



CITY OF ONTARIO
COMMERCIAL RECYCLER COLLECTION PERMIT
APPLICATION

Application Date : \_\_\_\_\_

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Website: \_\_\_\_\_

Number of Years in Business: \_\_\_\_\_

Number of Ontario Clients: \_\_\_\_\_

Division of Recycling Registration Number: \_\_\_\_\_

City of Ontario Business License Number: \_\_\_\_\_

Table with 2 columns: Material Type, Estimated Annual Tonnage

Anticipated Destination and or end use of Materials Collected (Including contamination):

Three horizontal lines for text entry

Authorized Representative (Person to be contacted about this application):

Under penalty of perjury, I affirm that all information supplied in this application is true, accurate, and complete to the best of my knowledge, and I have read and understand the ordinance in its entirety.

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Please mail or deliver this application to Ontario Municipal Services Center, 1425 S. Bon View Ave, Ontario, CA 91761, or fax (909) 395-2617.

City Use Only section with fields for Date Received, Approved, Denial Reason, Employee Signature, Permit Number, and Denied.

## CITY OF ONTARIO MUNICIPAL CODE

Sec. 6-3.502. Commercial collection of recyclables and other commodities.

Written authorization to collect recyclables within the City is required. This written authorization shall be in the form of a commercial recycler collection permit. No vested right shall be given by issuance of permits provided for in this section. The City reserves the right to establish by Municipal Code or in commercial recycler collection permits, requirements on collection for recyclables if deemed appropriate by the Administrator.

Sec. 6-3.503. Permit required.

Businesses seeking to provide services as a commercial collection recycler to collect and haul recyclables within the City shall obtain a commercial recycler collection permit.

Sec. 6-3.504. Permit application.

(a) Businesses seeking to obtain a commercial recycler collection permit shall complete and file with the City, prior to commencing collection efforts, an application on the forms prescribed by the City, and pay any applicable application fees. Any such business collecting recyclables in the City shall have a business license pursuant to OMC § [3-1.105](#) and if applicable, be registered with the Department of Conservation, Division of Recycling.

(b) Applicants may also be required to submit information related to the applicant's anticipated destination of material and potential annual tonnages as may be requested by the City to properly evaluate the permit application.

(c) The permit application may be denied if the applicant fails to establish to the City's satisfaction that the business has registered with the Department of Conservation, Division of Recycling, if applicable, has failed to obtain a business license, has failed to comply with the health and sanitation regulations of the City, San Bernardino County and the State of California, or if the applicant has, in the past, demonstrated an inability or unwillingness to comply with state or federal solid waste law, or the requirements set forth in this article.

(d) After evaluation of the data, the City Manager or his or her designee may issue a commercial recycler collection permit, subject to terms and conditions set forth in this chapter and as otherwise determined by the Administrator to be appropriate to comply with A.B. 939.

Sec. 6-3.505. Permit conditions.

(a) All permits shall be expressly subject to all provisions of this chapter and all other regulations, charges for use, term and fees established by the City. Commercial recycler collection permit conditions shall be enforced by the City in accordance with this chapter and all applicable county, state, and federal regulations.

(b) Any such business collecting recyclables in the City shall furnish, at a frequency established by the City, a report of the amount of recyclables and contaminated materials collected from within the City. The report shall contain the weight and type of recyclables collected the names and addresses of businesses from which the recyclables were collected, and the final destination of the recyclables collected. The report shall be submitted in a format necessary to meet state criteria. The report shall be considered late if submitted thirty (30) days after the date due. Failure to provide the report within thirty (30) days from the due date is hereby declared an infraction and subject to penalties listed in OMC § [1-2.01](#).

(c) All such businesses holding a commercial recycler collection permit shall keep recycling containers in good condition and free from graffiti. Recycling containers must be kept in a clean and sanitary condition and must be appropriately sanitized upon notification from the City.

(d) Such recycling containers, roll-offs, drop bodies or any other vessel to collect recyclables by businesses holding a commercial recycler collection permit must be placed according to the standards set by the City. Such commercial recycling containers shall not be placed in the public right-of-way. The recycling containers shall be placed in enclosure(s), which meet City standards when applicable.

(e) Recycling containers, roll-offs, drop bodies or any other vessel to collect recyclables by businesses holding a commercial recycler collection permit must be used exclusively for the collection of recyclable materials. Residual non-recyclable material must not exceed five percent (5%) in any vessel, as determined at the discretion of the Administrator.

(f) Each violation of this section will be considered an infraction and subject to penalties listed in OMC § [1-2.01](#), and will be considered by the City cause for revocation of the commercial recycler collection permit.

(g) Any future application for a permit by any user subject to an order of revocation will be considered by the Administrator after fully reviewing the records of the revoked permit. Such records may be the basis for denial of a new permit.

(h) The Administrator may issue a permit revocation order, whereby the user must comply with all directives, conditions and requirements therein within the time prescribed. The revocation order shall contain terms and conditions to ensure compliance with this chapter. The Administrator may revoke a permit when it is determined that a permit holder:

(1) Fails to comply with the terms and conditions of the permit, any provision of this chapter, an Administrative Order, or a Compliance Agreement;

(2) Knowingly provides a false statement, representation, record, report, or document to the City;

(3) Refuses to provide records or other documents required by the City to determine compliance with the permit or this chapter.

(i) Notice of hearing. When the Administrator has reason to believe that grounds exist for permit revocation, he or she shall give written notice thereof by personal delivery or by certified mail to the permit holder setting forth a statement of the facts and grounds deemed to exist, together with the time and place where the charges shall be heard by the Administrator's designee. The hearing date shall not be less than fifteen (15) calendar days or more than forty-five (45) calendar days after mailing of such notice.

(1) At the revocation hearing, the permit holder shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence.

(2) After the conclusion of the hearing, the Administrator's designee shall make his or her determination and submit a written report to the Utilities General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation. Upon receipt of the written report, the Utilities General Manager shall make his or her determination and should he or she find that grounds exist for permanent revocation of the permit; he or she shall issue his or her decision and order in writing within thirty (30) calendar days after the conclusion of the hearing by his or her designee. The written decision and order of the Utilities General Manager shall be sent by certified mail to the permit holder or its legal counsel/representative at the permit holder's business address.

(3) In the event the Utilities General Manager determines to not revoke the permit, he or she may order other enforcement actions, including, but not limited to, a temporary suspension of the permit, under terms and conditions that he or she deems appropriate.

Sec. 6-3.506. Appeal.

(a) Pursuant to OMC § [1-4.01](#) of [Chapter 4, Title 1](#), any user, affected by any decision, action or determination made by the Administrator, may appeal in writing to the City Council by filing with the City Clerk a written notice of such appeal, setting forth grounds thereof. The appellant shall file such notice within fourteen (14) days after receipt of the notice of the administrative decision concerned.

(b) The order of the City Council shall be deemed final upon its adoption.

(c) If the user fails to appeal to the City Council, or the City Council fails to reverse or modify the administrative decision, the Administrator's administrative decision shall be deemed final.

Sec. 6-3.507. Public access to information and confidentiality.

(a) Any information in a permit holder's file, which includes but is not limited to permits, permit applications, questionnaires or manifests, shall be available to other public or governmental agency without restriction.

(b) If the disclosure of the permit holder's file or a portion thereof would divulge trade secrets or secret processes, the permit holder shall have the right to request that such information shall be kept confidential. Any such claim must be made at the time of submittal of the information by marking the submittal "confidential business information" on each page containing such information.

(c) Information which is demonstrated to be confidential shall not be transmitted to anyone other than a governmental agency bound by the confidentiality requirements of 40 CFR Part 2, for uses related to this chapter, and for use by the state or federal agency in judicial review.

Sec. 6-3.508. Commercial collection of recyclables, property owner responsibility.

For recyclables collected by businesses other than the City, the property owner shall be responsible for contracting with the recycling broker(s) or commercial recycling collector(s) for regular pick-up and collection of the recyclable materials. Recyclables shall not be permitted to accumulate such that a visual or public health and safety nuisance is created. The City shall have the authority to abate any such nuisance and charge the property owner, recycling broker, or commercial recycling collector for the expense of abating the nuisance.