

## ORDINANCE NO. 1143

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA AMENDING AND RESTATING CHAPTER 8.12 (SOLID WASTE MANAGEMENT) OF THE CITY OF BEAUMONT MUNICIPAL CODE

**WHEREAS**, State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, *et seq.*, as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment; and

**WHEREAS**, State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires the City to implement a Mandatory Commercial Recycling program; and

**WHEREAS**, State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires the City to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires the City to implement a Mandatory Commercial Organics Recycling program; and

**WHEREAS**, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including the City, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets; and

**WHEREAS**, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires the City to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.

**THE CITY COUNCIL OF THE CITY OF BEAUMONT HEREBY DOES ORDAIN AS FOLLOWS:**

**SECTION 1: CEQA ENVIRONMENTAL DETERMINATION.**

The City Council exercises its independent judgment and finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Section 15308, which exempts "actions by regulatory agencies for protection of the environment." This Ordinance is consistent with the goals of California State Assembly Bills 939, 341, and 1826, and Senate Bill 1383.

**SECTION 2. AMENDMENT TO CHAPTER 8.12, "SOLID WASTE MANAGEMENT."**

Chapter 8.12, Solid Waste Management, is hereby amended in restated in its entirety as set forth in Exhibit A.

**SECTION 3. AMENDMENT TO SECTION 9.03.155, "SPECIAL EVENTS RECYCLING."**

**Section 9.03.155 of the City of Beaumont Municipal Code**

**"9.03.155 - Special events recycling.**

All applicants will be required to comply with the recyclable material and organic waste requirements that apply to commercial premises under Chapter 8.12 of the Municipal Code.

Large events, as defined in Municipal Code Section 8.12.020, must meet the organic waste generator requirements set forth in Sections 8.12.160 and 8.12.170 and commercial edible food generator requirements set forth in Section 8.12.440."

**SECTION 4. SEVERABILITY**

If any Chapter, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each Chapter, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more Sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional."

**SECTION 5. EFFECTIVE DATE.**

This ordinance shall take on January 1, 2022.

**SECTION 6. CITY CLERK ACTION**

The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Chapter 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and posting procedure authorized under Government Code Chapter 39633(c).

**NOW, THEREFORE, BE IT ORDAINED** that the City Council of the City of Beaumont, California, approves an amendment to the City Code.

**INTRODUCED AND READ** for the first time and ordered posted at a regular meeting of the City Council of the City of Beaumont, California, held on the 2nd day of November 2021, by the following roll call vote:

AYES: Santos, Fenn, Martinez, White, Lara

NOES

ABSENT

ABSTAIN

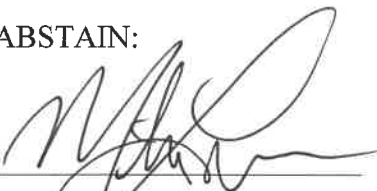
**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of Beaumont, California, held on the 16th day of November 2021.


AYES: Santos, Fenn, Martinez, White, Lara


NOES:

ABSENT:

ABSTAIN:

  
\_\_\_\_\_  
Mike Lara, Mayor

Attest:   
\_\_\_\_\_  
Nicole Wheelwright, Deputy City Clerk

Approved as to form:  
  
\_\_\_\_\_  
John O. Pinkney, City Attorney

## Chapter 8.12 SOLID WASTE MANAGEMENT<sup>1</sup>

### ARTICLE I. GENERAL PROVISIONS

#### 8.12.010 Purpose; findings.

- A. *Purpose.* The management and proper disposal of solid waste is a matter of great importance to the City, its citizens, visitors, property owners and businesses. The City finds that the public health, safety, and well-being require the generation, accumulation, handling, collection, transportation, conversion and disposal of solid waste be controlled and regulated by the City through the comprehensive system provided in this Chapter. This Chapter is intended to ensure solid waste handling services are readily available, adhere to uniform standards, and are reliable, clean, and efficient. The City has a strong interest in reducing the harboring and breeding of rodents and insects, reducing the spread of disease, and preventing pollution and other unsightly degradation of the environment, which can occur with the improper handling of solid waste and the excess accumulation of solid waste.
- B. *Findings.* The City finds and declares:
1. Article XI, § 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.
  2. The Legislature of the State of California, by enactment of the California Integrated Waste Management Act of 1989, ("AB 939" or the "Act") (codified at Public Resources Code §§ 4000 et seq.) established a solid waste management process that requires cities and other local jurisdictions to adopt and implement plans to reduce the amount of solid waste generated within their jurisdiction and to maximize reuse and recycling.
  3. AB 939 states that the frequency of solid waste collection, the means of solid waste collection and transportation, levels of services, charges and fees for services, and the nature, location and extent of providing solid waste services, are matters of local concern.
  4. AB 939 expressly allows cities to provide solid waste services to its residents by its own forces or by authorizing a private entity to provide those services.
  5. The State of California adopted legislation (AB 341) (Chapter 476, Statutes of 2011 [Chesbro, AB 341]) that requires any business that generates four cubic yards or more of commercial solid waste per week or is a multifamily residential dwelling with five or more units to arrange for recycling collection services.
  6. Assembly Bill 1826 of 2014 requires businesses and certain multi-family property owners that generate a specified threshold amount of solid waste per week including garbage, recycling, and organic waste to arrange for recyclable material and organic waste collection services for that waste and requires the

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<sup>1</sup>Editor's note(s)—Ord. No. 1109, § 2, adopted June 18, 2019, repealed the former Ch. 8.12, §§ 8.12.010—8.12.090, and enacted a new Ch. 8.12 as set out herein. The former Ch. 8.12 pertained to mandatory solid waste collection and disposal and derived from Ord. No. 921, § 1, adopted Nov. 20, 2007; Ord. No. 934, § 1, adopted April 1, 2008; Ord. No. 994, adopted April 19, 2011.

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- City to implement a mandatory commercial organics recycling program for designated commercial property owners.
7. Senate Bill 1383 of 2016, The Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organic waste in landfills as a source of methane. These regulations, which were adopted in 2020 (the "SB 1383 Regulations"), place requirements on multiple entities including the City, residential households, commercial businesses, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services to support achievement of statewide organic waste disposal reduction targets. 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.
  8. This Chapter implements Article XI, § 7 of the California Constitution and AB 939 in the City of Beaumont and protects public health and safety by authorizing the City Council to provide solid waste handling service itself or to award one or more franchises to private entities.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

### **8.12.020 Definitions.**

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section. Words and phrases not defined in this Chapter shall have the meaning ascribed by Section 1.04.010 of this Code, and if not defined therein, then as applicable, as in: Division 30, Part 1, Chapter 2 of the Public Resources Code, Sections 40100 et seq.; the regulations of the California Department of Resources Recycling and Recovery; the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6901, et seq. and the regulations implementing RCRA, as they may be amended.

"*AB 939*" or "*Act*" means the California Integrated Waste Management Act of 1989, codified in part at Public Resources Code, §§ 40000 et seq. as it may be amended, including but not limited to, the Jobs and Recycling Act of 2011 (AB 341), SB 1016 (Chapter 343, Statutes of 2008 [Wiggins, SB 1016]), the Mandatory Commercial Organics Recycling Act of 2014 (AB 1826), and the Short-Lived Climate Pollutants Bill of 2016 (SB 1383), and as implemented by the regulations of CalRecycle or its successor agency.

"*Account holder*" means the persons or entities whose name(s) are on a solid waste franchisee's account for a premises.

"*Bin*" means a container, typically between one and eight cubic yards, provided by a solid waste franchisee for the collection of solid waste, recyclable material and organic waste.

"*Bulky waste*" means solid waste that would not typically fit within a container, including, but not limited to, large and small household appliances, furniture, carpets, mattresses, automobile tires, and oversized green waste such as tree trunks and large branches if no larger than two feet in diameter and four feet in length, and similar large items discarded from a residential premises. "Bulky waste" does not include consumer electronics, such as televisions, radios, computers, monitors, and the like, which are regarded as universal waste, the disposal of which is governed by regulation of the Department of Toxic Substances Control.

"*CalRecycle*" means the California Department of Resources Recycling and Recovery.

"*Cart*" means a container, typically between 64 and 96 gallons, provided by a solid waste franchisee for the collection of solid waste, recyclable material, and organic waste.

"*CCR*" means the 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).

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"City" means the City of Beaumont, California, a municipal corporation, and all of the territory lying within the municipal boundaries of the City as presently existing and all geographic areas which may be added or annexed to the City.

"City Manager" means a person having that title in the employ of the City of Beaumont, or the City Manager's designated representative.

"City Premises" means City-owned or operated premises where solid waste is generated or accumulated.

"Commercial edible food generator" means a tier one or a tier two commercial edible food generator as defined in 14 CCR Section 18982(a)(73) and (a)(74). Food recovery organizations and food recovery services are not commercial edible food generators.

"Commercial premises" means all premises in the City, other than single family residential premises, , and City premises, where solid waste is generated or accumulated. The term "commercial premises" includes, but is not limited to, stores; offices; restaurants; boarding houses; hotels; motels; industrial and manufacturing, processing, or assembly shops or plants; hospitals, clinics, convalescent centers and nursing homes. A multi-family dwelling that consists of five (5) or more dwelling units is "Commercial", for the purposes of this Chapter.

"Construction and demolition material" or "C&D Material" means discarded building materials, "inert wastes" as defined in Public Resources Code § 41821.3(a)(1) (e.g. rock, concrete, brick, sand, soil ceramics and cured asphalt), recyclable construction and demolition materials, packaging, plaster, drywall, rubble resulting from construction, remodeling, repair and demolition operations, but does not include asbestos-containing materials or hazardous waste.

"Container" means any cart, bin or debris box.

"Debris box" means a container, typically ten to 40 cubic yards, provided by a solid waste Franchisee for the collection of solid waste that is normally tipped loaded onto a motor vehicle and transported to an appropriate facility.

"Edible food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not solid waste if it is recovered and not discarded. Nothing in this chapter or in 14 CCR, Division 7, Chapter 12 requires or authorizes the recovery of edible food that does not meet the food safety requirements of the California Retail Food Code.

"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 or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to: A food bank as defined in Section 113783 of the Health and Safety Code; A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and, A nonprofit charitable temporary food facility as defined in Section 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, or as otherwise defined in 14 CCR Section 18982(a)(26). A food recovery service is not a commercial edible food generator for the purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

"Garbage" means all non-recyclable packaging and other waste attributed to normal activities of a service unit. Garbage must be generated by and at the service unit wherein the garbage is collected. Garbage does not include recyclable materials, organic waste, debris from construction and demolition, large items, e-waste, universal waste, hazardous waste, household hazardous waste or exempt waste.

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*"Generator,"* for the purpose of this Chapter, means a person or entity, including commercial generators and residential generators, that is responsible for the initial creation of organic waste, or as otherwise defined as "organic waste generator" in 14 CCR Section 18982(a)(48).

*"Green waste"* means leaves, grass clippings, brush, branches and other forms of organic materials generated from maintenance or alteration of landscapes or gardens including, but not limited to, tree trimmings, prunings, brush and weeds and incidental pieces of scrap lumber. "Green waste" includes unadorned holiday trees (except such trees which are frosted, flocked or which contain tinsel or metal), but does not include stumps or branches exceeding four inches in diameter or four feet in length, or palm fronds, or yucca, which are not suitable for composting. "Green waste" is not a "recyclable material". "Green waste" is solid waste if it is not segregated from solid waste and is discarded into the solid waste stream.

*"Hazardous waste"* means any waste materials or mixture of wastes defined as a "hazardous substance" or "hazardous waste" pursuant to the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6901 et seq., the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. §§ 9601 et seq., the Carpenter-Presley-Tanner Hazardous Substance Account Act ("HSAA"), codified at California Health & Safety Code §§ 25300 et seq.; the Electronic Waste Recycling Act of 2003, codified at California Health & Safety Code §§ 25214.9 et seq. and California Public Resources Code §§ 41516 et seq., laws governing Universal Waste, all future amendments to any of them, or as defined by CalRecycle or the Department of Toxic Substances Control, or by their respective successor agencies. If there is a conflict in the definitions employed by two or more agencies having jurisdiction over hazardous or solid waste, the term "hazardous waste" shall be construed to have the broader, more encompassing definition.

*"Household hazardous waste"* means dry cell household batteries; cell phones and PDAs; used motor oil; used oil filters when contained in a sealed plastic bag; cooking oil; compact fluorescent light bulbs contained in a sealed plastic bag; cleaning products; pesticides; herbicides; insecticides; painting supplies; automotive products; solvents; stripes; and adhesives; auto batteries; and universal waste generated at a single-family or multifamily residential premises.

*"Inspection"* means a site visit where a jurisdiction or its designee or designated entity, reviews records, containers, and an entity's collection, handling, recycling, or disposal of solid waste or edible food handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).

*"Multifamily residential premises"* means a multi-family residential building with five or more units, including but not limited to mobile home parks, apartments, condominiums and town homes, which utilize bins for the temporary accumulation and collection of solid waste. The City will have sole authority to resolve any ambiguity as to whether a particular premise is a single family residential premises or a multifamily residential premises.

*"Organic waste"* means solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food waste, green waste, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46).

*"Overfill" or "overfilled"* means to fill a container in a manner such that the lid of the container is unable to fully close and exceeds a 45-degree angle.

*"Owner"* means the persons or entities listed on the last equalized assessment roll as the owner of a lot or parcel of real property within the City.

*"Person in charge"* means an owner, account holder, tenant, occupant or other person or persons responsible for the day to day operation of a premises.

*"Premises"* means place where any person resides, or any business is carried on or conducted, or any other place upon which solid waste is generated or accumulated.

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*"Prohibited container contaminants"* means (1) discarded materials placed in the designated recyclables container that are not identified as acceptable source separated recyclables for the city's designated recyclables collection container; (2) discarded materials placed in the designated organic waste container that are not identified as acceptable source separated organic waste for the city's designated organic waste collection container; and (3) discarded materials placed in the garbage container that are acceptable source separated recyclables and/or source separated organic waste to be placed in city's designated organic waste collection container and/or designated recyclables collection container, and (4) exempt waste placed in any container.

*"Recyclable material"* means materials that can be reused or processed into a form suitable for reuse through reprocessing or remanufacture, consistent with the requirements of AB 939, including but not limited to the following:

1. Aluminum cans;
2. Glass jars and bottles;
3. Steel, bi-metal and tin cans, and empty aerosol containers;
4. Recyclable plastics;
5. PVC pipe;
6. Juice boxes and milk cartons (aseptic packaging, Tetra Pak®, and waxed cardboard);
7. Detergent containers;
8. Scrap metal, coat hangers and metal foil;
9. Newspapers and telephone books;
10. Mixed paper (e.g., ledger, computer, junk mail, magazines, paperback books, cereal boxes, envelopes, paper shopping bags and non-metallic wrapping paper);
11. Corrugated cardboard and chipboard;
12. Chlorofluorocarbons (contained in bulky waste set out for collection under Section 8.12.230);
13. Tires (if set out for collection as bulky waste to be collected under Section 8.12.230.); and
14. Wood (incidental scrap pieces if set out for collection with green waste, and larger quantities if set out for collection with bulky waste).

*"Self-haul"* means the transportation of solid waste, recyclable materials or organic waste directly to a licensed or permitted landfill or other licensed or permitted disposal facility by a person who has received a self-haul permit. Self-haul also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). *"Back-haul"* means generating and transporting organic waste to a destination owned and operated by the generator using the generator's own employees and equipment, or as otherwise defined in 14 CCR Section 189881(a)(66)(A).

*"Self-haul permit"* means a permit issued by the City to self-haul under this Chapter.

*"Single-family residential premises"* means any residential premises with fewer than five (5) units,, which utilizes one or more carts, or a bin, for the temporary accumulation and collection of solid waste. The City Manager will have sole authority to resolve any ambiguity as to whether a particular premise is a single family residential premises or a multifamily residential premises.

*"Solid waste"* means and includes any materials defined as "solid waste" by section 40191 of the California Public Resources Code, and specifically includes, without limitation, recyclable materials and organic waste that has been disposed into the solid waste stream, bulky waste, construction and demolition materials, and all other



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materials, excluding universal waste and hazardous waste, that are discarded into the solid waste stream, or collected in exchange for a fee or any other consideration, regardless of form or amount.

*"Solid waste enterprise"* means any individual, partnership, joint venture, unincorporated private organization, or private corporation, which is regularly engaged in the business of providing solid waste handling services.

*"Solid waste franchisee"* means a solid waste enterprise that has been granted the right and privilege by the City, or by operation of law, to perform one or more solid waste handling services within the City or a portion thereof.

*"Solid waste handling services"* means the collection, transportation, processing, recycling, composting, conversion, retention and disposal of solid waste, organic waste, recyclable materials, construction and demolition materials, bulky waste, and/or universal waste.

*"Source separate"* means the process of removing recyclable materials and organic waste from solid waste at the place of generation, prior to collection, and placing such materials into separate containers designated for recyclable materials and organic waste, or as otherwise defined in 14 CCR Section 17402.5(b)(4).

*"Spilled"* means deposited, released, spilled, leaked, pumped, poured, emitted, emptied, discharged, injected, dumped or disposed into the environment, or which otherwise has come to be located outside an authorized container. The term "disposed into the environment" shall include, but is not limited to, the abandonment or discarding of barrels, bags, cans and other closed receptacles containing solid waste, recyclable materials or organic waste.

*"Tier one commercial edible food generator"* means a commercial edible food generator that is one of the following as defined in 14 CCR Section 18982(a):

- a. Supermarkets with gross annual sales of \$2,000,000 or more
- b. Grocery store with a total facility size equal to or greater than 10,000 square feet.
- c. Food service provider, which 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.
- d. Wholesale food vendor, which 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.
- e. Food distributor, which means a company that distributes food to entities including, but not limited to, supermarkets and grocery stores.

*"Tier two commercial edible food generator"* means a commercial edible food generator that is one of the following as defined in 14 CCR Section 18982(a):

- a. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- b. Hotel with an on-site food facility and 200 or more rooms.
- c. Health facility with an on-site food facility and 100 or more beds.
- d. Large venue, which 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. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a 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. For purposes of

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this ordinance and implementation of 14 CCR, Division 7, Chapter 12, 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.

- e. Large event, which 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.
- f. 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.
- g. A local education agency facility with an on-site food facility. Local education agency means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).

"*Universal waste*" means and includes, but is not limited to, "universal waste electronic devices" or "UWEDs," (i.e., electronic devices subject to the regulation of the Department of Toxic Substances Control, 23 CCR §§ 66273.1, et seq.), and other universal wastes, including, but not limited to non-empty aerosol cans, fluorescent tubes, high intensity discharge lamps, sodium vapor lamps, and any other lamp exhibiting a characteristic of a hazardous waste, batteries (rechargeable nickel-cadmium batteries, silver button batteries, mercury batteries, small sealed lead acid batteries [burglar alarm and emergency light batteries] alkaline batteries, carbon-zinc batteries and any other batteries which exhibit the characteristic of a hazardous waste), mercury thermometers, and mercury-containing switches.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

## **ARTICLE II. SOLID WASTE MANAGEMENT**

### **8.12.100 Disposal of solid waste required.**

In order to protect the public health, safety and wellbeing, and to prevent the spread of vectors, the owner or other person in charge of a premises shall make arrangements with the City or the City's solid waste franchisee for solid waste handling services.

All premises in the City must have the applicable solid waste handling services required under this Chapter.

Nothing in this Chapter shall prohibit generators from regularly disposing of garbage, recyclable material, or organic waste at a solid waste facility, by self-hauling or through the uncompensated services of another in a manner conforming to this Chapter.

A violation of this Section is a misdemeanor and punishable as provided in Article VII of this Chapter. The City may cite violations as infractions where an appropriate downgrade is approved by the City Prosecutor or City Attorney.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

### **8.12.110 Containers—Use, placement for collection, storage.**

A. *Use.* Every person in charge of a premises shall:

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1. Keep on the premises a sufficient number of containers that will hold all solid waste, recyclable materials, and organic waste that accumulates on the premises each week without spilling, leaking, or emitting odors.
  2. Deposit or cause to be deposited all solid waste, recyclable materials and organic waste generated or accumulated on the premises into containers meeting the requirements of this Chapter.
  3. Use those containers:
    - a. Provided by the appropriate solid waste franchisee; or
    - b. Approved by the City under a valid self-haul permit for the premises.
- B. *Placement for Collection.* To minimize interference with public rights-of-way, no person shall place a container in a public right-of-way for collection by the appropriate solid waste franchisee more than 24 hours prior to the normal collection time. Containers placed in a public right-of-way for collection shall be removed from the right-of-way within 24 hours after collection.
- C. *Storage.* Except during the time a cart or bin is placed for collection, no cart or bin shall be visible from the public right-of-way. A debris box may be placed in a location that is visible from the public right-of-way at a single-family residential premises for up to 30 consecutive days and for no more than 60 total days during any 12-month period.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

#### **8.12.120 Clean-up.**

- A. Until solid waste, recyclable materials or organic waste has been picked up by the appropriate solid waste franchisee, or is self-hauled in accordance with a valid self-haul permit, each person in charge of a premises shall be responsible for the cleanup of any and all solid waste, recyclable material, or organic waste generated or accumulated on the premises that is spilled on, at, or in the premises. This cleanup responsibility includes the cleanup of solid waste, recyclable materials and organic waste spilled for any reason, including but not limited to human or animal interference with a container, wind or other natural forces, at any time during storage, collection, removal, or transfer of the materials.
- B. The City's solid waste franchisee(s) shall clean up any solid waste, recyclable material, or organic waste spilled during its collection, removal, or transfer, as soon as the spill occurs.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

#### **8.12.130 Disposal frequency.**

All solid waste accumulating upon a premises must be disposed of as frequently as required to avoid an accumulation of solid waste, but in no case shall disposal occur less frequently than one time per week, except that less than weekly disposal is permitted during any period of time the premises is temporarily unoccupied and solid waste is not accumulating on the premises due to out-of-town travel or other similar situations.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

#### **8.12.140 AB 939 Fees.**

Pursuant to Division 30, Part 2, Chapter 8 of the Public Resources Code, Section 41900 et seq., the City may impose fees on premises in amounts sufficient to pay the costs of preparing, adopting, and implementing a

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countywide integrated waste management plan, including the costs of preparing, adopting and implementing the City's required source reduction and recycling element, household hazardous waste element, and nondisposal facility element, and the costs of setting and collecting the fees.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

### **8.12.150 Recycling requirements.**

- A. *Purpose.* The purpose of this Section is to establish requirements for the recycling of recyclable materials generated from commercial premises, single family residential premises, multifamily residential premises, and City premises. These requirements are intended to increase the diversion of recyclable materials from landfills, conserve capacity and extend the useful life of landfills utilized by the City, reduce greenhouse gas emissions, and avoid the potential financial and other consequences to the City of failing to meet State law diversion requirements.
- B. *Requirements.*
1. Owners, landlords, tenants and occupants of commercial premises, single family residential premises, multifamily residential premises, and City premises, jointly or severally, shall recycle recyclable materials by depositing the same in recycling containers provided by the City's solid waste franchisee.
  2. Occupants or landlords of commercial premises and multifamily residential premises shall designate, for the convenience and use of occupants' employees and independent contractors, recycling collection and storage areas and shall place appropriate signs in and around the proximity of such areas.
  3. Occupants or landlords of commercial premises and multifamily residential premises shall ensure that their employees, occupants, and independent contractors are educated about recycling services available at the site. Information, including the types of recyclable materials accepted, the location of recycling containers, and the employees' and occupants responsibility to recycle shall be distributed periodically, and all new occupants, employees when hired, and independent contractors when retained, shall also be given such information and instruction. All occupants, employees and independent contractors shall also be given appropriate information and instructions concerning any change in recycling services to the commercial premises and multifamily residential premises.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

### **8.12.160 Organic Waste: Single-Family Premises Requirements.**

Every single family premise shall make arrangements with the City or the City's solid waste franchisee for organic waste recycling services in compliance with SB 1383 (14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR), as it may be amended from time to time.

- A. Generators shall arrange for a size, quantity and collection frequency of collection containers to adequately store all solid waste generated in connection with the premise between the times designated for collection service. The City shall have the right to review the number and size of such collection containers to evaluate the adequacy of capacity provided for each type of collection service and to review the separation and containment of materials. Generators shall adjust service levels for their collection services as requested by the City in order to meet the standards set forth in this chapter.
- B. Generators shall place source separated organic waste, including food waste, in the organic waste collection container; place source separated recyclable materials in the recyclable material collection container; and

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place garbage in the approved garbage collection container. Generators shall not place prohibited container contaminants into containers.

- C. Nothing in this chapter limits the right of any person to donate, sell, or otherwise remove their recyclable materials so long as the removal otherwise complies with this Chapter.
- D. Organic waste may be fed to animals on the premises where such organic waste is produced, provided that the premises are always kept in a sanitary condition and does not result in a public nuisance; and provided further that the keeping and feeding of such animals shall at all times conform to the applicable regulations of those entities governing the same now in force or which thereafter may be enacted or promulgated.
- E. Organic waste may be used in on-site composting or community composting, pursuant to 14 CCR Section 18984.9(c), provided that such operation conforms to the applicable regulations of those entities governing the same now in force or which thereafter may be enacted or promulgated.
- F. Generators shall provide or arrange for access during all inspections and investigations (with the exception of a private residential dwelling unit) and cooperate with the City or the City's solid waste franchisee during such inspections and investigations as described in Section 8.12.700.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

### **8.12.170 Organic Waste: Commercial Premises Requirements.**

Commercial generators shall comply with the following requirements.

- A. Each commercial generator, including all multifamily residential premises that consist of five or more dwelling units, City premises, large events and large venues shall be responsible for compliance with the requirements of this Section.
- B. Each commercial generator shall subscribe to a level of solid waste handling service with the City's solid waste franchisee that is sufficient to handle the volume of garbage, recyclable materials and organic waste generated or accumulated on the premises. Additionally, each commercial generator shall ensure the proper separation of solid waste, as established by the City and the City's solid waste franchisee, by placing each type of material in designated collection containers, and ensure that employees, contractors, volunteers, customers, visitors, and other persons on-site conduct proper source separation of solid waste.
- C. Supply and allow access to adequate number, size, and location of collection containers with sufficient labels or colors, conforming with requirements of this section, for employees, contractors, tenants, and customers, consistent with the solid waste collection service.
- D. Annually provide information to employees, contractors, tenants, and customers about organic waste recovery requirements and about proper sorting of solid waste.
- E. Provide educational information before, or within, fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep source separated organic waste and source separated recyclable materials separate from garbage (when applicable) and the location of containers and the rules governing their use at each property.
- F. Accommodate and cooperate with the City and City's solid waste franchisee's monitoring program for inspection of the contents of containers for prohibited container contaminants, to evaluate generator's compliance.
- G. Commercial businesses that are landscapers, shall meet the requirements of Section 8.12.410 of this Chapter.

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- H. If a commercial generator back-hauls, the commercial generator shall meet the back-haul requirements in Section 8.12.430 of this Chapter.

Commercial generators, excluding multifamily residential premises consisting of five (5) or more dwelling units, shall comply with the following requirements.

- I. Provide containers for the collection of source separated organic waste and source separated recyclable materials in all indoor and outdoor areas where garbage disposal containers are provided for customers, for materials generated onsite. Such containers do not need to be provided in restrooms. If a commercial generator does not generate any of the materials that would be collected in one type of collection container, then it is not required to provide that type of collection container in all areas where disposal collection containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the collection containers shall have either:
  - 1. A body or lid that is gray or black for collection of garbage, blue for collection of recycling, and green for collection of organic waste. A commercial generator is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
  - 2. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
- J. To the extent practical through education, training, inspection, and/or other measures, prohibit employees from placing materials in a container not designated for those materials per the solid waste collection service.
- K. Periodically inspect organic waste, recyclable materials, and garbage containers for prohibited container contaminants and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
- L. Commercial generators that are commercial edible food generators, as defined in Section 8.12.020, shall comply with commercial edible food generator requirements, pursuant to Section 8.12.440.

### **8.12.180 Waivers.**

- A. Pursuant to 14 CCR Section 18984.11, the City may grant waivers to commercial business for physical space limitations and/or de minimis volumes. Commercial businesses seeking a waiver shall submit their request on a form as specified by the City Manager. After reviewing the waiver request, and after an on-site review, if applicable, the City Manager may either approve or deny the following waiver requests. Any waiver granted pursuant to this section shall

The applicant shall pay a waiver fee as authorized by resolution of the City Council. The fee shall reflect the City's reasonable costs of issuing and monitoring compliance with the waiver requirements set forth herein. Waivers issued between January 1 and March 31 shall pay 100 percent of the waiver fee; waivers issued between April 1 and June 30 shall pay 75 percent of the waiver fee; waivers issued between July 1 and September 30 shall pay 50 percent of the waiver fee; waivers issued between October 1 and December 31 shall pay 25 percent of the waiver fee.

- 1. De Minimis Waivers: The City may waive a commercial business' obligation to comply with some or all the requirements of Section 8.12.170 if the commercial business meets the following requirements:

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- a. Submit an application specifying the type of waiver requested and provide documentation as described below.
  - b. Provide documentation that either:
    - i. The commercial business receives two or more cubic yards of weekly solid waste handling service (including garbage, recyclable material and organic waste) and disposed organic waste comprises less than 20 gallons per week of the business' total weekly solid waste volume; or
    - ii. The commercial business receives less than two cubic yards of weekly solid waste handling service (including garbage, recyclable material and organic waste) and disposed organic waste comprises less than 10 gallons per week of the business' total weekly solid waste volume.
    - iii. For the purposes of subsections (i) and (ii) above, weekly solid waste handling service shall be the sum of a commercial business' weekly garbage container volume, recyclable material container volume and organic waste container volume, measured in cubic yards.
  - c. Notify the City if circumstances change such that volume of commercial business' disposed organic waste placed in containers exceeds threshold required for waiver, in which case waiver will be rescinded.
  - d. Provide written verification of eligibility for de minimis waiver every five years if the City has approved de minimis waiver.
2. Physical Space Waivers: The City may waive a commercial business' obligations to comply with some or all of the recyclable materials and/or organic waste solid waste handling service requirements if the City has evidence from its own staff, the City's solid waste franchisee, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with solid waste handling service requirements. A commercial business or property owner may request a physical space waiver through the following process:
- a. Submit an application form specifying the type(s) of collection services for which they are requesting a waiver from mandatory collection service.
  - b. Provide documentation that the premises lacks adequate space for the recyclable materials containers and/or organic waste containers including documentation from the City's solid waste franchisee, licensed architect, or licensed engineer.
  - c. Provide written verification to the City that it is still eligible for physical space waiver every five years if the City has approved application for a physical space waiver.

## **ARTICLE III. FRANCHISES**

### **8.12.200 Findings.**

- A. California Constitution Articles XIII(C) and XIII(D), commonly known as "Proposition 218," regulates a public agency's imposition of certain fees for property-related services provided by the public agency. Proposition 218 does not restrict or regulate what a private profit-making entity may charge for property-related services provided by a private entity.

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- B. The rates and fees established by a solid waste franchisee pursuant to this Article are not subject to Proposition 218 because, among other reasons, the solid waste franchisee independently establishes, charges and collects the fees and rates for its service; owners of single-family residential premises may avoid the imposition of such fees and rates by obtaining a self-haul permit; and owners of any property in the City may avoid the imposition of such fees and rates by leaving their property undeveloped or unoccupied.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

#### **8.12.210 Provision of solid waste handling service.**

- A. The City Council may grant franchises to one or more solid waste enterprises to make arrangements with the persons in charge of premises within the City for solid waste handling services, in accordance with this Chapter.
- B. The City Council may determine solid waste collection categories, (e.g., single-family residential, multifamily residential, commercial, construction & demolition materials, household hazardous waste, universal waste, recyclable materials, organic waste and others) and may make or impose franchise, license, contract or permit requirements which may vary for such categories.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

#### **8.12.220 Solid waste franchises.**

- A. The City Council may award exclusive, partially exclusive, or non-exclusive franchises for one or more types of solid waste handling services for all or a portion of the premises in the City. Any such franchise shall be in the form of a written agreement, approved by the City Council by written resolution, and shall be subject to all of the continuation rights, if any, held by any other solid waste enterprise pursuant to Public Resources Code § 49520 et seq. Where a franchise agreement is silent on an issue, the provisions of this Chapter shall govern. Where a franchise agreement predates the effective date of this Chapter, the provisions of the franchise agreement shall govern over any inconsistent provisions contained in this Chapter.
- B. Any franchise granted pursuant to paragraph A of this section shall be granted on such terms and conditions as the City Council shall establish in its sole discretion. At a minimum, the franchise shall provide:
1. The solid waste franchisee shall comply with the provisions of this Chapter; and
  2. The solid waste franchisee shall protect, defend, indemnify and hold the City harmless from such acts, omissions, liabilities and damages related to the agreement as the City Attorney and City Manager determine to be reasonable necessary to adequately protect the City; and
  3. The solid waste franchisee shall be required to cooperate with City in solid waste disposal characterization studies and the preparation of waste stream audits, and to submit information required by the City to meet the reporting requirements of AB 939, or any other law or regulation, and to implement measures consistent with the City's source reduction and recycling element to reach the solid waste and recycling goals mandated by the California Integrated Waste Management Act of 1989, as it may be amended from time to time.
  4. The solid waste franchisee shall provide commercial recycling service in a manner to exceed compliance with AB 341, as it may be amended from time to time. Solid waste franchisee will notify all commercial premises of the requirements to comply with the law and must provide the necessary volume of collection services in order for all commercial premises to be in full compliance with the law.

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The solid waste franchisee will conduct in-person outreach to all non-participating commercial premises a minimum of once per calendar year.

5. The solid waste franchisee shall provide organic waste recycling services in a manner to exceed compliance with AB 1826 and SB 1383, as they may be amended from time to time. The solid waste franchisee will notify all commercial premises, multifamily residential premises, and City premises of the requirements to comply with the law and must provide the necessary volume of collection services in order to be in full compliance with the law. The solid waste Franchisee will conduct in-person outreach to all non-participating commercial premises, multifamily residential premises, and City premises a minimum of once per calendar year.
  6. The solid waste franchisee shall provide services to ensure the City is in compliance with State law diversion requirements and AB 1594.
- C. The City's solid waste franchisee providing organic waste recycling services to generators within the City's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the City to collect organic waste:
1. Through written notice to the City annually on or before January 1, 2022, identify the facilities to which they will transport organic waste including facilities for source separated recyclable materials and source separated organic waste.
  2. Transport source separated recyclable materials and source separated organic waste to a facility, operation, activity, or property that recovers organic waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
  3. Obtain approval from the City to haul organic waste, unless it is transporting source separated organic waste to a community composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

#### **8.12.230 Manner, time and frequency of collection.**

- A. *Regular Collection.* The City's solid waste franchisee(s) shall make arrangements with its account holders specifying the manner in which solid waste handling services are to be regularly provided, subject to the terms of its franchise.
- B. *Special Collections.* The City's solid waste franchisee(s) shall provide on-call collection of bulky waste to its account holders, and shall provide its account holders with debris boxes when requested and collect the debris box when the account holder no longer requires the debris box. The terms and conditions upon which such special collections are provided to account holders shall be arranged between the solid waste franchisee and the account holder, subject to the terms of the solid waste franchisee's franchise from the City.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

#### **8.12.240 Liability for solid waste collection fees.**

- A. *Joint and Several Liability.* The owner of a premises and the account holder for a premises are jointly and severally liable for solid waste handling services provided to the premises by a solid waste franchisee.

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- B. *Delinquencies—All Premises.* Pursuant to Health and Safety Code section 5470 et seq., the City may collect delinquent fees or charges for commercial, single family residential, and multifamily residential solid waste handling services on the property tax roll for those premises. If the City decides to collect delinquent solid waste handling fees or charges on the property tax roll, it shall adhere to the following procedures:
1. City will fix a time, date and place for hearing the report of delinquencies submitted by the solid waste franchisee and any objections and protests to the report. The solid waste franchisee shall publish and provide notice of the hearing on the report in accordance with Health and Safety Code section 5470 et seq. At the hearing, City shall hear any objections or protests of owners liable to be assessed for delinquent fees. The City may make revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.
  2. The delinquent fees set forth in the report as confirmed shall constitute special assessments against the premises listed in the report and are a lien on the premises for the amount of the delinquent fees. A certified copy of the confirmed report shall be filed with the Riverside County Auditor for the amounts of the respective assessments against the respective premises as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the Riverside County Recorder, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for those taxes.
  3. City shall remit to its solid waste franchisee(s) amounts collected pursuant to this process within 30 days of receipt from the Riverside County Assessor. Solid waste franchisee(s) shall notify the City in the event any delinquency on the report for which a lien has been created is paid or otherwise resolved.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 ; Ord. No. 1117 , § 2(Exh. A), 12-3-2019)

## **ARTICLE IV. SELF-HAULING**

### **8.12.300 Applicability.**

Because it is more difficult to transport larger volumes of solid waste, recyclables and organic waste in a manner that is safe and sanitary, self-haul permits are available only to single family residential premises. The difficulty posed by self-hauling larger volumes of solid waste, recyclables and organic waste pose an unwarranted threat to the public health, safety and welfare, as it could lead to increased illegal dumping and burning, failure to segregate recyclables and organic waste, unauthorized deposit of solid waste in the containers of another, and the accumulation of solid waste at a premises for more than one week.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

### **8.12.310 Self-haul permit.**

- A. *Permit Required.* The person in charge of a single-family residential premises may apply for and obtain a permit to self-haul, and shall not self-haul without a valid self-haul permit issued pursuant to this section. Every person in charge of a single-family residential premises who desires to self-haul in addition to making arrangements with the appropriate solid waste franchisee for subscription to solid waste handling services shall obtain a self-haul permit from the City's public works director or his or her designee prior to commencing self-hauling.

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B. *Term.* A permit to self-haul shall be good for one calendar year, or such part of the calendar year that is remaining after the issuance of the permit. All self-haul permits shall expire on December 31, and may be renewed annually. Application for a renewal permit must be filed at least 60 days prior to the expiration date of the permit to allow adequate time for processing, inspection and verifications required to issue the permit.

C. *Issuance of Permit.* An applicant for a self-haul permit shall submit a completed application, on a form approved by the City's public works director, to the public works department. The public works director or his or her designee shall determine whether the application is complete within five working days of the receipt of the application. If the director or his or her designee finds the application incomplete, the applicant shall be given a list of further information needed to complete the application.

After it is determined that an application for a self-haul permit is complete, the applicant shall produce the items listed in numbers C.1. through 8. below. The director of public works or his or her designee shall issue a self-haul permit within five working days of the production of all of the required items.

1. The applicant produces for inspection the vehicle the applicant intends to use for self-hauling, and the vehicle meets the following standards:
  - a. The vehicle is capable of safely hauling a minimum of 32 gallons (4.3 cubic feet) of solid waste, recyclable materials and organic waste in a safe and sanitary manner so that such matter will not spill; and
  - b. If the vehicle is not fully enclosed, the applicant produces a tarp or other material that is demonstrated to completely secure the materials being self-hauled.
2. The applicant produces evidence that he or she owns or leases the vehicle produced for inspection or has a written agreement to use the vehicle for self-hauling with the vehicle's owner or lessor;
3. The applicant produces evidence that he or she has a valid California driver's license to operate the vehicle produced for inspection and that the vehicle is registered in the State of California;
4. The applicant provides the City with a certificate of automobile insurance for the vehicle;
5. The vehicle is operational and meets all applicable Vehicle Code standards;
6. The applicant provides the City with proof that the applicant has containers for the storage of solid waste, recyclable materials and organic waste on the applicant's premises before the materials are hauled to a disposal facility; and
7. The applicant provides proof that he/she is has no outstanding charges due to the City's solid waste franchisee for solid waste handling services previously received at the premises for which the self-hauling permit application is being submitted; and
8. The applicant pays the fee for a self-haul permit authorized by resolution of the City Council. The fee shall reflect the City's reasonable costs of issuing and monitoring compliance with the permit. Permits issued between January 1 and March 31 shall pay 100 percent of the permit fee; permits issued between April 1 and June 30 shall pay 75 percent of the permit fee; permits issued between July 1 and September 30 shall pay 50 percent of the permit fee; permits issued between October 1 and December 31 shall pay 25 percent of the permit fee.

D. *Appeal of Denial.* An applicant whose application for a self-haul permit has been denied may appeal that decision. An appeal may be filed within five days of the date the applicant was notified of the denial. Appeals shall be heard by the City Manager. The decision of the City Manager is final.

E. *Operational Standards.*

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1. Permittees must dispose of solid waste weekly at a licensed or permitted landfill or disposal facility and shall procure and retain weekly receipts from such landfill or other disposal facility. Receipts shall be submitted to the City upon request. Failure to show proof of solid waste disposal for each week that a person is permitted to self-haul shall constitute a public health and safety nuisance sufficient to permit City to revoke the permittees' self-haul permit.
  2. Permittees must notify the City of any change in the vehicle being used to haul solid waste by the permittee. Permittees must bring the new vehicle in for an inspection and demonstrate compliance with items 1. through 5. of paragraph B. of this section before the new vehicle is used to haul any solid waste under the permit.
  3. Permittee must keep on file with the City copies of the current automobile insurance and registration for the vehicle used to self-haul and the permittee's current California driver's license. Permittee must provide proof to City of renewed automobile insurance, vehicle registration, and California driver's license within five days of expiration of respective document.
  4. Permittees must source separate and bag solid waste, recyclable materials and organic waste. Recyclable materials shall be disposed of at a licensed or permitted recycling center. Organic Waste shall be disposed of at a licensed or permitted composting center that recycles source separated organic waste or shall be composted on the premises covered by the self-haul permit.
  5. Permittees are liable for any damages and clean-up costs resulting from any solid waste, recyclable materials or organic waste spills during the course of the permittees' self-hauling activity.
- F. *Revocation of Permit.* The self-haul permit shall be subject to revocation if the permittee violates any provision of this chapter. A notice of revocation shall be mailed to the permittee informing them that their self-haul permit is being revoked, identifying the violations of this chapter that have occurred, and informing the permittee that he or she has the right to dispute the revocation by an appeal to the City Manager. An appeal of a revocation must be filed within five calendar days of the mailing of notice of the revocation. A revocation appeal hearing will be scheduled within five days of the date the City receives the request for an appeal. The City Manager will issue a decision on the appeal within five days of the hearing and provide the permittee written notice of the decision. The decision of the City Manager on the appeal shall be final. A person whose self-haul permit has been revoked pursuant to this paragraph F may not obtain another self-haul permit for one year from the date of the revocation.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

### **8.12.320 AB 939 Fees.**

Pursuant to Division 30, Part 2, Chapter 8 of the Public Resources Code, Section 41900 et seq., the City may impose fees on persons with a self-haul permit in amounts sufficient to pay the costs of preparing, adopting, and implementing a countywide integrated waste management plan, including the costs of preparing, adopting and implementing the City's required source reduction and recycling element, household hazardous waste element, and nondisposal facility element, and the costs of setting and collecting the fees.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

## **ARTICLE V. RECYCLABLE MATERIALS, GREEN WASTE, C&D MATERIALS AND EDIBLE FOOD RECOVERY**

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#### **8.12.40. Recyclable materials—Ownership, right to dispose.**

- A. Upon placement by the owner of recyclable material at a designated recycling collection location, or placement of recyclable materials in a container provided by the appropriate solid waste franchisee, the recyclable material becomes the property of the recycler or solid waste franchisee, by operation of state law.
- B. Nothing in this Chapter shall limit the right of any person, organization or other entity to donate, sell or otherwise dispose of any recyclable material source separated from the solid waste stream owned by that person, organization or other entity, provided that the person, organization or other entity does not pay the buyer or donee any consideration for collecting, processing or transporting such recyclable material, or a consulting or broker's fee for recycling services.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

#### **8.12.410 Landscapers—Disposal of green waste.**

Landscapers may collect, transport and compost or dispose of green waste without obtaining a self-haul permit, provided that any such green waste is generated by their own specific work site and transported to a site permitted by CalRecycle or exempt from permitting..

Landscapers shall not contract with a solid waste enterprise to collect, transport and compost or dispose of green waste unless that solid waste enterprise has a franchise from the City to perform said services.

Landscapers shall keep a record of the amount of organic waste delivered to each solid waste facility, operation, activity, or property that processes or recovers organic waste; this record shall be subject to inspection by the City. The records shall include the following information:

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

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

#### **8.12.420 Licensed contractors—Disposal of C&D materials.**

Licensed contractors performing work within the scope of their licenses within the City may collect, transport and dispose or recycle self-generated construction and demolition materials without obtaining a self-haul permit, provided that the licensed contractor adheres to the standards for disposal of construction and demolition material provided in the California Green Building Standards Code (California Code of Regulations Title 24, Part 11). Construction and demolition materials must be transported to a landfill or recycling facility permitted by CalRecycle or exempt from permitting.

Licensed contractors shall not contract with a solid waste enterprise to collect, transport and dispose or recycle of construction and demolition materials unless that solid waste enterprise has a franchise from the City to perform said services.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

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### **8.12.430 Back-haul requirements.**

Back-haulers shall haul their source separated recyclable materials to a facility that recovers those materials; and haul their source separated organic waste to a solid waste facility, operation, activity, or property that processes or recovers source separated organic waste.

Back-haulers shall keep a record of the amount of organic waste delivered to each solid waste facility, operation, activity, or property that processes or recovers organic waste; this record shall be subject to inspection by the City. The records shall include the following information:

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

### **8.12.440 Commercial edible food generator requirements.**

- A. Tier one commercial edible food generators must comply with the requirements of this section January 1, 2022, and tier two commercial food generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
- B. 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.
- C. 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: (a) the collection of edible food for food recovery; or (b) acceptance of the edible food that the commercial edible food generator self-hauls to the food recovery organization for food recovery.
  3. Shall not intentionally spoil edible food that is capable of being recovered by a food recovery organization or a food recovery service.
  4. Allow the City's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.
  5. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
    - a. A list of each food recovery service or organization that collects or receives its edible food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
    - b. A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
    - c. A record of the following information for each of those food recovery services or food recovery organizations:

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- 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.
    6. Commencing no later than January 1, 2022, for Tier One Commercial Edible Food Generators and January 1, 2024, for Tier Two Commercial Edible Food Generators, Commercial Edible Food Generators shall provide a quarterly Food Recovery report to the City which includes the information required in 14 CCR Section 18991.4 "Record Keeping Requirements for Commercial Edible Food Generators."
  - D. 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 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

#### **8.12.450 Food recovery organization and food recovery services requirements.**

- A. Food recovery services collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
  1. The name, address, and contact information for each commercial edible food generator from which the 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 collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
  1. The name, address, and contact information for each commercial edible food generator from which the 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.

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- C. Food recovery organizations and food recovery services that have their primary address physically located in the Jurisdiction and contract with or have written agreements with one or more commercial edible food generators pursuant to 14 CCR Section 18991.3(b) shall annually report to the City it is located in the total pounds of edible food recovered in the previous calendar year from the tier one and tier two commercial edible food generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than April 1.
  - D. In order to support edible food recovery capacity planning assessments or other studies conducted by the county and City, or its designated entity, food recovery services and food recovery organizations operating in the City shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, food recovery capacity that could be accessed by the City and its commercial edible food generators. A food recovery service or food recovery organization contacted by the City shall respond to such request for information within 60 days unless a shorter timeframe is otherwise specified by the City.
  - E. Commencing no later than January 1, 2022, Food Recovery Services and Organization shall provide a quarterly report to the City which includes the information required in 14 CCR Section 18991.5 "Food Recovery Services and Organizations."

## **ARTICLE VI. PROHIBITED ACTS**

### **8.12.500 Use of containers.**

- A. Recyclable Materials and Organic Waste Contamination is Prohibited. No person in charge of a premises shall keep solid waste, recyclable materials or organic waste in any container other than a container provided by the appropriate solid waste franchisee or approved by the City pursuant to an approved self-haul permit. Recyclable materials must be separated by the person in charge of a premises from solid waste and organic waste, and organic waste must be separated by the person in charge of a premises from solid waste and recyclable materials.
- B. Any container not provided by the appropriate solid waste franchisee or approved by the City pursuant to an approved self-haul permit is prima facie evidence that the owner of the container is engaging in solid waste disposal in violation of this Chapter. Any such unauthorized container may be abated as a public nuisance and impounded as provided in Section 8.12.740.
- C. Notwithstanding subsections (A) and (B) of this section, composting organic waste at a single-family residential premise in a container other than one provided by a solid waste franchisee or approved by the City pursuant to an approved self-haul permit shall not be a violation of this section.
- D. No person in charge of a premises may place an overfilled container out for collection by a solid waste franchisee.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

### **8.12.510 Removal of solid waste.**

No person other than the person in charge of any premises or a City solid waste franchisee shall:

1. Remove any container from the location where the container was placed for storage or collection by the person in charge of the premises; or



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2. Remove any solid waste, recyclable materials or organic waste from any container; or
  3. Move a container from the location in which it was placed for storage or collection without the prior written approval of the person in charge of the premises.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

#### **8.12.520 Bulky waste.**

No person shall place bulky waste adjacent to or in a street or public right-of-way for collection or removal purposes without first making arrangements with the appropriate solid waste franchisee for the collection or removal of such bulky waste.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

#### **8.12.530 Hazardous waste.**

No person shall place or deposit hazardous waste, household hazardous waste, or universal waste in any container provided by a solid waste franchisee, or deposit, release, spill, leak, pump, pour, emit, empty, discharge, inject, dump or dispose into the environment any hazardous waste, household hazardous waste or universal waste.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

#### **8.12.540 Solid waste burning.**

No person shall burn any solid waste within the City, except in an approved incinerator or transformation facility or other device for which a permit has been issued, and which complies with all applicable permit and other regulations of air pollution control authorities, and provided any such act of burning in all respects complies with all other laws, rules and regulations.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

#### **8.12.550 Franchise required.**

No person, except a solid waste franchisee, a person with a self-haul permit, a landscaper, or a licensed contractor performing work within the scope of that license, shall collect or remove any solid waste, recyclable materials or organic waste from any premises within the City.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

#### **8.12.560 Public nuisance.**

It is unlawful and a public nuisance if one of the following conditions exists at a Premises:

1. The person in charge of the premises has not made arrangements with the appropriate solid waste franchisee for solid waste handling services, and the person in charge of the premises does not have a valid self-haul permit;

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2. The person in charge of the premises has made arrangements with the appropriate solid waste franchisee for solid waste handling services, but the solid waste franchisee has terminated services to the premises due to the account holder's failure to pay for such services; and
  3. The person in charge of the premises has obtained a self-haul permit from the City, but the permittee has violated one or more of the operational standards contained in Section 8.12.310(E).

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

#### **8.12.570 Unauthorized disposal.**

No person shall place anything in another person's containers without the permission of such other person.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

#### **8.12.580. Spills.**

It is unlawful for any person transporting solid waste, recyclable materials or organic waste not to clean up, or arrange for the cleanup, of any solid waste, recyclable materials or organic waste spilled during removal or transport within the City by such person. If any person transporting solid waste, recyclable materials or organic waste spills any such materials and does not clean up or arrange for the cleanup of the spill, the City may clean up the spill and charge the person responsible for the spill 100 percent of the costs the City incurred in cleaning up the spill.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

#### **8.12.590 Unlawful dumping.**

It is unlawful for any person to negligently or intentionally spill upon any property within the City any solid waste, recyclable materials or organic waste, or to cause, suffer, or permit solid waste, recyclable materials or organic waste to be located upon any property in the City, except as authorized by law.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

#### **8.12.600 Solid waste facilities.**

No person shall construct or operate a solid waste management facility, including but not limited to a materials recovery facility, solid waste transfer or processing station, composting facility, a buy-back or drop-off center, disposal facility or a recycling center without first satisfying all City requirements for land use, environmental and other approvals.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

### ***ARTICLE VII. INSPECTIONS AND ENFORCEMENT***

#### **8.12.700 Inspections and investigations.**

- A. The City Manager, the City's solid waste franchisee, or designee is authorized to conduct any inspections, remote monitoring, or other investigations as reasonably necessary to further the goals of this chapter,

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subject to applicable laws. This may include inspections and investigations, at random or otherwise, of any container, collection vehicle load, or transfer, processing, or disposal facility to confirm compliance with this chapter, subject to applicable laws. This section does not allow entry in a private residential dwelling unit for inspection. For the purposes of inspecting collection containers for compliance, the City Manager or the City's solid waste franchisee may conduct container inspections for prohibited container contaminants using remote monitoring, and generators shall accommodate and cooperate with the remote monitoring.

- B. A person subject to the requirements of this chapter shall provide or arrange for access during all inspections (with the exception of a private residential dwelling unit) and shall cooperate with the City Manager or the City's solid waste franchisee during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, inspection of edible food recovery activities, review of required records, or other verification or inspection to confirm compliance with any other requirement of this chapter. Failure to provide or arrange for: (i) access to the premises; (ii) installation and operation of remote monitoring equipment, if a remote monitoring program is adopted; or (iii) access to records for any inspection or investigation is a violation of this chapter and may result in penalties.
- C. Any records obtained by the City Manager, the City's solid waste franchisee, or designee, during inspections, investigations, remote monitoring and other reviews shall be subject to the requirements and applicable disclosure exemptions of the California Public Records Act as set forth in Government Code Section 6250 et seq.
- D. The City, the City's solid waste franchisee or designee shall accept written complaints from persons regarding an entity that may be potentially non-compliant with this chapter.

#### **8.12.710 Enforcement.**

- A. Pursuant to California Penal Code Section 836.5, any City code enforcement officer is authorized to enforce the provisions of this Chapter and as well as those of California Penal Code Sections 374, 374a, 374.2, 374.3, 374.4, 374d, 374.7, and 375; California Government Code Section 68055 et seq.; and California Vehicle Code Sections 23111 and 23112.
- B. Any violation of this Chapter may be enforced in any manner authorized by law, including but not limited to, any enforcement mechanism set forth in the Act, a criminal citation, a civil citation, and/or administrative citation, or nuisance abatement action as authorized by the City's Municipal Code. The City may simultaneously pursue more than one method of enforcement for any violation of this Chapter.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

#### **8.12.720 Violation.**

Except as otherwise provided in this Chapter, violations of this Chapter are punishable as set out in Chapter 1-17 of this Code.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

#### **8.12.730 Fines and penalties.**

The City Council may, by resolution, establish fines and penalties for the violation of this Chapter and the Act.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

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### **8.12.740 Misdemeanor.**

Violation of this Chapter shall be a misdemeanor. The City may cite violations as infractions where an appropriate downgrade is approved by the City Prosecutor or City Attorney.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

### **8.12.750 Attorney's fees.**

In any action or proceeding brought to enforce a violation of this Chapter, including but not limited to a nuisance abatement action and an action to foreclose on a special assessment, the prevailing party shall recover its reasonable attorney's fees and costs.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )

### **8.12.760 Impounding containers.**

- A. *Containers Subject to Impounding.* Any container within the City that is not provided by the appropriate solid waste franchisee or approved by the City pursuant to an approved self-haul permit may be impounded in accordance with this Section. Containers used for composting at single-family residential premises, as allowed by Section 8.12.500(C) of this Code, shall not be subject to impounding pursuant to this section.
- B. *Notice to Remove.* The public works director may cause a notice to remove to be posted on the illegal container. The notice to remove shall state that the Container must be removed from the premises within three calendar days from the date the notice is posted on the container or it will be removed and stored by the City and the contents disposed of at the expense of the owner of the container. The posting of the notice to remove constitutes constructive notice to the owner of the container and the person in charge of the premises that the container must be removed from the premises.
- C. *Removal of Containers.* If the container is not removed within three calendar days of the notice to remove, the public works director may direct the removal and storage of the container and the disposal of its contents. The City may employ the services of its solid waste franchisee(s) or any other contractor to remove said containers. Any person whose duty it is to remove and store containers may enter upon private property with the consent of the owner or other person in charge of the premises, or by authority of a warrant, or without consent or a warrant if exigent circumstances exist.
- D. *Storage of Containers.* After a container is removed and placed in storage, the director shall mail to the owner of the container a notice to claim the stored container, if the identity of the owner of the container is known. The director shall make reasonable efforts to identify the owner of a stored container. If the container is not claimed within 30 calendar days after notice to the owner is mailed, or 30 days after the container is removed if the owner is not known, the Container shall be deemed abandoned property and may be disposed of accordingly.
- E. *Release of Container.* No container shall be released to its owner unless the owner has paid the City for the actual costs of the removal, storage and disposal of contents, plus any administrative and ancillary fees, fines or penalties established by resolution of City Council. All amounts due to the City shall constitute a civil debt owed to the City by the owner of the container.

( Ord. No. 1109, § 2(Exh. A), 6-18-2019 )