

## **ORDINANCE NO. 3338**

### **AN ORDINANCE OF THE CITY OF CORONA, CALIFORNIA, AMENDING CHAPTER 8.20 OF THE CORONA MUNICIPAL CODE RELATING TO SOLID WASTE HANDLING, ORGANICS RECYCLING, AND EDIBLE FOOD RECOVERY**

**WHEREAS**, Article 11, Section 7 of the California Constitution authorizes cities to make and enforce within their limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

**WHEREAS**, in 1989, the State approved Assembly Bill No. 939 enacting the California Integrated Waste Management Act of 1989 (“AB 939” or the “Act”) (Public Resources Code §§ 4000 et seq.) which requires cities to adopt and implement plans to reduce solid waste by maximizing reuse and recycling; and

**WHEREAS**, AB 939 further provides that all aspects of solid waste handling, such as the frequency of solid waste collection, the means of solid waste collection and transportation, levels of service, charges and fees for services, and the nature, location and extent of providing solid waste services are of local concern, and authorizes cities to furnish any necessary services for itself, through other local agencies, or through a solid waste enterprise; and

**WHEREAS**, in 2011, the State approved AB 341, which requires businesses that generate four (4) or more cubic yards of refuse per week, and multifamily residential premises with five (5) or more dwelling units, to arrange for recycling services consistent with State law; and

**WHEREAS**, in 2015, the State approved AB 1826, which requires business that generates two (2) or more cubic yards of solid waste per week, and multifamily residential premises with five (5) or more dwelling units and that generate two (2) or more cubic yards of solid waste per week, to arrange for organic recycling services; and

**WHEREAS**, in 2016, the State approved SB 1383, the Short-lived Climate Pollutant Reduction Act, which requires the California Department of Resources Recycling and Recovery (CalRecycle) to develop regulations to reduce organics in landfills as a source of methane. As adopted by CalRecycle, these SB 1383 regulations (“SB 1383 Regulations”) place requirements on multiple entities including the city, residential households, commercial businesses, commercial edible food generators, haulers, self-haulers, facility operators, food recovery organizations, and food recovery services to support achievement of statewide organic waste disposal reduction targets; and

**WHEREAS**, the SB 1383 Regulations require the City to adopt and enforce an ordinance or other enforceable mechanism to implement relevant provisions of the SB 1383 Regulations; and

**WHEREAS**, in 2019, the State approved AB 827, which requires certain business to provide their customers access to recycling containers; and

**WHEREAS**, this Ordinance implements the requirements of AB 939, AB 341, AB 1826, AB 827, and the SB 1383 Regulations; and

**WHEREAS**, the City Council has determined this amendment to and restatement of Chapter 8.20 of the Corona Municipal Code (“CMC”), concerning the handling of refuse and recycling materials, is necessary to enable the City to implement and enforce its rules and regulations relating to the handling of solid waste in a manner consistent with State law.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Incorporation of Recitals.** The City Council finds and determines that the foregoing recitals are true and correct and incorporates the recitals in this chapter.

**SECTION 2. CEQA Findings.** This action is exempt pursuant to § 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the common-sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action makes changes to the City’s rules and regulations pertaining to the handling of solid waste in order to better protect the public health, safety and welfare and to bring the City’s rules and regulations into compliance with State law. This Ordinance increases the amount of solid waste that is required to be diverted in accordance with State law. Therefore, it can be seen with certainty that adopting this Ordinance will not have a significant adverse effect on the environment and is therefore exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**SECTION 3. Amendment to Section 1.08.074.** Section 1.08.074 (Issuance of citations by Administrator) of Chapter 1.08 (Penalties) of Title 1 (General Provisions) of the Corona Municipal Code is hereby amended in its entirety, to read as follows:

“(A) The Administrator, as defined in § 8.20.020 , is authorized by the City Council, pursuant to Cal. Penal Code §§ 836.5 and 19.7 and subject to the provisions thereof to issue a Notice to Appear to any person on his or her written promise to appear in court, pursuant to Cal. Penal Code §§ 853.5 and 853.6, whenever the Administrator has reasonable cause to believe that the person has either violated a

mandatory provision of Chapter 8.20 of this code in the presence of the Administrator or fails to correct a violation of the mandatory provisions of Chapter 8.20 of this code and therefore has committed an infraction or misdemeanor which the Administrator has a discretionary duty to enforce.

(B) The Administrator shall file executed citations with the Magistrate pursuant to § 1.08.070 of this code. Under no circumstances may the Administrator take the person into custody. In the event that the person demands to be taken before the Magistrate or refuses to provide his or her written promise to appear in court, the Administrator shall either summon a Corona police officer, explain the situation and request that the Corona police officer arrest the person and take the person into custody or seek assistance of the City Attorney and request that an infraction or misdemeanor complaint be prepared and filed against that person.

(C) The Administrator shall be an Enforcement Officer within the meaning of § 1.08.120(D) of this code.”

**SECTION 4.** Amendment to and Restatement of Chapter 8.20. Chapter 8.20 (Collection of Refuse and Recyclable Materials) of Title 8 (Health and Safety) of the Corona Municipal Code is hereby amended and restated in its entirety to read as set forth in Exhibit “A” attached hereto and incorporated herein by reference.

**SECTION 5.** Severability. If any provision or clause of this Ordinance or any application of it to any person, firm, organization, partnership or corporation is held invalid, such invalidity shall not affect other provisions of this Ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this Ordinance are declared to be severable.

**SECTION 6.** Conflicting Ordinances. This Ordinance shall supersede all other previous City Council resolutions and ordinances that may conflict with, or be contrary to, this Ordinance.

**SECTION 7.** Effective Date. The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall within fifteen (15) days of its adoption cause it, or a summary of it, to be published in a general circulation newspaper published and circulated in the City of Corona. This Ordinance shall take effect and be in force on the 30<sup>th</sup> day after its adoption.

**ADOPTED** this 17th day of November 2021.

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Mayor of the City of Corona, California

**ATTEST:**

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City Clerk of the City of Corona, California

**CERTIFICATION**

I, Sylvia Edwards, City Clerk of the City of Corona, California, do hereby certify that the foregoing Ordinance was regularly introduced at a regular meeting of the City Council of the City of Corona, California, duly held on the 3rd day of November, 2021, and thereafter at a regular meeting held on the 17th day of November, 2021, it was duly passed and adopted by the following vote of the City Council:

**AYES:**

**NOES:**

**ABSTAINED:**

**ABSENT:**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 17th day of November, 2021.

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City Clerk of the City of Corona, California

(SEAL)

**EXHIBIT “A”**

**CHAPTER 8.20  
SOLID WASTE HANDLING, ORGANICS RECYCLING,  
AND EDIBLE FOOD RECOVERY**

[SEE ATTACHED THIRTY-THREE (33) PAGES]

## **EXHIBIT “A”**

### **CHAPTER 8.20 SOLID WASTE HANDLING, ORGANICS RECYCLING, AND EDIBLE FOOD RECOVERY**

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## **ARTICLE I DEFINITIONS AND GENERAL PROVISIONS**

### **8.20.010 Purpose.**

The purpose of this chapter is to regulate solid waste handling to protect public health, safety, and welfare and to meet the city's obligation under State law. The city is obligated to implement plans for solid waste source reduction, reuse, and recycling to meet specified waste diversion targets, and enforce State recycling laws.

### **8.20.020 Definitions.**

Unless it is apparent from the context that another meaning is intended, the following words and terms shall, for purposes of this chapter, have the meaning as set forth in this section.

**"AB 341"** ("Assembly Bill 341") means that State law adopted in 2011 that requires commercial businesses that meet specified waste generation thresholds to arrange for recycling services.

**"AB 827"** means the State law adopted in 2019 that requires certain businesses to provide customers access to recycling containers.

**"AB 939"** means the California Integrated Waste Management Act of 1989 (California Public Resources Code § 40000 et seq.).

**"AB 1826"** means the State law adopted in 2015 that requires commercial businesses that meet specified waste generation thresholds to arrange for organic waste recycling services.

**"Administrator"** means one or more employees designated by the City Manager who is functioning in a responsible level in the city administration. The administrator(s) shall administer and enforce the provisions of this chapter.

**"Anaerobic digestion"** means in-vessel controlled system of digestion, such as, but not limited to a treatment facility for the digestion of organics to produce methane and reduce the volume of organics sent to landfills.

**"Back-haul"** means transporting recyclable materials or organic waste to a destination owned and operated by the waste generator using a vehicle or trailer that was originally used to deliver products or finished goods to the waste generator's location.

**"Bin"** means a metal container with hinged lids and wheels and a capacity from two (2) to six (6) cubic yards.

**"Blue container"** means a container with a blue lid and/or body used to store and collect source separated recyclable materials or source separated blue container organic waste.

**“Cannabis waste”** means waste that is not hazardous waste which contains cannabis and that has been made unusable and unrecognizable in the manner required by State cannabis laws. Cannabis waste is a subset of green waste and organic waste. See CMC 5.36.020

**“CalRecycle”** means California's Department of Resources Recycling and Recovery, which is authorized to implement and enforce State Laws related to waste and recycling.

**“California Code of Regulations” or “CCR”** means the State of California Code of Regulations. CCR references in this chapter are preceded with a number that refers to the relevant title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).

**“Cart”** means a plastic container with a hinged lid and wheels serviced by an automated or semi-automated truck with a capacity of no less than 32-gallons and no greater than 101-gallons.

**“Chapter”** mean this Chapter 8.20 of the Corona Municipal Code.

**“City”** means the City of Corona and all the territory within its city limits.

**“Collect” or “Collection”** means the operation of gathering together and transporting solid waste to the point of disposal.

**“Commercial business” or “Commercial”** means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multi-family residential premises. A multi-family residential development that consists of fewer than five (5) units is not a commercial business for purposes of this chapter.

**“Commercial premises”** means premises upon which business activity is conducted, including but not limited to retail sales, services, wholesale operations, manufacturing and industrial operations, commercial and industrial construction and demolition activities, but excluding residential premises upon which business activities are conducted when such activities are permitted under applicable zoning regulations, but are not the primary use of the property. For purposes of this chapter, the following types of properties are commercial premises: multi-family residential premises, assisted living facilities, convalescent homes, dormitories, extended stay motels, group residential facilities, group care facilities, hostels, hotels, and motels. A multi-family residential development that consists of fewer than five (5) units is not a commercial premises.

**“Commercial edible food generator”** means a commercial premises that generates recoverable edible food including a tier one or a tier two commercial edible food generator as defined in this chapter. For the purposes of this definition, food recovery organizations, and food recovery services, are not commercial edible food generators.

**“Compliance review”** means a review of records of a commercial business by the city or its designee to determine compliance with this chapter and/or State law.

**“Community composting”** means any activity that composts green waste, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet.

**“Community composting operator”** means a person who is responsible for the care and control of a community composting site.

**“Compost”** means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility.

**“Compostable plastic”** means plastic material that meets the American Society for Testing and Materials (ASTM) D6400 standard for compostability (sections 5.1 through 6.4.2 published May 2019).

**“Container”** means any and all types of solid waste receptacles, including carts, bins, and rolloff boxes.

**“Container contamination” or “contaminated container”** means a container, regardless of color, that contains prohibited container contaminants.

**“Customer”** means a person receiving solid waste handling services from the franchisee pursuant to the terms of the franchise agreement.

**“Construction and demolition debris” (“C&D Debris”)** means any solid waste generated at a premises that is directly related to construction or demolition activities. These activities include, but are not limited to, construction, demolition, remodeling, grading, land clearing, or renovation on any residential, commercial, institutional or industrial building, road, driveway, walkway or other structure. C&D debris includes but is not limited to, concrete, asphalt paving, asphalt roofing, lumber, gypsum board, rock, soil and metal.

**“Designated entity”** means an entity that the city contracts with or otherwise arranges to carry out any of the city’s responsibilities of this chapter. A designee may be a government entity, a franchisee, a private entity, or a combination of those entities.

**“Discarded materials”** means solid waste discarded by the waste generator or customer.

**“Disposal”** means the final deposit of solid waste at a landfill or source separated facility permitted to accept such material.

**“Diversion”** means any combination of waste prevention (source reduction), recycling, reuse and composting activities that reduces waste disposed at landfills, provided such activities are recognized by CalRecycle as Diversion in its determination of the city's diversion targets and compliance with AB 939.

**“Edible food”** means food intended for human consumption. For the purposes of this chapter edible food is not solid waste if it is recovered and not discarded. Nothing in this chapter requires or authorizes the recovery of edible food that does not meet the food safety requirements of the California Retail Food Code (California Health and Safety Code §§ 113700 *et seq.*).

**“Enforcement action”** means an action of the city to address non-compliance with this chapter including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

**“Excluded waste”** means hazardous substances, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the city and its waste generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the city’s opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the city to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in solid waste generated at residential premises after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint.

**“Food distributor”** means a company that distributes food to commercial edible food generators.

**“Food facility”** means a permanent or temporary operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level. Food Facility has the same meaning as in § 113789 of the Health and Safety Code. A food facility includes an operation where food is consumed on or off the premises, regardless of whether there is a charge for the food. A food facility includes a place used in conjunction with the operations described in this section, including, but not limited to, storage facilities for food-related utensils, equipment, and materials. A food facility includes, but is not limited to, school cafeterias, licensed health care facilities, commissaries, mobile food facilities, vending machines, farmers’ markets, farm stands, microenterprise home kitchen operations, and catering operations. Food facility does not include any of the following:

- (1) A cooperative arrangement wherein no permanent facilities are used for storing or handling food.
- (2) A private home when used for private, noncommercial purposes or when used as a cottage food operation pursuant to chapter 8.16 of this code.
- (3) A church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period.

- (4) A for-profit entity that gives or sells food at an event that occurs not more than three days in a 90-day period for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.
- (5) A premises set aside for wine tasting, or beer manufacturing, regardless of whether there is a charge for the wine or beer tasting.
- (6) An outlet or location, operated by a producer, selling or offering for sale only whole produce grown by the producer or shell eggs, or both, provided the sales are conducted at an outlet or location controlled by the producer.
- (7) A commercial food processing establishment.
- (8) A child day care facility.
- (9) A community care facility.
- (10) A residential care facility for the elderly.
- (11) A residential care facility for the chronically ill.
- (12) An intermediate care facility for the developmentally disabled.
- (13) A community food producer.
- (14) A limited-service charitable feeding operation.

**“Food recovery”** means actions to collect and distribute edible food for human consumption that otherwise would be disposed.

**“Food recovery organization”** means an entity that engages in the collection or receipt of edible food from commercial edible food generators and distributes that edible food to the public for food recovery either directly or through other entities, including, but not limited to:

- (1) A food bank as defined in § 113783 of the Health and Safety Code;
- (2) A nonprofit charitable organization as defined in § 113841 of the Health and Safety code; and,
- (3) A nonprofit charitable temporary food facility as defined in § 113842 of the Health and Safety Code.

**“Food recovery service”** means a person or entity that collects and transports edible food from a commercial edible food generator to a food recovery organization or other entities for food recovery.

**“Food scraps”** means all discarded food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are source separated from other food scraps.

**“Food service provider”** means an entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations.

**“Food-soiled paper”** is compostable paper material that has come in contact with food or liquid, such as, but not limited to, paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.

**“Food waste”** means food scraps, food-soiled paper, and compostable plastics.

**"Franchise agreement"** means the agreement between the franchisee and the city to provide solid waste handling service in the city.

**"Franchisee"** means the company (or companies) that is awarded an exclusive (or non-exclusive) franchise or contract by the city for the handling solid waste.

**“Full-service restaurant”** means a food facility with the primary business purpose of serving food, where food may be consumed on the premises, and where all of the following actions are taken by an employee of the establishment: (1) The consumer is escorted or assigned to an assigned eating area. The employee may choose the assigned eating area or may seat the consumer according to the consumer’s need for accommodation or other request; (2) The consumer’s food and beverage orders are taken after the consumer has been seated at the assigned seating area; (3) The food and beverage orders are delivered directly to the consumer; (4) Any requested items associated with the consumer’s food or beverage order are brought to the consumer; (5) The check is delivered directly to the consumer at the assigned eating area; and (6) The consumer does not deliver the consumer’s waste and used dishes etc. to another location or otherwise clean the consumer’s own table.

**“Garbage”** means all putrescible waste which generally includes, but is not limited to, animal, vegetative, food or any other waste that is attendant with, or results from the storage, preparation, cooking or handling of food materials attributed to normal activities of a service unit. Garbage must be generated by and at the customer location where the garbage is collected. Garbage does not include those items defined herein as food waste or exempt waste.

**“Gray container”** means a container with a gray or black lid and/or body used to store and collect gray container waste.

**“Gray container waste”** means refuse or mixed waste that is collected in a gray container that is part of collection service that prohibits the placement of green or blue container waste in the gray container.

**“Green container”** means a container with a green lid and/or body used for storage and collection of source separated green container waste.

**“Green container waste”** means green waste, organic waste, food scraps, food-soiled paper, and compostable plastics that is collected in a green container that is part of a service that prohibits the placement of refuse, mixed waste, and non-organic recyclables in the green container.

**“Green waste”** means shrubbery, tree trimmings, yard waste, grass, weeds, straw or leaves, wood chips and other household garden organic materials.

**“Grocery store”** means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments.

**“Hauler route”** means the designated itinerary or sequence of stops for each segment of the city’s collection service area.

**“Hazardous waste”** means all substances defined as hazardous waste, acutely hazardous waste, or extremely hazardous waste by the State of California in Health and Safety Code §25110.02, §25115, and §25117 or in future amendments to or recodifications of such statutes or identified and listed as hazardous waste by the US Environmental Protection Agency (EPA), pursuant to the Resource Conservation and Recovery Act.

**“High diversion organic waste processing facility”** means a facility that meets or exceeds the applicable annual average mixed waste organic content recovery rate as calculated pursuant to § 11815.5(e) of Title 14 of the California Code of Regulations.

**“Household hazardous waste”** means hazardous waste generated at residential premises.

**“Inspection”** means a site visit where the city reviews records, containers, and a person’s collection, handling, recycling, or landfill disposal of organic waste or the handling of edible food to determine compliance with the requirements set forth in this chapter.

**“Large event”** means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event.

**“Large venue”** means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. A large venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or

other public attraction facility. A site under common ownership or control that includes more than one large venue that is contiguous with other large venues in the site, is a single large venue.

**“Materials Recovery Facility”** means a permitted solid waste facility where solid wastes or recyclable materials are sorted or separated for the purposes of recycling, processing or composting.

**“Manure”** means animal excrement, especially that of livestock and domestic farm animals, and any secondary materials used for bedding or sanitary purposes.

**“Medical waste”** means any solid waste that is generated or has been used in the diagnosis, treatment, or immunization of human beings or animals, or research pertaining thereto, and shall include, but not limited to, biomedical, biohazardous and medical waste, or other solid waste resulting from medical activities or services any State or federal law or regulation, all as currently enacted or subsequently amended.

**“Multi-family residential premises”** means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-family residential premises do not include hotels, motels, or other transient occupancy facilities, which are considered commercial businesses.

**“Non-compostable paper”** includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process.

**“Non-organic recyclables”** means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass.

**“Notice of violation (NOV)”** means a notice that a violation of this chapter has occurred that includes a compliance date to avoid the imposition of penalties.

**“Organic waste”** means solid waste containing material originated from living organisms and their metabolic waste products, including but not limited to non-edible food, nonhazardous wood waste, food-soiled paper, food scraps, landscape and pruning waste, green waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges.

**“Organic waste generator”** means a person or entity that is responsible for the initial creation of organic waste.

**“Paper products”** include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling.

**“Person”** includes firms, corporations, associations, partnerships, societies, church organizations and individuals.

**“Premises”** means any land, or building in the city where solid waste is generated or accumulated.



**“Printing and writing papers”** include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications.

**“Prohibited container contaminants”** means the following: (i) discarded materials placed in the blue container that are not identified as acceptable source separated recyclable materials for the city’s blue container; (ii) discarded materials placed in the green container that are not identified as acceptable source separated green container organic waste for the city’s green container; (iii) discarded materials placed in the gray container that would otherwise be acceptable source separated recyclable materials, (iv) excluded waste placed in any container.

**“Property owners”** means the owner of real property.

**“Putrescible waste”** means waste that is capable of being decomposed by microorganisms with sufficient speed as to cause a nuisance because of order, gases, or other offensive conditions, and including materials such as, but not limited to, food waste and dead animals.

**“Recovered organic waste products”** means products made from California, landfill-diverted recovered organic waste processed in a permitted or otherwise authorized facility.

**“Recovery” or “Recovered”** means any activity or process that prevents recyclable materials or organic waste from being placed in a landfill including, but not limited to, recycling, composting, anaerobic digestion, biomass conversion, soil amendment, land application, and lawful use as animal feed.

**“Recyclable materials”** means paper, glass, cardboard, plastic, used motor oil, ferrous metal, aluminum, construction and demolition debris and any other solid waste material which is capable of being recycled or reused, whether generated from or at residential or commercial premises, which have been segregated from solid waste materials for the purpose of depositing at a designated collection location, including a curbside location, for collection and transportation to the designated recycling facility.

**“Recycled-content paper”** means paper products and printing and writing paper that consists of at least 30 percent, by fiber weight, postconsumer fiber.

**“Refuse”** means putrescible and non-putrescible waste including garbage, trash, rubbish, and mixed waste.

**“Regulated entity”** means waste generators, commercial edible food generators, food recovery services, food recovery organizations, and facility operators.

**“Remote monitoring”** means the use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of blue containers, green containers, and gray containers for

purposes of identifying the quantity of materials in containers (level of fill) and/or presence of prohibited container contaminants.

**“Renewable gas”** means gas derived from organic waste that has been diverted from a California landfill and processed at an anerobic ingestion facility that is permitted or otherwise authorized by Title 14 of the CCR to recycle organic waste.

**“Residential premises”** means premises upon which one or more dwelling units are located, including, without limitation, single-family and multi-family residential premises, apartments, boarding or rooming houses, condominiums, mobile homes, efficiency apartments, and accessory dwelling units. Premises upon which the following uses are occurring shall not be deemed to be residential premises, and rather shall be deemed to be commercial premises: assisted living facilities, convalescent homes, dormitories, extended stay motels, group residential facilities, group care facilities, hostels, hotels, motels, and any other businesses which residency is transient in nature.

**“Residential unit”** means a building or portion of a building used for dwelling purposes by an individual family or group of persons.

**“Restaurant”** means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption.

**“Rolloff box”** means a solid waste collection container of 10-yards to 40-yards capable of being loaded via winch onto a rolloff vehicle equipped with rails.

**“Route review”** means a visual inspection of containers along a hauler route for the purpose of determining container contamination, and may include mechanical inspection methods such as the use of cameras.

**“Rubbish”** means, without limitation, the following items: waste and refuse capable of burning, including straw, packing materials, leather, rubber, clothing, bedding, books, rags, and all similar articles which will burn by contact with flames or ordinary temperatures.

**“SB 1383”** means Senate Bill 1383 of 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants, as it is amended, supplemented, superseded, and replaced from time to time.

**“SB 1383 Regulations” or “SB 1383 Regulatory”** means or refers to, for the purposes of this chapter, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

**“Self-hauler”** means a person, who hauls solid waste he or she has generated to another person or facility. Self-hauler also includes a person who back-hauls waste.

**“Single-family”** means of, from, or pertaining to any residential premises with fewer than five (5) units.

**“Solid waste”** means all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, construction and demolition debris, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes. Solid waste includes recyclable materials, organics materials, green waste, and construction and demolition waste. Solid waste does not include hazardous waste, radioactive waste, or medical waste.

**“Solid waste handling service”** means the service to provide integrated solid waste management including collection, transfer, transport, recycling, processing, diversion and disposal.

**“Source separated”** means materials, including commingled recyclable materials, that have been separated or kept separate from the solid waste stream, at the point of generation, for the purpose of additional sorting or processing to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products.

**“Source separated blue container organic waste”** means source separated non-putrescible organic wastes that can be placed in a blue container that is limited to the collection of those organic wastes and non-organic recyclables.

**“Source separated green container organic waste”** means source separated organic waste that can be placed in a green container that is specifically intended for the separate collection of organic waste by the organic waste generator, excluding source separated blue container organic waste, carpets, non-compostable paper, and textiles.

**“Source separated recyclable materials”** means source separated non-organic recyclables and source separated blue container organic waste.

**“State”** means the State of California.

**“State agency collector”** means any person that collects solid waste from premises located within the city that are owned or operated by a state agency.

**“State agency”** means any agency or department of the State of California, including, but not limited to, school districts, boards of education, and any school or other entity operated by or under the auspices of a school district and/or board of education.

**“Supermarket”** means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items.

**“Tier one commercial edible food generator”** means a commercial edible food generator that is one of the following:

- (1) Supermarket.
- (2) Grocery store with a total facility size equal to or greater than 10,000 square feet.
- (3) Food service provider.
- (4) Food distributor.
- (5) Wholesale food vendor.

**“Tier two commercial edible food generator”** means a commercial edible food generator that is one of the following:

- (1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- (2) Hotel with an on-site food facility and 200 or more rooms.
- (3) Health facility with an on-site food facility and 100 or more beds.
- (4) Large venue.
- (5) Large event.
- (6) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
- (7) A school, college, university, or other educational facility with an on-site food facility.

**“Waste generator”** means any person whose act or process produces solid waste as or whose act first causes solid waste to become subject to regulation.

**“Wholesale food vendor”** means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination.

#### **8.20.030 Refuse accumulation prohibited.**

No person owning or occupying any premises in the city shall suffer, allow or permit to accumulate and remain upon premises any solid waste. It shall be the duty of every owner or occupant of any premises in the city to promptly remove any solid waste that constitutes or contributes to any public nuisance. This provision shall not be construed as interfering with construction pursuant to a valid building permit.

#### **8.20.040 Illegal dumping.**

No person shall dump, place or bury in any public or private lot, alley, street, land or in any water or waterway within the city any solid waste. The dumping, placement or burial of any solid waste shall constitute a nuisance and may be abated by the city through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances.

#### **8.20.050 Unlawful to place dangerous materials in containers.**

No person shall place or deposit in any container used for collection of solid waste the following: any waste classified as hazardous, universal, electronic, biohazardous, radioactive, any narcotics or controlled substances, hypodermic needles, poisons, liquid or dry caustics, acids, flammable or explosive materials, pesticides, or similar dangerous or hazardous substances.

#### **8.20.060 Hazardous, radioactive, and medical waste.**

No person shall transport or collect hazardous wastes, radioactive wastes, or medical wastes without complying with all applicable laws or regulations. No person shall deposit, dump, spill, place, or otherwise allow to be disposed of, in or on a solid waste facility not designated as a hazardous waste or radioactive waste disposal facility, any waste classified as hazardous waste or radioactive waste pursuant to state, federal or county law or regulation. No person shall deposit, dump, spill, place, or otherwise allow medical waste to be disposed of in, or on, a solid waste facility.

#### **8.20.070 Dead animals.**

It shall be the responsibility of the owner of any dead animal to dispose of the carcass of such animal in a manner consistent with State and local laws. No persons shall place the body of any dead animal on any public or private lot, alley, street, land or in any water or waterway within the city.

#### **8.20.080 Manure.**

(A)**Protection of groundwater and surface waters.** It shall be the responsibility of the owner, occupant or operator of any premises on which manure accumulates to store and dispose of manure in such a manner to prevent runoff-containing pollutants and the leaching of nutrients into groundwater or surface waters.

(B) **Storage of manure.** Manure shall be stored in containers that are approved by the city or in a manure storage area that complies with the requirements of subsection (C) below and shall be stored at least 35 feet from the nearest neighboring dwelling unit. Approved containers are those supplied by the franchisee and include carts, two-yard bins, roll-off boxes, or containers otherwise approved by the city. All such containers shall be equipped with working lids to minimize water accumulating within the container.

(C) **Manure storage areas.** Manure storage areas shall be constructed in such a manner as to minimize potential runoff. No manure storage structure or container shall be placed within 20 feet of a flood control channel or open storm drain. Manure storage areas shall be constructed with a three-walled, fire-proof structure on a concrete base with a roof or tarp.

(D) **Weekly removal.** Manure shall be removed from stalls, paddocks, arenas, corrals and other livestock keeping areas at least once per week.

(E) **No spreading.** Spreading manure over arenas, pastures, corrals or other livestock areas as an alternative means of disposal is prohibited and shall be in violation of this chapter. Manure composting is prohibited without the written approval of the administrator.

(F) **No runoff.** The discharge of manure runoff onto any property other than the property where the manure is stored, including, but not limited to, any adjacent property, city streets or right of way, horse trails, or flood control channels, is prohibited. Any person that allows such discharge to occur, intentionally or negligently, shall be in violation of this chapter.

#### **8.20.090 Cannabis waste.**

As provided in § 5.36.170(Z), no cannabis product may be disposed of in its packaging. Cannabis products intended for disposal must be removed or separated from any packaging or container and rendered unrecognizable and unusable prior to disposal as green waste or organic waste.

#### **8.20.100 Burning prohibited.**

No person shall burn within the city any solid waste, except as expressly permitted in Chapter 15.12 of this code and the California Fire Code. It shall be a violation of this chapter to ignite or otherwise cause, or assist, counsel, procure or maintain any burning in violation of this section.

#### **8.20.110 Implementation policies.**

The administrator shall develop, for approval by the City Manager, such policies and procedures as are necessary or appropriate to implement the provisions of this chapter. Said policies and procedures may include provisions concerning the responsibilities and obligations of franchisees, the content of franchise agreements, and procedures for the collection of delinquent charges for services provided pursuant to this chapter. The policies and procedures adopted pursuant to this section shall apply to and be enforceable against any person subject to the requirements of this chapter.

## **ARTICLE II EXCLUSIVE FRANCHISE AGREEMENT**

### **8.20.120 Exclusive franchise agreement to collect solid waste.**

Except as provided by this chapter, no person shall collect, place a solid waste container, transfer or remove solid waste unless that person has entered into an exclusive franchise agreement with the city. Each person that collects, places a solid waste container, transfers, or removes solid waste from any premises within the city, without holding a franchise agreement with the city shall constitute a separate offense.

### **8.20.130 Exemptions.**

(A) **Hired contractors.** The prohibitions in this article shall not apply to a person or a commercial business hired by that person, including, without limitation, landscape contractors, gardeners, roofers, demolition contractors and grading contractors, that hauls its own solid waste generated from that person's residential premises or commercial premises to a properly licensed landfill, material recovery facility, transfer station, or other facility permitted to accept such material using its own personnel and equipment.

(B) **Collection of recyclable material.** The prohibitions in this article shall not apply to any person or entity collecting recyclable material sold or donated to it by the person or entity that generated such recyclable material. This exclusion shall not apply if the waste generator of the recyclable material is required to pay the collector of the recyclable materials any monetary or non-monetary consideration relating in any way, directly or indirectly, to the collection, transportation, transfer, or processing of the recyclable material, or for the lease or use of containers.

### **8.20.140 Fees paid by franchisee.**

The franchisee shall pay to the city a franchise fee, or any other fees, in an amount set forth in the franchise agreement between the city and the franchisee, as well as any other fees that may be specified in the franchise agreement or other contract.

### **8.20.150 Equipment and vehicle standards.**

All equipment and vehicles used by a franchisee or a state agency collector to transport or collect of solid waste shall:

(A) **Vehicle standards.** Carry a shovel, broom, and fire extinguisher and shall be maintained in good repair, clean condition, and neatly painted. The name and telephone number of the franchisee or the state agency collector shall be painted in letters at least three inches high on each side and across the back of each vehicle.

(B) **Back-up warning device.** Be equipped with an audible automatic back-up or other acceptable warning devices prescribed by Vehicle Code section 27000 (b).

(C) **Maintenance of vehicles and equipment.** Be durable, easily cleanable and designed for safe handling, and constructed to prevent loss of solid waste from the equipment during collection

or transportation. If such equipment is used to collect or transport garbage, other wet or liquid producing wastes, or wastes composed of fine particles, such equipment shall in all cases be non-absorbent and leak resistant. All equipment shall be maintained in good condition and cleaned in a frequency and in a manner so as to prevent the propagation or attraction of flies, rodents, or other vectors and the creation of nuisances.

(D) **Off-street parking.** Designate an off-street location where all refuse collection vehicles will be parked when not in service, except in an emergency.

(E) **Inspections.** Be made available for inspection as requested by the administrator.

#### **8.20.160 Franchisee reporting requirements.**

A franchisee shall submit periodic reports to the administrator in accordance with the requirements of the franchise agreement.

#### **8.20.170 Liquidated damages.**

The franchisee is required to comply with performance standards specified in the franchise agreement. In the event the franchisee fails to comply with the standards, the city may, at its option, assess liquidated damages in accordance with the procedures and amounts, if any, described in the franchise agreement.

### **ARTICLE III STATE AGENCY COLLECTOR**

#### **8.20.180 Service by state agency collectors.**

(A) **Compliance with applicable law.** Each state agency collector shall comply with all applicable federal, state, and local laws and regulations concerning the collection, transportation, and disposal or diversion of solid waste, and shall divert from landfills all materials collected to the greatest extent feasible. Each state agency collector shall transport and deliver all recyclable materials collected within the city to an authorized processing facility and all organic waste collected within the city to an authorized organic waste facility. Any facility to which a state agency collector takes collected materials must possess all required licenses, permits, and approvals required to operate and accept materials.

(B) **No spillage.** No state agency collector shall litter or cause any spillage to occur within the city limits, upon any roadway, right-of-way or on the premises where the collections occur. During hauling, all solid waste shall be contained, tied or enclosed so that leaking, spilling and blowing is prevented. In the event of any spillage or leakage by a State agency collector, the State agency collector shall immediately clean up all spills and leaks. Upon receiving notification of a leak, the State agency collector shall dispatch a cleanup crew to perform cleanup operations according to guidelines established by the NPDES and the Clean Water Act. All vehicles placed into service in the city by a state agency collector shall meet all applicable emissions requirements, including, but not limited to, those established by the South Coast Air Quality Management District.



#### **8.20.190 Fees paid by state agency collector.**

(A) **Franchise fee.** Each state agency collector shall pay to the city a franchise fee equal to 11% percent of the state agency collector's gross revenues from providing solid waste collection and all other collection and disposal services to any premises located within the city that are owned or operated by a state agency. Fees paid by a state agency collector shall be payable to the city no later than 45 days after the close of each quarter of the calendar year. Each state agency collector shall prepare a statement reporting its gross revenues for services provided to each state agency within the city, and shall submit such statement concurrently with the remittance of the franchise fee payable pursuant to this subsection. Fees imposed pursuant to this section and not timely paid by a state agency collector shall bear interest at a rate of 12% per annum prorated to each day of delinquency.

(B) **AB 939 fee.** The city may direct a state agency collector to collect from customers and remit to the city a fee, in an amount established by resolution of the City Council, to offset the city's costs in administering programs to encourage recycling and diversion and compliance with AB 939 (the "AB 939 Fee"). The city may adjust the AB 939 Fee as necessary to reflect changes in city's costs by following any statutory procedures required for the adoption or amendment of the AB 939 Fee, and by providing written notice to each state agency collector of the revised fee amount. The AB 939 Fee shall not be included in the state agency collector's gross revenues for purposes of calculating the franchise fee payable pursuant to subsection (B) of this section.

#### **8.20.200 State agency collector reporting requirements.**

(A) **Quarterly reports.** Each state agency collector shall submit quarterly solid waste diversion summary reports to the city. Each diversion summary report shall show the tonnage of solid waste collected within the city and the different types of recyclable and organic material collected within the city, and provide a comparison between the refuse and recyclable materials to produce a quarterly diversion percentage. Each state agency collector shall report the amount of tons delivered to disposal facilities, processing facilities or composting facilities.

(B) **Annual reports.** No later than February 15 of each year, each state agency collector shall submit to the city a written annual report summarizing the information contained in the quarterly reports and containing additional information including, but not limited to, a statement of revenue derived from services provided to customers in the city, setting forth quarterly franchise fees, and the basis for the calculation, certified by an officer of the state agency collector.

(C) **Upon request.** Each state agency collector shall cooperate fully with the city's AB 939 reporting requirements by providing the city with requested information concerning diversion and disposal rates and practices within fifteen (15) days of the city's request. Each state agency collector shall incorporate into the reports required by this section any additional information requested by city and any new reporting information required by applicable law or regulation.

## **ARTICLE IV STORAGE OF SOLID WASTE MATERIALS AND NUISANCE ABATEMENT**

### **8.20.210 Franchisee obligation to provide containers.**

A franchisee furnishing containers to customers for storage of solid waste shall comply with the following requirements:

(A) **Durability.** Provide containers designed for safe handling that shall be designed and constructed to be non-absorbent, watertight, vector-resistant, durable, and easily cleanable.

(B) **Lids and covers.** Provide containers equipped with close-fitting and tight-fitting lids or covers that can be readily removed.

(C) **Color requirements.** Provide containers that comply with the color, signage, and labeling requirements specified in § 18984.7 of Title 14 of the CCR and this chapter.

(D) **All types of discarded materials.** Provide each of its customers with one or more containers for each type of discarded materials for which the customer has subscribed to be collected by franchisee pursuant to the requirements of this chapter. Franchisee may provide split bins to collect up to two (2) types of discarded materials.

### **8.20.220 Containers from unauthorized haulers.**

(A) **Notice.** The city shall provide written notice to any person or commercial business violating § 8.20.120 that the prompt and permanent removal of any bin, container or other receptacle placed in violation of this chapter from its location within the city is required. The form of notice shall be determined by the city administrator. The city shall provide such written notice by posting a copy of the notice prominently upon the bin, container or receptacle, provided that if the bin, container, or receptacle is located on private property, the written consent of the owner or occupant of such private property shall be obtained prior to going on the property to give notice, unless the bin, container or receptacle is located in an area of commercial premises that is open to the public. If the bin, container, or receptacle is identified with the name and telephone number of the solid waste enterprise servicing or owning it, the city shall endeavor to contact such enterprise by telephone. However, failure to notify such enterprise by phone shall not invalidate the notice. If notice is provided by the franchisee under a delegation of authority pursuant to subsection (D), the franchisee shall promptly provide the city with a copy of the notice. Where the notice cannot be physically delivered or placed on the container due to the inability to enter onto private property or the refusal of consent by the owner, the notice may be given to the owner or occupant by certified mail, return receipt requested.

(B) **Impound of containers.** The city may impound or cause to be impounded any bin, container, or receptacle placed in violation of § 8.20.120 that is located on city property or located on private property with the written consent of the owner or occupant of the property where the container is located, if the same is not permanently removed from its location within the time set forth in the notice provided pursuant to subsection (A), which time shall not be less than twenty-

four (24) hours after posting of the notice, or receipt of notice if notice is provided by certified mail, or not less than six (6) business hours after telephonic notification, if such notification is provided. If the bin, container, or receptacle is impounded by the franchisee under a delegation of authority pursuant to subsection (D), the franchisee shall immediately inform the city in writing of the impoundment, promptly dispose of the contents of the bin, container, or receptacle at a permitted disposal facility, and shall store the bin, container, or receptacle in a legally permitted storage area that complies with all applicable local land use regulations. If the bin, container, or receptacle has no markings identifying the owner or setting forth the owner's telephone number, and if identification of such owner cannot be provided by the owner or operator on whose premises the bin, container, or waste receptacle is located, then the city shall be authorized to immediately remove and impound it. For purposes of this section, "business hours" shall mean the hours of 7:00 a.m. to 5:30 p.m., Monday through Friday, and Saturday 7:00 a.m. to 3:00 p.m.

**(C) Disposition of impounded containers.** The bin, container, or receptacle impounded shall be retrieved by the owner or representative thereof immediately after any applicable fees and charges have been paid. Such fees and charges may include, among other things, reimbursement of costs incurred for towing, transportation, disposal of contents, storage and administration. If the bin, container, or waste receptacle is not claimed within 30 days after removal and notice to the owner, or 30 days after removal if the identity of the owner is unknown, the bin, container, or waste receptacle shall be deemed abandoned property and may be disposed of in any manner authorized by law.

**(D) Delegation of authority.** The administrator may delegate to the franchisee the authority to provide the notice required by subsection (A) and/or the authority to impound and/or store unauthorized bins, containers or other receptacle in accordance with subsection (B). Prior to the franchisee's exercise of any such delegated authority, the franchisee shall provide the city with a written agreement in a form satisfactory to the city indemnifying and holding harmless the city against all claims and causes of action arising out of the franchisee's actions to impound and/or store bins, containers, and amending the franchise agreement to reflect that impoundments performed without full compliance with this section, or the failure to provide notice as required by this section, shall be deemed a violation of the franchise agreement. The administrator may revoke this delegation of authority at any time in his or her sole discretion, and the franchise agreement provided by the franchisee shall acknowledge that any such revocation shall not be deemed a breach of the franchise agreement.

**(E) Cease placing materials in unauthorized bins.** Upon posting of a written notice of violation upon an unauthorized bin, container, or receptacle pursuant to subsection (A), the customer using the container shall immediately cease placing refuse, green waste, organic waste or recyclable materials in the containers.

**(F) Penalty.** - Each and every person shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of any of the provisions of this section is committed, continued or permitted by such person and shall be deemed punishable therefore as provided in this chapter.

(G) **Levy of fees.** Any person who violates this section shall be liable to the city for all fees and charges established by resolution of the City Council and levied in connection with the collection, transportation, storage and handling of the bin, container or by the city.

(H) **Abatement.** – In addition to the penalties set forth in § 8.20.420, the violation of any of the provisions of this section shall constitute a nuisance and may be abated by the city through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances.

#### **8.20.230 Time of collection**

There shall be no collection of solid waste before seven (7) a.m. or after six (6) p. m. in any area of the city, unless otherwise specified in the franchisee agreement.

#### **8.20.240 Container - Residential placement.**

No solid waste containers used for residential premises shall be placed out at the curb, alley, or right of way before 4:00 p.m. on the day prior to scheduled collection by the franchisee, and all containers shall be removed before 12:00 noon on the day following collection.

#### **8.20.250 Container - Tampering with prohibited.**

No person other than the owner, agent or employee of the premises shall place any substance or material in a solid waste container located on such premises or otherwise tamper or meddle or move such container or its contents.

#### **8.20.260 Container – Maintenance.**

All containers shall be kept in clean and sanitary condition by the owner or occupant of the premises where the containers are located, and keep such containers tightly covered at all times, except when solid waste is being deposited in the containers. The contents of containers shall at all times be secure against access by flies and free from leaks. If the provisions of this section are not fully complied with, the franchisee shall place a tag on the container so stating; thereafter the container shall be considered as condemned and unfit for service and in violation of the provisions of this chapter.

### **ARTICLE V COLLECTION OF FEES**

#### **8.20.270 Collection - Rates.**

All rates for services rendered by the franchisee under this section shall be approved by ordinance or resolution of the City Council.

#### **8.20.280 Collection - Customer subscription and change of address.**

It shall be the responsibility of persons owning or occupying any premises in the city to subscribe for services from franchisee as described in this chapter and to notify the franchisee of any address change within 14 days after beginning occupancy of any premises in the city.

**8.20.290 Collection - Suspension of service to commercial premises for delinquent payment.**

If any person owning or occupying commercial premises does not pay for services rendered to him or her by the franchisee and is found to be in arrears, then the franchisee shall have the right to suspend service to that person upon notification by U.S. mail no later than one week prior to the discontinuance of service. This remedy is in addition to all other remedies and penalties provided for by law or in this chapter.

**8.20.300 Collection - Charges as civil debt.**

The charges provided for in this chapter shall be civil debts due and owing to the city and/or franchisee, as applicable, from the party responsible to make the payments as provided in this chapter, and collection thereof may be enforced pursuant to any procedures established by the policies enacted pursuant to § 8.20.110 or any other applicable law..

**8.20.310 Placement of delinquent charges on tax roll.**

(A) **Collection on tax roll.** Should any of the charges provided for in this chapter remain due and owing 90 days after the first billing therefore in case of bimonthly billings and 45 days in case of monthly billing, the charges maybe collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from the city's general taxes.

(B) **Procedures.** Prior to the placement of delinquent charges on the tax roll, as provided in subsection (A), the following procedures shall apply

(1) The City Council shall cause a written report to be prepared prior to August 10 and filed with the City Clerk describing each parcel of property owing delinquent fees or charges for services provided by franchisee for the year.

(2) The City Clerk shall notify, by mail, the owner of each property with delinquent charges of the date and time of the hearing on the report and the city's intention to place the delinquent charges on the tax rolls.

(3) At the hearing, the City Council shall hear and consider all objections to the accuracy of the report. The City Council shall then pass a resolution either adopting or revising the charges on the report at the hearing's conclusion.

(4) By August 10 of each year, the City Clerk shall file with the city's Finance Director a copy of the report with the City Clerk's signature stating that the City Council has adopted the report. The Finance Director shall then arrange to have the charges placed onto the assessment roll.

**ARTICLE VI REQUIREMENTS FOR RESIDENTIAL AND COMMERCIAL PREMISES**

**8.20.320 Requirements for single family waste generators.**

Every person owning or occupying a single-family residential premises, except to the extent such owner or occupant satisfies the self-hauler requirements in § 8.20.340, shall:

(A) **Subscribe for services.** Subscribe and pay for the solid waste collection services of the franchisee. The franchisee shall collect all solid waste placed in the appropriate containers and in the correct location in accordance with the terms of the franchise agreement for such services.

(B) **Place in appropriate containers.** Place source separated green container organic waste in the green container; source separated recyclable materials in the blue container; and gray container waste in the gray container. Waste generators at single-family residential premises shall not place materials designated for the gray container into the green container or in the blue container and shall not otherwise place prohibited container contaminants in any container.

#### **8.20.330 Requirements for commercial waste generators.**

Every person owning, occupying or operating a commercial premises or commercial business in the city, except commercial businesses that meet the self-hauler requirements in § 8.20.340, or that have been granted a waiver by the city pursuant to § 8.20.350, shall:

(A) **Subscribe for services.** Subscribe and pay for solid waste collection services of the franchisee. The franchisee shall collect all solid waste placed in the appropriate containers and in the correct location in accordance with the terms of the franchise agreement for such services.

(B) **Place in appropriate containers.** Participate in the franchisee's organic waste collection service by placing designated materials in designated containers as set forth in this subsection. Commercial businesses shall place source separated green container organic waste in the green container; source separated recyclable materials in the blue container; and gray container waste in the gray container. Commercial businesses shall not place materials designated for the gray container into the green container or into the blue container, and shall not otherwise place prohibited container contaminants in any container.

(C) **Education.** Ensure that their employees and independent contractors are informed and educated about all recycling services available at the commercial premises. Information concerning the types of recyclable materials and organic waste that can be segregated and recycled, the location of containers for recyclable materials and organic waste, and the employees' responsibility to recycle recyclable materials and organic waste shall be distributed to all new employees when hired, to all independent contractors when retained and periodically to all other employees and independent contractors. All employees and independent contractors shall also be given appropriate information and instructions concerning any change in recycling services to the commercial premises.

(D) **Internal containers.** Provide containers owned by the commercial business for the collection of source separated green container organic waste and source separated recyclable materials in all indoor and outdoor areas where internal containers are provided for use by customers to discard materials generated by that business. Such containers do not need to be provided in restrooms. If a commercial business does not generate any of the materials that would be collected in one type of container, then the business is not required to provide that particular

container in all areas where disposal containers are provided for customers. This subsection shall not apply to multi-family residential premises and full-service restaurants. The containers provided by the commercial business shall have either:

(1) A body or lid, or both a body and lid, that conforms with the container color requirements of the franchisee.

(2) Containers with imprinted text or graphic images or labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container.

(E) **Prohibit container contamination.** Prohibit employees from placing prohibited container contaminants in any container to the extent practical through education, training, inspection, and/or other measures. This subsection shall not apply to multi-family residential premises.

(F) **Inspection of containers.** Inspect blue containers, green containers, and gray containers every month for container contamination and inform employees if contaminated containers are discovered and of the requirements to keep prohibited container contaminants out of those containers. This subsection shall not apply to multi-family residential premises.

(G) **Education on proper sorting.** Provide information to employees, contractors, tenants, and customers each year about organic waste recovery requirements set forth in this chapter and about proper sorting of source separated green container organic waste and source separated recyclable materials.

(H) **Information for new tenants.** Provide education information prior to or within fourteen (14) days of occupation of the premises by new tenants that describes requirements to keep source separated green container organic waste and source separated recyclable materials separate from gray container waste (when applicable) and the location of containers and the rules governing their use at the premises.

(I) **City access.** Provide or arrange access for the city or its agent to the commercial premises during all inspections conducted in accordance with § 8.20.410 to confirm compliance with the requirements of this chapter.

(J) **Additional waste reduction measures.** Nothing in this section prohibits an owner or occupant of commercial premises or a commercial business from preventing or reducing waste generation, managing organic waste on site, or using a community composting site.

#### **8.20.340 Self-hauler requirements.**

(A) **Source separation.** Self-haulers shall source separate all recyclable materials and organic waste generated on premises owned or operated by the self-hauler site from solid waste in a manner consistent with § 8.20.320 for single-family residential premises, and § 8.20.330 for

commercial businesses, or shall haul organic waste to a high diversion organic waste processing facility.

(B) **Disposal at permitted facility.** Self-haulers shall haul their source separated recyclable materials to a facility that recovers those materials; and haul their source separated green container organic waste to a solid waste facility, operation, activity, or property that processes or recovers source separated green container organic waste. Alternatively, self-haulers may haul organic waste to a high diversion organic waste processing facility.

(C) **Commercial Businesses Recordkeeping.** Self-haulers that are commercial businesses shall keep a record of the amount of refuse, recyclable materials, and organic waste delivered to each solid waste facility, operation, activity, or property that processes or recovers these materials; this record shall be subject to inspection by the city and shall be provided to the city upon request.

The records shall include the following information:

- (1) Delivery receipts and weight tickets from the entity accepting the waste.
- (2) The amount of material in cubic yards or tons transported to each entity.
- (3) If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the self-hauler's vehicle in a manner that allows it to determine the weight of materials received, the self-hauler is not required to record the weight of material but shall keep a record of the number of loads, and the entities that received the organic waste.

(D) **Residential Premises.** The owner or occupant of residential premises that self-hauls solid waste is not required to record or report the information required by this subsection.

#### **8.20.350 Waiver for commercial waste generators.**

(A) **De Minimis Waivers.** The city may waive a commercial business' obligation to comply with some or all of the organic waste requirements of this chapter if the commercial business provides documentation that the business generates below a certain amount of organic waste as described in § 8.20.350(A)(2) below. Commercial businesses requesting a de minimis waiver shall:

- (1) Submit an application specifying the services for which they are requesting a waiver.
- (2) Provide documentation that either:
  - (a) The total solid waste collected from the commercial business is two cubic yards or more per week and organic waste subject to collection in a green container comprises fewer than 20 gallons per week; or,



(b) The total solid waste collected from the commercial business is fewer than two cubic yards per week and organic waste subject to collection in green container comprises fewer than 10 gallons per week.

(3) Notify the city if circumstances change such that commercial business's organic waste exceeds threshold set forth in § 8.20.350(A)(2) above, in which case the waiver will be rescinded.

(4) Provide written verification of eligibility for de minimis waiver every 5 years, if the city has approved a de minimis waiver.

**(B) Physical space waivers.** The city may waive a commercial business' obligation to comply with some or all of the requirements set forth in this chapter pertaining to recyclable materials and/or organic waste if the city has evidence from its own staff, a franchisee, a licensed architect, or a licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the recyclable materials and/or organic waste requirements of this chapter. A commercial business may request a physical space waiver through the following process:

(1) Submit an application form specifying the type(s) of collection services for which they are requesting a physical space waiver.

(2) Provide documentation that the premises lacks adequate space for blue containers and/or green containers including documentation from the franchise, a licensed architect, or a licensed engineer.

(3) Provide written verification to the city that it is still eligible for physical space waiver every five years, if the city has approved a physical space waiver.

**(C) Collection frequency waiver.** The city, at its sole discretion, may allow the owner or tenant of any premises that subscribes to the franchisee's organic waste collection service to arrange for the collection of their blue container, gray container, or both once every fourteen days, rather than once per week.

**(D) Review and approval of waivers by the city.** Only the administrator (and not the franchisee) may grant or approve de minimis waivers, physical space waivers, or collection frequency waivers.

#### **8.20.360 Automatic subscription to recyclable and organics collection service.**

**(A) Automatic subscription.** The franchisee shall, upon request of the administrator, automatically arrange for the collection of recyclable materials and/or organic waste at premises owned, occupied or operated by any person violating any of the recyclables and organics recycling provisions of this chapter. The level of service shall be determined by the franchisee, and subject to approval of the administrator. Franchisee shall charge the person owning, occupying or

operating the premises according to the terms of the franchise agreement. The owner, occupant, or operator of the premises shall be required to pay for these services pursuant to § 8.20.270 through § 8.20.310. Notwithstanding the foregoing, this section shall not apply to the extent the owner, occupant or operator of the premises is a self-hauler that meets the requirements § 8.20.340, or has been granted a waiver pursuant to § 8.20.350, or is otherwise exempt from the requirements set forth in § 8.20.320 and § 8.20.330.

(B) **Notice.** At least thirty (30) days prior to submitting such request to the franchisee, the administrator shall provide adequate written notice to the person owning, occupying or operating the premises in violation of this chapter informing such person of the violation, the actions necessary to correct the violation, and the fact that the services will be automatically provided at their expense if they do not correct the violation within such thirty (30) days. A copy of the notice shall be provided to the franchisee at the same time so that the contractor is prepared to automatically provide the services if necessary. Following such thirty (30) day period, the administrator shall notify the franchisee if compliance has not been made, and the franchisee shall thereafter, within five (5) business days, deliver to such premises containers to be used for the accumulation, segregation and collection of recyclable materials and/or organic waste generated from or at the premises, add such services to the account for such premises, and notify the person owning, occupying or operating such premises that they shall be responsible for the cost of collection services provided by the franchisee pursuant to § 8.20.270 through § 8.20.310.

## **ARTICLE VII EDIBLE FOOD RECOVERY**

### **8.20.370 Requirements for commercial edible food generators.**

#### **(A) Compliance dates.**

(1) Tier one commercial edible food generators must comply with the requirements of this section commencing January 1, 2022, and tier two commercial edible food generators must comply commencing January 1, 2024.

(2) Large venue or large event operators not providing food services, but allowing for food to be provided by others, shall require food facilities operating at the large venue or large event to comply with the requirements of this section, commencing January 1, 2024.

(B) **Requirements.** Commercial edible food generators shall comply with the following requirements:

(1) Arrange to recover the maximum amount of edible food that would otherwise be disposed.

(2) Contract with, or enter into a written agreement with food recovery organizations or food recovery services for: (i) the collection of edible food for food recovery; or, (ii) acceptance of the edible food that the commercial edible food generator self-hauls to the food recovery organization for food recovery.

(3) Preserve edible food for recovery, and not intentionally spoil edible food that is capable of being recovered by a food recovery organization or a food recovery service.

(4) Allow the administrator or designated entity to access the premises and review records related to edible food recovery.

(5) Keep records that include the following information:

- i. A list of each food recovery service or food recovery organization that collects or receives its edible food pursuant to a contract or written agreement.
- ii. Copies of all contracts or agreements with food recovery organizations or food recovery services.

(6) A record of the following information for each of those food recovery services or food recovery organizations:

- i. The name, address and contact information of the food recovery service or food recovery organization.
- ii. The types of food that will be collected by or self-hauled to the food recovery service or food recovery organization.
- iii. The established frequency that food will be collected or self-hauled.
- iv. The quantity of food, measured in pounds recovered per month, collected or self-hauled to a food recovery service or food recovery organization for food recovery.

(C) **Other applicable laws.** Nothing in this chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017.

#### **8.20.380 Requirements for food recovery organizations and services.**

(A) **Food recovery services.** Food recovery services collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement, shall maintain the following records:

(1) The name, address, and contact information for each commercial edible food generator from which the food recovery service collects edible food.

(2) The quantity in pounds of edible food collected from each commercial edible food generator per month.

(3) The quantity in pounds of edible food transported to each food recovery organization per month.

(4) The name, address, and contact information for each food recovery organization that the food recovery service transports edible food to for food recovery.

**(B) Food recovery organizations.** Food recovery organizations collecting or receiving edible food directly from commercial edible food generators via a contract or written agreement, shall maintain the following records:

(1) The name, address, and contact information for each commercial edible food generator from which the food recovery organization receives edible food.

(2) The quantity in pounds of edible food received from each commercial edible food generator per month.

(3) The name, address, and contact information for each food recovery service that the organization receives edible food from for food recovery.

**(C) Reporting requirements.** Food recovery organizations and food recovery services that have their primary address physically located in the city and contract with or have written agreements with one or more commercial edible food generators shall report to the city the total pounds of edible food recovered in the previous calendar year from the tier one and tier two commercial edible food generators. Such food recovery services or food recovery organizations shall also provide, upon request, information regarding existing, or any new or expanded food recovery facilities or services operated or provided by the food recovery service or food recovery organization. Food recovery services and food recovery organizations shall provide the above information at least annually, and within 60 days of a request by city, unless a shorter timeframe is otherwise specified by the city.

#### **8.20.390 Requirements for franchisees and facility operators.**

**(A) Requirements for franchisees.** Franchisees shall meet the following requirements and standards as a condition of approval of a franchise agreement:

(1) Franchisee shall transport all solid waste that is collected in the city to a fully permitted transfer station, materials recovery facility, or disposal site that is lawfully permitted to accept and recover applicable discarded materials; provided that any franchise agreement shall provide the city with the right to designate disposal facilities and material recovery facilities to which the solid waste collected in the city shall be delivered.

(2) Notify the city in writing each year to identify the disposal facilities to which franchisee will transport all solid waste.

**(B) Requirements for facility operators and community composting operations.**

(1) Owners of facilities, operations, and activities that recover organic waste, including, but not limited to, composting facilities, in-vessel digestion facilities, and publicly-owned treatment works, shall, within sixty (60) days of request by the city, provide information regarding availability and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes.

(2) Community composting operators shall, within sixty (60) days of request by the city, provide information to the city to support organic waste capacity planning, including, but not limited to, an estimate of the amount of organic waste anticipated to be handled at the community composting operation.

**ARTICLE VIII PROCUREMENT**

**8.20.400 Procurement requirements.**

**(A) Landscaping.** Any person that provides services directly to the city for landscaping maintenance, renovation, and construction shall:

(1) Use compost and mulch, as practicable, produced from recovered organic waste, for all landscaping renovations, construction, or maintenance performed for the city, whenever available, and capable of meeting quality standards.

(2) Keep and provide to the city records of procurement of recovered organic waste products (either through purchase or acquisition), upon completion of projects. Information to be provided shall include:

- (a) General description of how and where the product was used;
- (b) Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the recovered organic waste products were procured;
- (c) Type of product;
- (d) Quantity of each product; and,
- (e) Invoice or other record demonstrating purchase or procurement.

**(B) Paper products.** All vendors providing paper products and printing and writing paper to the city shall:

(1) If fitness and quality are equal, provide recycled-content paper products and recycled-content printing and writing paper that consists of at least 30 percent, by fiber weight, postconsumer fiber instead of non-recycled products whenever recycled paper products and

printing and writing paper are available at the same or lesser total cost than non-recycled items or at a total cost of no more than 10% of the total cost for non-recycled items.

(2) Certify in writing, the minimum percentage of postconsumer material in the paper products and printing and writing paper offered or sold to the city. This certification requirement may be waived if the percentage of postconsumer material in the paper products, printing and writing paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.

(3) Certify in writing, on invoices or receipts provided, that the paper products and printing and writing paper offered or sold to the city is eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations (CFR) § 260.12 (2013).

(4) Provide records to the city's Recycling Program Analyst, in accordance with the city's recycled-content paper procurement policy(ies) of all paper products and printing and writing paper purchases within thirty (30) days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by any division or department or employee of the city. Records shall include a copy (electronic or paper) of the invoice or other documentation of purchase, written certifications as required in §8.20.390(B)(2) and §8.20.390(B)(3) for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-recycled content paper products or printing and writing papers are provided, include a description of why recycled-content paper products or printing and writing papers were not provided.

## **ARTICLE IX ENFORCEMENT**

### **8.20.410 Inspections and investigations by city.**

(A) **Inspection of containers and vehicles.** City representatives and/or its designated entity are authorized to conduct inspections and investigations, at random or otherwise, of any collection container (placed out on curb during collection day), collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or source separated materials to confirm compliance with this chapter by organic waste generators, commercial businesses, property owners, commercial edible food generators, haulers, self-haulers, food recovery services, and food recovery organizations, subject to applicable laws.

(B) **Access for inspections.** Regulated entities shall provide or arrange for access during all inspections (with the exception of residential property interiors) and shall cooperate with the city's representative or its designated entity during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, edible food recovery activities, records, or any other requirement of this chapter described herein. Failure to provide or arrange for: (i) access to an entity's premises; or (ii) access to records for any inspection or investigation is a violation of this chapter.

(C) **Public records.** Any records obtained by the city during its inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code § 6250 et seq.

(D) **Complaints.** Any person may submit to the city a written complaint, which may be anonymous, regarding an entity that may be potentially non-compliant with SB 1383 Regulations.

#### **8.20.420        Violations – Penalty and enforcement.**

(A) **Penalties.** Any person violating any of the provisions of this chapter, except §0, and § 0 through § 0, is guilty of a misdemeanor. Any person, firm or corporation violating §0, and § 0 through §0, is guilty of an infraction. Any subsequent violation of §0, and § 0 through §0 within two years of the first violation of the same section shall be a misdemeanor. Penalties for violations in this chapter are established by chapter 1.08 of this code.

(B) **Private action by franchisee.** Any franchisee may bring a private action to enjoin and prevent violations of §8.20.120 and §8.20.220 to the fullest extent allowed under California law, including but not limited to actions alleging that such violations constitute unfair competition within the meaning of the law.

(C) **Collection services.** In addition to being assessed penalties established by chapter 1.08 of this code. Any person violating any of the provisions of § 0 may also have collection services automatically provided at their expense pursuant to § 0.