

ORDINANCE NO. __

**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Waste Management Act of 1989 (California Public Resources Code Section 40000, *et seq.*, as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their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41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste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42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling,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).

[SIGNATURES ON FOLLOWING PAGE]

INTRODUCED FOR FIRST READING this ____ day of _____, 2021.

Mike Lara
Mayor

APPROVED AS TO FORM:

ATTEST:

City Attorney

Steven Mehlman
City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF BEAUMONT)

I, _____, City Clerk of the City of Beaumont, California, do hereby certify that the foregoing Ordinance No. ____ was duly introduced at a meeting of the City Council of the City of Beaumont, California, on _____, 2021, and adopted at a regular meeting of the City Council of the City of Beaumont, California, on _____, 2021, by the City Council of the City of Beaumont, California, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Steven Mehlman, City Clerk
City of Beaumont