone number, web site address (if any) and the name of a contact person.
- B. All notices of e-waste collection events must indicate that all collected materials will be delivered to a certified e-waste recycler as required in this ordinance, and must specify the recycler or recyclers to which materials will be delivered.
- C. Information required in this section must be prominently displayed at any e-waste collection event open or available to the public.
- D. No less than 10 days before the beginning of any e-waste collection event, notification including all information in paragraphs A and B above must be provided to the City of Scotts Valley by email to pwmaint@scottsvalley.org or in person or by mail to the address below:

City of Scott Valley
Public Works Department
1 Civic Center Drive
Scotts Valley, CA 95066”

Section 4. A new Section 8.12.160 is added to read as follows:

“8.12.160 Exemptions from E-waste Recycling Requirements

- A. The City recognizes that electronics components are being included in an increasing number of products, some of which may be impractical to process as E-waste due to size or complexity.
- B. The Public Works Director/City Engineer or the Director’s designee may exempt a product or product category from the requirements set forth in this chapter upon demonstration that this chapter would create an undue hardship or practical difficulty. The Director’s or the director’s designee’s decision to grant or deny an exemption shall be final.
- C. The Public Works Director/City Engineer or the Director’s designee may include new products or reinstate previously exempted products to the requirements set forth in this chapter at their discretion with adequate public notice.
- D. An exemption from processing as e-waste does not exempt collectors or recyclers from other requirements for proper recycling or disposal of materials.”

Section 5. A new Section 8.12.170 is added to read as follows:

“8.12.170 Enforcement

- A. The Public Works Director/City Engineer or the Director’s designee shall have primary responsibility for enforcement of this ordinance and shall have authority to issue citations for violation of this chapter. The Director or designee is authorized to establish regulations or administrative procedures to ensure compliance with this chapter.
- B. A person or entity violating or failing to comply with any of the requirements of this chapter shall be guilty of an infraction.
- C. The City of Scotts Valley may seek legal, injunctive, or any other relief to enforce the provisions of this chapter and any regulation or administrative procedure authorized by it.

- D. The remedies and penalties provided in this chapter are cumulative and not exclusive of one another.
- E. Upon request of the Public Works Director/City Engineer or the Director's designee electronic waste collectors must provide invoices, manifests or other documents as requested to verify compliance with this ordinance.
- F. The Public Works Director/City Engineer or the Director's designee may without notice inspect any collector's premises, vehicles, storage or other facilities to verify compliance with this ordinance."

Section 6. A new Section 8.12.180 is added to read as follows:

"8.12.180 Violations

Violation of this chapter is hereby declared to be a public nuisance and may be enforced pursuant to Title 4. Penalties may be imposed in accordance with Section 4.14.070(B)"

Section 7. Preemption and Exclusion.

- (a) To the extent this chapter is preempted by an express provision of state or federal law, this chapter does not apply; and
- (b) To the extent applicable laws and regulations governing a governmental entity prohibit application of this chapter to electronic device recycling organized in whole or in part by a governmental entity, this chapter does not apply.

Section 8. Severability. The provisions of this chapter are declared to be severable and if any provision, sentence, clause, section or part of this chapter is held illegal, invalid, unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this chapter or their application to persons and circumstances.

Section 9. CEQA Compliance. The City Council has determined these amendments to be Categorically Exempt from CEQA review pursuant to Cal. Code of Regs., Title 14, Section 15308.

Section 10. Effective Date. Posting. This Ordinance shall be in full force and effect thirty (30) days from and after its passage and shall be posted in three (3) public places within the City of Scotts Valley.

This Ordinance was introduced on the 7th day of December, 2011, and passed and adopted on the 21st day of December, 2011, at a duly held meeting of the City Council of the City of Scotts Valley by the following votes:

AYES:	AGUILAR, BUSTICHI, JOHNSON, LIND
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	REED

Approved: _____
Mayor

Attest:

Tracy Ferrara, City Clerk

Approved as to Form:

Kirsten M. Powell, City Attorney