

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CAPITOLA AMENDING CHAPTER 8.04 ("SOLID WASTE MANAGEMENT") OF THE CAPITOLA MUNICIPAL CODE TO ESTABLISH A RECOVERED ORGANIC WASTE PRODUCT PROCUREMENT POLICY

WHEREAS, State law, including Senate Bill 1383 (2016) and the implementing regulations in Title 14, California Code of Regulations (CCR), Division 7, Chapter 12, require each jurisdiction to procure a specified quantity of products made from recovered organic waste to reduce methane emissions and support markets for recycled-content materials;

WHEREAS, the City of Capitola (City) previously adopted Ordinance No. 1049 on December 9, 2021 to create its local Solid Waste and Edible Food Recovery Program and codify the same in Chapter 8.04 of the City's Municipal Code;

WHEREAS, the City adopted its Environmental Policy Statement and Procurement Guidelines on October 2, 2024;

WHEREAS, the City adopted its Recovered Organic Waste Product Procurement Policy on November 4, 2025; and

WHEREAS, the City seeks to revise Chapter 8.04 of the City's Municipal Code to continue complying with organic waste requirements and promote the use of recycled and recovered organic materials in City operations.

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

Section 1. The above-listed recitals are true and correct and incorporated herein by this reference.

Section 2. Section 8.04.140 (*Enforcement and Penalties*) of Chapter 8.04 of the Capitola Municipal Code is hereby repealed in its entirety.

Section 3. Section 8.04.010 of the Capitola Municipal Code is hereby amended to add a new subsection (DD) to read as follows:

DD. "Recovered Organic Waste Products" means products made from California landfill-diverted recovered organic waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).

Section 4. Chapter 8.04 of the Capitola Municipal Code is hereby amended to add Sections 8.04.140 and 8.04.150, to read as follows:

8.04.140 Recovered organic waste product procurement.

A. City departments and direct service providers to the city, as applicable, must comply with the City's Recovered Organic Waste Product Procurement policy adopted on November 4, 2025.

1. The city shall annually procure or utilize sufficient recovered organic waste products, such as compost, mulch, renewable gas, or electricity derived from biomass, to meet or exceed the procurement targets established by the State under SB 1383.
2. City departments and contractors are required to utilize compost and mulch produced from recovered organic waste in landscaping and construction projects whenever feasible, in accordance with local water-efficient landscaping standards.
3. The Public Works Department shall maintain records of all purchases and usage of compost, mulch, renewable gas, electricity, and recycled-content paper, including invoices and related documentation, to demonstrate compliance.

8.04.150 Enforcement and penalties.

- A. Any enforcement officer as defined in Section 4.02.021 shall have the duty and authority to enforce the provisions of this chapter.
- B. No person shall deny or obstruct the making of any inspection or collection or removal.
- C. Any person violating the provisions of this chapter shall be deemed to be guilty of an infraction. Any violation of this chapter shall be public nuisance and may be punished or enforced in accordance with the provisions of Chapters 4.16 and 4.18 of this code. Three or more subsequent violations of this chapter by the same person or persons within a twelve-month period may be charged and prosecuted as a misdemeanor. Any violation shall be subject to administrative citation and imposition of civil penalties under Chapter 4.14 of this code in the following amounts:
 1. A fine not exceeding one hundred dollars for a first violation;
 2. A fine not exceeding two hundred dollars for a second violation of the same provision of this code within any twelve-consecutive-month period;
 3. A fine not exceeding five hundred dollars for each additional violation of the same provision of this code within any twelve-consecutive-month period.

Section 3. Effective Date.

This Ordinance shall be in full force and effect thirty (30) days from its passage and adoption.

Section 4. Severability.

The City Council hereby declares every section, paragraph, sentence, cause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

Section 5. Certification.

The City Clerk shall cause this ordinance to be posted and/or published in the manner required by law.

This Ordinance was introduced at the meeting of the City Council on the 13th day of November, 2025, and was adopted at a regular meeting of the City Council on the 11th day of December, 2025, by the following vote:

AYES:
NOES:
ABSENT:

Joe Clarke, Mayor

Attest: _____
Julia Gautho, City Clerk

Approved as to form:

Marc Tran, City Attorney