



SAN RAFAEL
THE CITY WITH A MISSION

Agenda Item No: 3.b

Meeting Date: April 20, 2026

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Manager

Prepared by: Cory Bytof, Sustainability Program
Manager

City Manager Approval: _____

TOPIC: SOLID WASTE COLLECTION CODE AMENDMENTS ORDINANCE

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AMENDING CHAPTER 9.19, ENTITLED "SOLID WASTE COLLECTION AND DISPOSAL AND EDIBLE FOOD RECOVERY," CHAPTER 11.04, ENTITLED "ENCROACHMENTS IN THE PUBLIC RIGHT-OF-WAY," AND CHAPTER 12.260, ENTITLED "INTERNATIONAL PROPERTY MAINTENANCE CODE AMENDMENTS" OF THE SAN RAFAEL MUNICIPAL CODE; CEQA DETERMINATION: EXEMPT PURSUANT TO CEQA GUIDELINE 15061(B)(3)

RECOMMENDATION:

Staff recommends that the City Council introduce an ordinance amending [Chapter 9.19](#), entitled "Solid Waste Collection and Disposal and Edible Food Recovery," [Chapter 11.04](#), entitled "Encroachments in the Public Right-Of-Way," and [Chapter 12.260](#), entitled "International Property Maintenance Code Amendments" of the San Rafael Municipal Code, waive further reading and refer to it by title only.

BACKGROUND:

Marin Sanitary Service is the City's sole refuse provider and provides garbage, recycling, and organic materials collection for all residents and businesses in San Rafael, as well as for several other jurisdictions in Marin. The City has a Franchise Agreement with Marin Sanitary Service that sets forth the terms of the agreement, the services they provide, and how rates are calculated and adjusted periodically. Over the years, refuse service has transitioned from being garbage-based to a model based on recycling and organics processing with the intention of reducing materials going to landfill. Increasingly, this includes organic materials such as yard and food waste, which release a potent greenhouse gas (methane) during decomposition. [Senate Bill 1383](#) was passed by the State Legislature in 2016, requiring local jurisdictions and waste haulers to capture and divert organic materials from landfills. In addition, residents are allowed to place bulky items curbside for collection.

The San Rafael Municipal Code (SRMC) regulates refuse-related activities that allow for certain collection intervals, establish requirements for refuse collection, and establish rules for the prevention of litter and refuse entering the environment and storm drain system.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

ANALYSIS:

These increased recycling and diversion efforts, collection activities, and related legislation have resulted in more carts, containers, debris boxes, and materials being placed in the City's right-of-way for collection. Marin Sanitary Service employs automated collection vehicles to service these various containers. Materials and containers need to be accessible to Marin Sanitary Service collection vehicles and staff, with allowances for enough space between carts for automated service, as well as for time frames that accommodate resident and business needs and flexibility. Furthermore, Marin Sanitary Service has customer regulations that stipulate spacing requirements for container collection. These protocols result in efficiencies that reduce costs for service and help keep rates consistent with other service providers in the Bay Area. The proposed Code amendments address this by aligning the space requirements for two feet between containers with Marin Sanitary Service requirements and allowing up to 48 hours for collection.

In addition, the proposed Code amendments allow the company to have exclusive encroachment permit entitlements under the Code, rather than having to secure permits from the City on a parcel-by-parcel basis. Parcel-based encroachment permits are more appropriate for single-issue or single-event purposes, such as placing a large dumpster on the street during a construction project or staging heavy equipment adjacent to a property for maintenance work.

Other changes are also proposed to match current practices. One change specifies that Marin Sanitary Service is responsible for costs related to the cleanup of debris that arises from refuse service-related activities. Another change clarifies that, consistent with the Franchise Agreement and current practice, charges for solid waste services are determined and imposed by Marin Sanitary Service and authorized by the City pursuant to the terms of the Franchise Agreement. Finally, these Code revisions remove the City's authority to impose a lien or otherwise compel a customer to reimburse Marin Sanitary Service for costs related to refuse service, whether by legal or financial means. These changes reflect historic practice and establish more clearly defined relationships between customers, the company, and the City.

ENVIRONMENTAL REVIEW:

It has been determined that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to 14 CCR Section 15061(b)(3) of the State CEQA Guidelines, because it can be seen with certainty that there is no possibility that the adoption of this Ordinance or its implementation would have a significant effect on the environment.

FISCAL IMPACT:

These changes, if adopted, would not result in any direct changes to the City's General Fund.

RECOMMENDED ACTION:

Staff recommends that the City Council introduce an ordinance amending [Chapter 9.19](#), entitled "Solid Waste Collection and Disposal and Edible Food Recovery," [Chapter 11.04](#), entitled "Encroachments in the Public Right-Of-Way," and [Chapter 12.260](#), entitled "International Property Maintenance Code Amendments" of the San Rafael Municipal Code, waive further reading and refer to it by title only.

OPTIONS

1. Introduce the ordinance as presented
2. Introduce the ordinance with amendments
3. Don't introduce the ordinance and direct staff to return with more information

ATTACHMENTS:

1. Ordinance Amending Solid Waste Provisions

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AMENDING CHAPTER 9.19, ENTITLED “SOLID WASTE COLLECTION AND DISPOSAL AND EDIBLE FOOD RECOVERY,” CHAPTER 11.04, ENTITLED “ENCROACHMENTS IN THE PUBLIC RIGHT-OF-WAY,” AND CHAPTER 12.260, ENTITLED “INTERNATIONAL PROPERTY MAINTENANCE CODE AMENDMENTS” OF THE SAN RAFAEL MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:

DIVISION 1. FINDINGS.

WHEREAS, the City of San Rafael (“City”) desires to update the San Rafael Municipal Code (“SRMC”) provisions regarding the City’s solid waste collection and disposal and edible food recovery; and

WHEREAS, the California Integrated Waste Management Act of 1989 (commencing with Section 40000 of the Public Resources Code) requires local governments to engage in integrated waste management planning to substantially reduce waste through source reduction, reuse and recycling, in turn lessening the amount of waste deposited in landfills.

WHEREAS, the City’s current solid waste collection and disposal and edible food recovery requirements are contained in SRMC, Chapter 9.19, entitled “Solid Waste Collection and Disposal and Edible Food Recovery.”

WHEREAS, the City Council desires to amend or repeal various provisions in SRMC, Chapter 9.19, regarding the City’s solid waste collection and disposal and edible food recovery system to bring the provisions in line with current City practices and state law; and

WHEREAS, the City Council desires to amend provisions of SRMC, Chapter 11.04, in order to make it consistent with Chapter 9.19 of the City’s Municipal Code.

WHEREAS, the City Council desires to repeal Section 308.3.2 of the 2024 International Property Maintenance Code, set forth in Section 12.260.020 of the SRMC, in order to make it consistent with Section 9.19.130 of the SRMC.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:

DIVISION 2. Sections 9.19.070(B), 9.19.280, 9.19.310, 9.19.360, 9.19.370, and 9.19.380 of Chapter 9.19 of Title 9 of the Municipal Code of the City of San Rafael are hereby amended or modified as follows, with additions shown in underline and deletions shown in ~~strike~~through:

Section 9.19.070 – Obligation of Solid Waste Collection Service.

- A. Except as otherwise provided by this chapter, all occupied premises shall subscribe for solid waste collection service with the authorized collector as herein specified, and for such service a charge shall be collected as per a schedule of maximum rates as shall be set by resolution of the city council.
- B. Every property owner, commercial generator, residential generator, or other organic material generator within the city shall have the obligation for disposal of solid waste as provided in this chapter through the designated authorized collector and shall pay the authorized collector for the solid waste collection service at the rates provided therefor. Failure of receipt of a bill does not obviate responsibility for payment. In each instance, the property owner shall be primarily responsible for the payment of the charges provided for herein. ~~The city or authorized collector may cause a lien to be placed upon the real property for failure to compensate the authorized collector for services rendered.~~
- C. Generators shall arrange for a size, quantity and collection frequency of containers to adequately store all solid waste generated in connection with the premises, and subject to collection in garbage containers, recycling containers and organics containers, between the times designated for collection service. The city shall have the right to review the number, size and location of such collection containers to evaluate the adequacy, capacity and collection frequency of containers for each type of collection service and to review the source separation and containment of materials. Generators shall adjust the size of containers, number of containers and/or collection frequency for their collection services as requested by the city in order to meet the standards set forth in this chapter.
- D. Generators shall place source separated organic materials, including food waste, in the organics container; place source separated recyclable materials in the recycling container; and place garbage in the garbage container. The city and authorized collector shall have the right to promulgate changes to material types acceptable for each type of collection container. Generators shall not place prohibited container contaminants into the garbage container, organics container or recycling container.
- E. The authorized collector shall give written notice to the city manager of the address of any occupied premises within the city which is not subscribing to the collection and disposal service provided by the authorized collector.
- F. The owner of each occupied premises shall subscribe for solid waste disposal services within seven (7) days of the occupancy of the premises. If the owner fails to

subscribe for service, the authorized collector shall give the owner written notification that such service is required.

- G. Generators shall provide or arrange for access during all inspections and investigations (with the exception of the interior of a private residential dwelling unit) and cooperate with the city manager or authorized collector during such inspections and investigations as described in Section 9.19.390.

Section 9.19.280 – Exclusive right.

- A. The award of a contract hereunder shall grant the authorized collector during the term of the contract the exclusive right to collect, transport and dispose of all solid waste collected within the city except as otherwise expressly provided in this chapter; provided further, however, that debris box service for construction and temporary cleanup purposes may be provided by persons other than the authorized collector.
- B. The award of a contract hereunder shall grant the authorized collector the exclusive right and license to encroach upon public streets, sidewalks, footpaths, and public right-of-ways for the purpose of placing solid waste collection containers for solid waste collection services, during the forty-eight-hour period commencing at 12:01 a.m. on the day preceding the day of scheduled pick-up and terminating at 12:01 a.m. on the day following such pick-up. The City may impose a fee on the authorized collector for the value of this exclusive and special right and license to encroach.

Section 9.19.310 – Regulations.

- A. Except as otherwise permitted by this chapter, and except for self-hauling which is not in lieu of regular weekly service, it is unlawful for any person to collect or carry solid waste through the streets of the city without first having entered a contract or obtained a permit from the city to do so.
- B. The authorized collector shall not permit any solid waste to fall or remain on any public street or private premises in the city, shall close all gates used by it in collection service, and shall operate as quietly as the circumstances allow. The authorized collector shall be responsible for all costs, whether incurred by the City or the authorized collector, associated with retrieving solid waste that has fallen on public streets or public or private premises in the city.
- C. Collection and transportation equipment shall be maintained and utilized consistent with CCR, Sections 17341 through 17345.
- D. The authorized collector shall further abide by all applicable laws and the regulations and orders of the county health department or officer, and ordinances and general regulations of the city, now or hereafter adopted.

Section 9.19.360 – Charge for service.

A charge shall be collected by the authorized collector at maximum rates to be established ~~between the city and~~ by the authorized collector, and approved by the City,~~†~~ The maximum rates are to be subject to change upon approval or amendment of an agreement between the city and the authorized collector. ~~The property owner is responsible for all charges for solid waste removal, including recyclable materials.~~ The maximum rates shall provide to the authorized collector a fair and reasonable compensation and return.

Section 9.19.370 – Payment of rates.

~~It is unlawful for any person to refuse to pay the rates fixed for the collection of solid waste. Nonpayment of rates imposed by the authorized collector may result in cessation of service, a violation punishable by law, and/or a lien against the property.~~ It is unlawful for any person to dispose of solid waste, from premises owned, occupied or leased by them, other than by and through the authorized collector, except as provided in this chapter.

Section 9.19.380 – Disputed rates.

Section 9.9.380 is hereby repealed and deleted in its entirety.

DIVISION 3. Sections 11.04.020 and 11.04.030.020 of Chapter 11.04 of Title 11 of the Municipal Code of the City of San Rafael is hereby amended or modified as follows, with additions shown in underline and deletions shown in ~~striketrough~~:

Section 11.04.020 – Definitions.

For purposes of this chapter, certain terms are defined as follows:

- A. "City" means the city of San Rafael.
- B. "Director" means the director of public works of the city or his or her designee.
- C. "Encroach" or "encroachment" includes going upon, over or under a public right-of-way, or using a public right-of-way or a public or private area adjacent to a public right-of-way in such a manner as to prevent, obstruct or interfere with the intended use of that way, or a modification of its mode of use, including but not limited to excavation or disturbance; erection, construction, placement or maintenance of any physical improvement thereon or thereunder; planting or maintaining any landscaping; or placement or maintenance of any waste material or containers containing waste material,~~except the placement of solid waste or recyclables in authorized receptacles for pick-up in accordance with Chapter 9.19 of this code.~~
- D. "Landscaping" means any tree, shrub, grass, groundcover, plant, hedge, ornamental boulder, solid landscape feature or growing thing.

- E. "Major continuing encroachment" means an encroachment by a property owner into the public right-of-way adjacent to his or her property, which is intended and permitted to continue for an indefinite period of time, and which serves or provides a benefit to the city or the public generally, such as, for example, the provision of off-street parking in an area where such parking is inadequate, the provision or protection of a public accessway, or the promotion of the city's economic vitality or beautification. Major continuing encroachments may include, but shall not be limited to, the following:
1. Fences or walls higher than three feet (3') above natural grade which provide protection to a public street or pedestrian walking path;
 2. Abutments for driveways and stairs where reasonably necessary to provide access to the public right-of-way;
 3. Ground water monitoring wells.
- F. "Minor continuing encroachment" means an encroachment which is intended and permitted to continue for an indefinite period of time, but which by its nature is limited in size, scale or use so that the encroachment will have little or no impact on the public health, safety or welfare, and shall include, but not be limited to, the following:
1. Flat or low-level improvements/landscaping adjacent to city streets or pedestrian walking paths, including but not limited to low-level plants and shrubs, landscape walls and fences less than three feet (3') in height, a private postal box on a post, boulders, concrete and other flatwork;
 2. Bicycle racks;
 3. Newspaper racks;
 4. Awnings, signs, eaves or other minor architectural features of buildings extending more than four feet (4') into the public right-of-way;
 5. Other minor improvements which the director determines will not inconvenience or jeopardize the city management or use of the public right-of-way.
- G. "Minor encroachment permit" means an encroachment permit issued pursuant to this chapter to authorize a temporary encroachment or a minor continuing encroachment as defined herein.
- H. "Moratorium street" mean any portions of the public right-of-way that were constructed or resurfaced during the five (5) year period prior to the proposed excavation and any portions of the public right of way that have been constructed or resurfaced more than five (5) years before the proposed excavation, provided that the right-of-way has a pavement condition index of seventy (70) or higher as described in the city's pavement management program and as defined in City Resolution 12371.

- I. "Permittee" means any person, utility or special district that has been issued a minor encroachment permit, revocable license agreement, or utility/special district encroachment permit pursuant to this chapter or their successor in interest.
- J. "Person" means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them or any other entity which is recognized by law as the subject of rights or duties, not including the city of San Rafael, the San Rafael Successor Agency, or their officers, employees or agents.
- K. "Public right-of-way" means land which by written instrument, usage or process of law is owned by, reserved for or dedicated to the public use for street or highway purposes, or other transportation purposes, whether or not such land is actually being used or developed specifically for those purposes.
- L. "Public street" means the portion of the public right-of-way of any road, street, pedestrian walking path, or alley used by or for the general public for travel purposes, including sidewalks and areas between sidewalks and the vehicular traveled way, whether or not those roads, streets, pedestrian walking paths, and alleys have been accepted as and declared to be part of the city system of public streets, except streets forming a part of the state highway system or county roads or expressways.
- M. "Revocable license agreement" means a separate agreement as required by Section 11.04.050 of this chapter, between the city and the property owner stipulating the use of public right-of-way utilized by a property owner, such as, for example, the encroachment of a structure or retaining wall into the public right of way which is to be maintained by the property owner.
- N. "Special district" means any public agency that has been created for the local performance of governmental or proprietary functions within limited boundaries.
- O. "Street cut" means the action or result of opening, tearing up, excavating, removing or constructing any portion of any roadway, street or thoroughfare, sidewalk, driveway, curb or gutter, or any other facility existing within the public right-of-way area, for any purpose whatsoever within the jurisdiction of the city.
- P. "Structure" means any physical alteration or improvement, including but not limited to a building, post, cabinet, fence, vault, sign, pole, guard rail, wall, facility, pedestrian walking path, sidewalk, driveway, track, surfacing, culvert, drainage facility, pipe, embankment or excavation.
- Q. "Temporary encroachment" means an encroachment which is intended to continue for a specified, limited period of time, not to exceed one (1) year, and shall include, but not be limited to, the following:
 - 1. Debris boxes;
 - 2. Scaffoldings;

3. Tree trimming by private property owners or their contractors;
 4. Closure for limited periods of time of public streets, driveways or public areas not under control of the state or the county;
 5. Closure for limited periods of time of public sidewalks;
 6. Painting/washing of building exteriors adjacent to the public right-of-way or public street;
 7. Construction required for installation of sidewalks, driveway approaches, curbs and gutters, including underdrains, underground facilities, and sewer laterals;
 8. Temporary construction fencing;
 9. Painting of address numbers on curbs.
- R. "Utility" means any entity providing electricity, gas, cable, video programming, telephone, telecommunications or other services to customers, and which pursuant to state law or local franchise is entitled to install its facilities in the public rights-of-way.
- S. "Utility/special district encroachment" means any encroachment by a utility or special district.
- T. "Waste material" means any rubbish, brush, earth or other material of any nature which is unused, unwanted or discarded, including any garbage, recyclable materials, solid waste and yard waste as defined in Chapter 9.19.

Section 11.04.030.020 – Exceptions to permit requirement.

Notwithstanding Section 11.04.030.010 above, no permit or license shall be required pursuant to this chapter for any of the following:

- A. The actions of any officer or employee of the city engaged in the discharge of official duties.
- B. The performance of work under contracts to the city, including work for city projects.
- C. Encroachments existing prior to the effective date of this chapter; provided, however, that nothing in this chapter shall preclude the director from requiring an appropriate encroachment permit for or removal of any such preexisting encroachment where the director determines the encroachment adversely affects the safety, capacity or integrity of the city's right-of-way.
- D. Maintenance or repair of existing pipes, facilities, conduits or other structures lawfully on or under a public right-of-way by a utility or special district, where such maintenance or repair work will not affect traffic in an arterial street.
- E. Performing the actual emergency street cut or excavation in the public right-of-way by a utility or special district to repair a broken or defective pipe, facility or conduit lawfully on or under any public street, as may be necessary for the preservation of

life and property when an urgent necessity therefore arises and the offices of the city are closed, provided that reasonable vehicular and pedestrian barriers or other traffic controls shall be provided during the performance of any such repairs. The utility or special district performing the repair work shall notify the city's public works department by telephone at the time any such repair work is commenced and apply for an encroachment permit retroactively as specified in Section 11.04.060 of the Municipal Code for each emergency location within seventy-two (72) hours of performing the work. The utility shall pay all encroachment permit fees for emergency work as described by the latest schedule of fees developed by the city and described herein.

- F. Tree work, including but not limited to planting, trimming, or removal of any new or existing tree within the public right-of-way where a permit has been issued for such work pursuant to Chapter 11.12, and no traffic lane closure is anticipated.
- G. Sidewalk cafes and restaurants, which shall be governed by the provisions and requirements of this code for outdoor dining license agreements.
- H. Street closures for special events specifically approved by the city council.
- I. Awnings, signs, eaves or other minor architectural features of buildings extending no more than four feet (4') into the public right-of-way; provided that nothing herein shall authorize the placement of signs directly on any street or the right-of-way.
- J. In the downtown zoning districts where buildings are permitted to be constructed to the property line (see Title 14, Zoning), no license agreement is required for bay windows, balconies and projecting awnings provided that these architectural features: 1) are approved through design review; 2) extend no more than four feet (4') into the public right-of-way; 3) are designed to provide adequate vertical clearance from the street grade; and 4) do not obstruct or impair above-ground utilities, street lights or street signals. A permit may be required for construction activities.
- K. The placement of solid waste, recyclables, or organic waste in collection containers for pick-up in or on any public street, sidewalk, footpath, or any public place whatsoever, pursuant to the authorized collector's exclusive and special right and license to encroach on the public right-of-way, during the forty-eight-hour period commencing at 12:01 a.m. on the day preceding the day of scheduled pick-up and terminating at 12:01 a.m. on the day following such pick-up, in accordance with Chapter 9.19 of this code.

DIVISION 4. Section 12.260.020 of Chapter 12.260 of Title 12 of the Municipal Code of the City of San Rafael is hereby amended or modified as follows:

Section 12.260.020 – Amendments.

The 2021 International Property Maintenance Code is amended or modified as follows:

Section 308.3.2 is repealed and deleted in its entirety.

DIVISION 5. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to 14 CCR Section 15061(b)(3) of the State CEQA Guidelines, because it can be seen with certainty that there is no possibility that the adoption of this Ordinance or its implementation would have a significant effect on the environment.

DIVISION 6. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of San Rafael hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases shall be declared invalid.

DIVISION 7. EFFECTIVE DATE; PUBLICATION.

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which it is adopted.

This Ordinance shall be in full force and effect thirty (30) days after its final passage, and the summary of this Ordinance shall be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in the Marin Independent Journal, a newspaper of general circulation published and circulated in the City of San Rafael, Marin County, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk a certified copy of the full text of this Ordinance, along with the names of those Councilmembers voting for or against the Ordinance.

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the 20th day of April 2026, and was passed and adopted at a regular meeting of the San Rafael City Council on the 4th day of May 2026 by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

Attest:

Kate Colin, Mayor

LINDSAY LARA, City Clerk