

**ORDINANCE NO. 1192**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, AMENDING CHAPTER 8.44 TO TITLE 8 OF THE COACHELLA MUNICIPAL CODE REGARDING SOLID WASTE COLLECTION**

**WHEREAS**, 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Waste Management Act of 1989 (California Public Resources Code Section 40000, *et seq.*, as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their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**, Assembly Bill 341 of 2011 requires 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**, Assembly Bill 1826 of 2014, requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recyclables, 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, 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 implementing SB 1383 (“SB 1383 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 requires the City to adopt and enforce an ordinance to implement relevant provisions of SB 1383 Regulations by January 1, 2022. This ordinance will 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; and

**WHEREAS**, the City Council desires to amend its Garbage Collection and Disposal Ordinance to comply with the SB 1383 Regulations.

**NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Coachella as follows:**

**Section 1.** Chapter 8.44 to Title 8 of the Coachella Municipal Code is hereby amended in its entirety as set forth in Exhibit A and incorporated by this reference.

**Section 2.** Environmental review is not required because adoption of the Ordinance is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline 15378(b)(5) (organization or administrative activities of governments not a project).

**Section 3.** If any section, subsection, clause, or phrase in this Ordinance or the application thereof to any Person or circumstances is for any reason held invalid by a court of competent jurisdiction, the validity of the remainder of this Ordinance or the application of such provisions to other persons or circumstances shall not be affected thereby. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases, or the application thereof to any Person or circumstance, be held invalid.

**Section 4.** No less than five (5) days prior to the adoption of this Ordinance, the City Clerk published a summary of this Ordinance in accordance with Government Code section 36933. The City Clerk will certify to the passage of this Ordinance by the City Council of the City of Coachella, California, and cause a summary to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Government Code section 36933.

**Section 5.** This ordinance shall take effect 30 days after adoption.

**PASSED, APPROVED and ADOPTED** this 9<sup>th</sup> day of February 2022.

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Steven A. Hernandez  
Mayor

**ATTEST:**

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Angela M. Zepeda  
City Clerk

**APPROVED AS TO FORM:**

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Carlos Campos  
City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF COACHELLA            )

**I HEREBY CERTIFY** that the foregoing Ordinance No. 1192 was duly and regularly introduced at a meeting of the City Council on the 26<sup>th</sup> day of January 2022, and that thereafter the said ordinance was duly passed and adopted at a regular meeting of the City Council on the 9<sup>th</sup> day of February 2022.

AYES:

NOES:

ABSENT:

ABSTAIN:

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Andrea J. Carranza, MMC  
Deputy City Clerk

## **EXHIBIT A**

### **CHAPTER 8.44- SOLID WASTE COLLECTION**

**8.44.010 - Definitions.**

**8.44.020 - Collection by City or agent only.**

**8.44.030 - Rates and charges to be established by resolution or ordinance.**

**8.44.035 - Collection of charges.**

**8.44.040 - Charges declared lien.**

**8.44.050 - Surety bond required.**

**8.44.060 - Containers—Residential.**

**8.44.070 – Same – Commercial.**

**8.44.080 - Storage areas.**

**8.44.090 - Deposit of Solid Waste in streets or permitting Solid Waste to accumulate—**

#### **Unlawful.**

**8.44.100 - Duty of Persons served to keep clean and sanitary.**

**8.44.110 - Disturbing Solid Waste placed for Collection.**

**8.44.120 - Creating vermin harborage.**

**8.44.130 - Feeding to poultry.**

**8.44.140 - Requirements for Single-Family Generators.**

**8.44.150 - Requirements for Commercial Businesses.**

**8.44.160 - Waivers for Generators.**

**8.44.170 - Requirements for Commercial Edible Food Generators.**

**8.44.180 - Requirements for Food Recovery Organizations and Services.**

**8.44.190 – Requirements for Haulers, Facility Operators, and Community**

#### **Composting Operations.**

**8.44.200 - Self-hauler Requirements.**

**8.44.210 - Compliance with CALGreen Recycling Requirements.**

**8.44.220 - Model Water Efficient Landscaping Ordinance Requirements.**

**8.44.230 - Inspections and Investigations by the City.**

**8.44.240 - Enforcement.**

### **SECTION 8.44.010 - Definitions.**

- A. “CalRecycle” means the California Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations.
- B. “California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).
- C. “City” means the City of Coachella.
- D. “City Council” means the City Council of the City of Coachella.

- E. “Collect” or “Collection” means the act of collecting Solid Waste, including Recyclable Materials and Organic Waste, at or near the place of generation by a Collector and the physical possession, transport, and removal of such materials.
- F. “Collector” or “Hauler” means any Person or other entity with whom the City has a contract or agreement for the Collection, removal, transportation, disposal, recycling, or Organic Materials processing of Solid Waste, Recyclable Materials, and/or Organic Waste generated within all or as part of the jurisdictional boundaries of the City.
- G. “Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a Multi-Family Residential Dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this Chapter.
- H. “Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators.
- I. “Compliance Review” means a review of records by the City to determine compliance with this Chapter.
- J. “Community Composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- K. “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), as may be amended from time to time.
- L. “Construction and demolition debris,” “C&D,” and “construction waste” means Solid Waste directly related to construction or demolition activities.
- M. “Container” means a cart, bin, debris box, detachable packer receptacles, roll-off boxes, or other receptacle intended for the collection of Trash, Recyclable Materials, or Organic Waste.
- N. “Container Contamination” or “Contaminated Container” means a Container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- O. “Designee” means an entity that the City contracts with or otherwise arranges to carry out any of the City’s responsibilities of this Chapter as authorized in 14 CCR

Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.

- P. “Dwelling” means a residence, including any flat, apartment, or other facility intended to be and permitted to be used for housing one or more persons, except “Dwelling” does not include hospitals, hotels, motels, nursing homes, or convalescent centers.
- Q. “Edible Food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Chapter 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.
- R. “Enforcement Action” means an action by the City to address non-compliance with this Chapter including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- S. “Enforcement Official” means the City Manager or their authorized designee(s) who is/are partially or wholly responsible for enforcing this Chapter.
- T. “Excluded Waste” means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the City and its Generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the City, or its Designee’s reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the City, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe Collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code.
- U. “Food Distributor” means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
- V. “Food Facility” has the same meaning as in Section 113789 of the Health and Safety Code.

- W. “Food Recovery” means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
- X. “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:
1. A food bank as defined in Section 113783 of the Health and Safety Code;
  2. A nonprofit charitable organization as defined in Section 113841 of the Health and Safety Code; and,
  3. A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.
- Y. “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).
- Z. “Food Service Provider” means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
- AA. “Generator” means a Person or entity that is responsible for the initial creation of Solid Waste.
- BB. “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- CC. “Hauler Route” means the designated itinerary or sequence of stops for each segment of the City’s Collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).
- DD. “High Diversion Organic Waste Processing Facility” has the same meaning as defined in 14 CCR Section 18982(a)(33).
- EE. “Inspection” means a site visit where the City reviews records, Containers, and an entity’s Collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Chapter, or as otherwise defined in 14 CCR Section 18982(a)(35).

- FF. “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply.
- GG. “Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this Chapter 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 this Chapter 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. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply.
- HH. “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).
- II. “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.
- JJ. “MWELo” refers to the Model Water Efficient Landscape Ordinance (MWELo), 23 CCR, Division 2, Chapter 2.7.
- KK. “Non-Compostable Paper” includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).
- LL. “Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).
- MM. “Notice of Violation (NOV)” means a notice that a violation of this Chapter has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.



- NN. “Organic Waste” means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, 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). Biosolids and digestate are as defined by 14 CCR Section 18982(a).
- OO. “Organic Waste Generator” means a Person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).
- PP. “Organics Container” has the same meaning as in 14 CCR Section 18982(a)(29) and shall be used for the purpose of storage and Collection of Source Separated Organic Waste.
- QQ. “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- RR. “Person” means an individual, group of individuals, and/or any legal entity recognized by the laws of the State.
- SS. “Printing and Writing Papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).
- TT. “Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Recycling Container that are not identified as acceptable Source Separated Recyclable Materials for the Recycling Container; (ii) discarded materials placed in the Organics Container that are not identified as acceptable Source Separated Organic Waste for the Organics Container; (iii) discarded materials placed in the Trash Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Organic Wastes to be placed in the Organics Container and/or Recycling Container; and, (iv) Excluded Waste placed in any Container.
- UU. “Recycling Container” shall be used for the purpose of storage and Collection of Source Separated Recyclable Materials.
- VV. “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).
- WW. “Recovery” means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

- XX. “Recyclable Materials” or “Recyclables” means material that can be separated from waste for the purpose of reusing or returning these materials in the form of raw materials for new, used or reconstituted products that meet the quality standard necessary to be used in the marketplace, or for composting, such as, but not limited to, paper, cardboard, glass, metal and aluminum cans, and plastics.
- YY. “Recycle” or “Recycling” means the process of salvaging, transporting, sorting, marketing, reusing, reprocessing or remanufacturing Recyclable Materials.
- ZZ. “Recycled-Content Paper” means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).
- AAA. “Remote Monitoring” means the use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of Recycling Containers, Organics Containers, and Trash Containers for purposes of identifying the quantity of materials in Containers (level of fill) and/or presence of Prohibited Container Contaminants.
- BBB. “Residential” means any residential dwelling.
- CCC. “Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).
- DDD. “Route Review” means a visual Inspection of Containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).
- EEE. “SB 1383” means Senate Bill 1383 (Chapter 395, Statutes of 2016), which established methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.
- FFF. “SB 1383 Regulations” means or refers to, for the purposes of this Chapter, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
- GGG. “Self-Hauler” means a Person, who, in compliance with all applicable requirements of the Coachella Municipal Code, hauls Solid Waste, Organic Waste or Recyclable Materials he or she has generated directly to the appropriate facility, as required by this Chapter.
- HHH. “Single-Family” means of, from, or pertaining to any residential premises with fewer than five (5) units.

- III. “Solid Waste” has the same meaning as defined in State Public Resources Code Section 40191.
- JJJ. “Source Separated” means materials, including commingled Recyclable Materials or Organic Waste, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of this Chapter, Source Separated shall include separation of materials by the Generator, property owner, property owner’s employee, property manager, or property manager’s employee into different Containers for the purpose of Collection such that Source Separated materials are separated from the Trash Container for the purposes of Collection and processing.
- KKK. “Source Separated Recyclables” means means Source Separated Recyclable Materials that can be placed in a Blue Container.
- LLL. “Source Separated Organic Waste” means Source Separated Organic Waste that can be placed in an Organics Container .
- MMM. “State” means the State of California.
- NNN. “Supermarket” means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).
- OOO. “Tier One Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:
1. Supermarket.
  2. Grocery Store with a total facility size equal to or greater than 10,000 square feet.
  3. Food Service Provider.
  4. Food Distributor.
  5. Wholesale Food Vendor.
- PPP. “Tier Two Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:
1. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.

2. Hotel with an on-site Food Facility and 200 or more rooms.
3. Health facility with an on-site Food Facility and 100 or more beds.
4. Large Venue.
5. Large Event.
6. A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
7. A Local Education Agency facility with an on-site Food Facility.

QQQ. “Trash Container” shall be used for the purpose of storage and collection of Solid Waste, excluding Recyclable Materials and Organic Waste.

RRR. “Wholesale Food Vendor” means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

#### **SECTION 8.44.020 - Collection by City or agent only.**

**The City and its duly authorized agents, servants, and employees, or any Collector with whom the City may at any time enter into an exclusive franchise agreement therefor, and the agents, servants, and employees of such Collector, while any such agreement shall be in force, shall have the exclusive right to gather, collect, and remove Solid Waste from any premises which may be the subject of such exclusive agreement. No Person other than those specified shall:**

- A. Gather, collect, or remove any Trash, Recyclable Materials, or Organic Waste;**
- B. Convey or transport any Trash, Recyclable Materials, or Organic Waste in, along, or over any public street, alley, or highway;**
- C. Take any Trash, Recyclable Materials, or Organic Waste from any Container in which the same may be placed for Collection or removal;**
- D. Interfere with or disturb any such Container, or remove any such Container from any location where the Container is set out for Collection.**

**A. SECTION 8.44.030 - Rates and charges to be established by resolution or ordinance.**

**The rates to be charged for Collection of Trash, Recyclables, and Organic Waste shall be established by resolution or ordinance of the City Council. Owners, occupants, or persons, firms, or entities residing in or using residences, dwellings, apartments, hotels, motels, trailer parks, businesses, or commercial or industrial establishments shall pay for Collection services at the rate and in the manner set by resolution or ordinance from time to time adopted by the City Council. In the event the City Council wishes to collect charges pursuant to section 8.44.035(B), it shall prepare an annual written report, provide notice and a public**

hearing of such charges, and comply with all applicable procedures as required by Health and Safety Code section 5470 et seq. and other law.

**SECTION 8.44.035 - Collection of charges.**

The City may collect charges for the Collection of Trash, Recyclables, and Organic Waste by either of the following:

A. The City or its agent may bill and collect such charges directly from the occupant or owner of the premises receiving Collection service.

B. The City may collect such charges on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separate from, the City's general taxes. In the event the City wishes to collect charges pursuant to this subsection, it shall prepare an annual written report, provide notice and a public hearing of such charges and comply with all applicable procedures as required by Health and Safety Code section 5470 et seq. and other law.

**SECTION 8.44.040 - Charges declared lien.**

The service of Collection of Trash, Recyclables, and Organic Waste shall be presumed to be for the benefit of the premises from which it is removed, and the occupant of the premises shall be presumed to be the agent of the owner thereof and acting for and on the behalf of the owner in receiving such service, and the charges for such service, if unpaid, shall become a lien on the premises served. Every Person receiving Trash, Recyclables, and Organic Waste Collection under this chapter shall be personally liable to the City or to the contractor for payment of the rates established pursuant to this chapter, any resolution or ordinance setting rates, or any agreement for Collection adopted pursuant to this chapter. Delinquent charges for services rendered to the premises under this chapter may be collected, at the option of the City Council or the contractor, by a personal action against the occupant receiving such service, or by an action for foreclosure of the lien on the premises served.

**SECTION 8.44.050 - Surety bond required.**

The Collector who contracts with the City for the removal and disposal of Trash, Recyclables, and Organic Waste shall be required to furnish a surety bond to the City in a sum required by the City Council, conditioned upon the faithful performance of the contract and compliance with the provisions of this chapter.

**SECTION 8.44.060 - Containers—Residential.**

Residential customers shall use watertight Containers for holding Trash, Recyclables, and Organic Waste, constructed of plastic, metal, or other substantial material of sufficient strength to resist breaking under ordinary conditions of use. Such standard Containers shall have a close-fitting cover to prevent insects, including flies, rodents and other animals from coming into contact with their contents. No Container shall have irregular surfaces or be in a condition which is likely to cause injury to persons moving or lifting them. Such standard Containers shall also be provided with a handle or handles on the outside thereof and shall not exceed the limit established by the Collector for the Container. Residential customers shall place standard Containers at the curb or property line along the street in front of each residential unit, except where a suitable alley, as determined by the administrator of any Collection agreement, exists at the rear of the property. Clear access to standard Containers shall be provided to enable Collection.

**SECTION 8.44.070 - Same—Commercial.**

**A Commercial Container shall be of welded steel construction suitable for the storage of Solid Waste. Commercial Containers shall be equipped with slots or other devices capable of being engaged by the arms of a front-loading refuse truck designed for that purpose provided by the City's Collection Collector. Business establishments, including any Commercial, industrial, or nonresidential unit in a trailer park, in a hotel or motel, or any building in which a combination of Residential and commercial and/or industrial uses exists, shall use Commercial Containers. Commercial Containers may also include detachable packer receptacles and roll-off boxes. Commercial Generators shall ensure clear access to Commercial Containers for Collection .**

**SECTION 8.44.080 - Storage areas.**

**It is unlawful for any Person to keep, accumulate, or permit to be kept or accumulated any Solid Waste in or upon any public or private place unless the same shall be in a Residential or Commercial Container as defined in this chapter.**

**SECTION 8.44.90 - Deposit of Solid Waste in streets or permitting Solid Waste to accumulate—Unlawful.**

**It is unlawful for any Person in the City to throw or deposit any Solid Waste, or to cause the same to be thrown or deposited upon any street, alley, gutter, curb, park, or other public place, or to throw or deposit the same in or upon any vacant lot or backyard, or to store or keep the same other than as set forth in this chapter or any agreement enacted pursuant to this chapter.**

**SECTION 8.44.100 - Duty of Persons served to keep clean and sanitary.**

**It shall be the duty of every Person served to keep all Containers used in the service of such Person in a clean and sanitary condition.**

**SECTION 8.44.110 - Disturbing Solid Waste placed for Collection.**

**It is unlawful for any Person to dig into, scatter or displace or disturb Solid Waste which has been put out for Collection.**

**SECTION 8.44.120 - Creating vermin harborage.**

**It is unlawful to store, deposit, or keep Solid Waste where rats or other vermin can have access thereto or feed thereon.**

**SECTION 8.44.130 - Feeding to poultry.**

**Provided that all public health laws and regulations and all City ordinances and any agreements adopted pursuant to this chapter are complied with, food waste may be fed to poultry on the premises where such food waste is produced.**

**SECTION 8.44.140 Requirements for Single-Family Generators.**

Single-Family Organic Waste Generators, except Single-Family Generators that meet all applicable Self-Hauler requirements in this Chapter and the Coachella Municipal Code:

- A. Shall subscribe to the three-Container Organic Waste Collection services. The City shall have the right to review the number, size, and location of a Generator's Containers to evaluate adequacy of capacity provided for each type of Collection service for proper separation of materials and containment of materials; and, Generator shall adjust its service level for its Collection services as requested by the City.
- B. Shall participate in the three-Container system for Source Separated Recyclable Materials, Source Separated organic Organic Waste, and Trash Collection services.

Generator participation in the Collection programs requires that Generators place only approved materials in the appropriate colored Containers. Generators shall not place materials designated for the Trash Container into the Organics Container or Recycling Container.

Notwithstanding the above, and in accordance with the SB 1383 Regulations, the City is not required to replace functional Containers, including Containers purchased prior to January 1, 2022, that do not comply with the color requirements of this Chapter and the Regulations, prior to the end of the useful life of those Containers, or prior to January 1, 2036, whichever comes first. Labels will be placed on the Containers indicating the primary materials accepted and the primary materials prohibited in the Containers. Until SB 1383 compliant colored Containers are provided (Recycling Container, Organics Container, and Trash Container), Single-Family Waste Generators shall comply with the Container label requirements.

- C. Nothing in this Section prohibits a Generator from preventing or reducing waste generation, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

#### **SECTION 8.44.150 Requirements for Commercial Businesses**

Commercial Businesses, which includes Multi-Family Residential Dwellings, shall:

- A. Subscribe to the three-Container Organic Waste Collection services. The City shall have the right to review the number, size, and location of a Generator's Containers and frequency of Collection to evaluate adequacy of capacity provided for each type of Collection service for proper separation of materials and containment of materials; and, Commercial Business shall adjust its service level for its Collection services as requested by the City.
- B. Participate in and comply with the three-Container (Recycling Container, Organics Container, and Trash Container) Collection service by placing designated materials in designated Containers. Generator shall place only approved materials in the appropriate colored Containers. Generators shall not place materials designated for the Trash Container into the Organics Container or Recycling Container.

Notwithstanding the above, and in accordance with the SB 1383 Regulations, the City is not required to replace functional Containers, including Containers purchased prior to January 1, 2022, that do not comply with the color requirements of this Chapter and the Regulations, prior to the end of the useful life of those Containers, or prior to January 1, 2036, whichever comes first. Labels will be placed on the Containers indicating the primary materials accepted and the primary materials prohibited in the Containers. Until SB 1383 compliant colored Containers are provided (Recycling Container, Organics Container, and Trash Container), Commercial Businesses shall comply with the Container label requirements.

- C. Supply and allow access to adequate number, size, and location of Collection Containers with sufficient labels or colors (conforming with subsections (D)(1) and (D)(2) below), for employees, contractors, tenants and customers, consistent with the Recycling Container, Organics Container, and Trash Container Collection service.
- D. Excluding Multi-Family Residential Dwellings, provide Containers for the Collection of Source Separated Organic Waste, and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal Containers are provided for customers, for materials generated by that business. Such Containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of Container, then the business does not have to provide that particular Container in all areas where disposal Containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the Containers provided by the business shall have either:
1. A body or lid that conforms with the Container colors provided through the Collection service provided by the City, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business 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 labels are required on new Containers commencing January 1, 2022.
- E. Multi-Family Residential Dwellings are not required to comply with Container placement requirements or labeling requirement pursuant to 14 CCR Section 18984.9(b).
- F. To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a Container not designated for those materials per the Recycling Container, Organics Container, and Trash Container Collection service.
- G. Excluding Multi-Family Residential Dwellings, periodically inspect Recycling Container, Organics Container, and Trash Containers for contamination 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).



- H. Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Organic Waste and Source Separated Recyclable Materials.
- I. Provide education 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 Trash (when applicable) and the location of Containers and the rules governing their use at each property.
- J. Provide or arrange access for the City or its agent to their properties during all Inspections conducted in accordance with this Chapter to confirm compliance with the requirements of this Chapter.
- K. If implemented, accommodate and cooperate with the City's Remote Monitoring program for Inspection of the contents of Containers for Prohibited Container Contaminants, to evaluate Generator's compliance with this Chapter. The Remote Monitoring program shall involve installation of Remote Monitoring equipment on or in the Recycling Containers, Organics Containers, and/or Trash Containers.
- L. Nothing in this Section prohibits a Generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- M. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements of this Chapter.

#### **SECTION 8.44.160 Waivers for Generators**

- A. De Minimis Waivers: The City may, at its discretion, waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this Chapter if the Commercial Business:
  - 1. Submits an application specifying the services that they are requesting a waiver from; and
  - 2. Provides documentation that either:
    - a. The Commercial Business' total Solid Waste Collection service is two cubic yards or more per week and Organic Waste subject to Collection in a Recycling Container or Organics Container comprises less than 20 gallons per week per applicable Container of the business' total waste; or,
    - b. The Commercial Business' total Solid Waste Collection service is less than two cubic yards per week and Organic Waste subject to Collection in a Recycling Container or Organics Container

comprises less than 10 gallons per week per applicable Container of the business' total waste; and

3. Notifies the City if circumstances change such that Commercial Business's Organic Waste exceeds the threshold required for waiver, in which case waiver will be rescinded; and
4. Provides written verification of eligibility for de minimis waiver every 5 years, if the City has approved de minimis waiver.

B. Physical Space Waivers: The City may, at its discretion, waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the Recyclable Materials and/or Organic Waste Collection service requirements if the City has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lack adequate space for the Collection Containers required for compliance with the Organic Waste Collection requirements of this Chapter.

A Commercial Business or property owner may request a physical space waiver through the following process:

1. Submit an application form specifying the type(s) of Collection services for which they are requesting a compliance waiver.
2. Provide documentation that the premises lack adequate space for Recycling Containers and/or Organics Containers, including documentation from its hauler, licensed architect, or licensed engineer.
3. Provide written verification to the City that it is still eligible for physical space waiver every five years, if the City has approved application for a physical space waiver.

#### **SECTION 8.44.170 Requirements for Commercial Edible Food Generators**

- A. Tier One Commercial Edible Food Generators must comply with the below requirements commencing January 1, 2022, and Tier Two Commercial Edible 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: (i) the Collection of Edible Food 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:
      - 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 the Food Recovery Service or Food Recovery Organization.
      - iii. The established frequency that food will be collected.
      - iv. The quantity of food, measured in pounds recovered per month, collected by 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, at minimum, an annual 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 Section 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 (Chapter 557, Statutes of 2017) (, relating to food safety, as amended, supplemented, superseded and replaced from time to time.

## **SECTION 8.44.180 Requirements for Food Recovery Organizations and Services**

- 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.
- C. Commencing January 1, 2022, Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the City the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b), as applicable.
- D. Food Recovery Capacity Planning

In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the City that provides solid waste Collection services, 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, at minimum, an annual report to the City which includes the information required in 14 CCR Section 18991.5 “Food Recovery Services and Organizations.”

**SECTION 8.44.190 Requirements for Haulers, Facility Operators, and Community Composting Operations**

A. Requirements for Haulers.

- 1. The authorized hauler providing Residential, Commercial, or industrial Organic Waste Collection services to Generators within the City 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:

Through written notice to the City initially on or before July 1, 2022 and as changes occur; identify the facilities to which they will transport Organic Waste including the facilities for Source Separated Recyclable Materials and Source Separated Organic Waste, as applicable.

- a. 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.
- b. Obtain approval from the City to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site.
- c. The authorized hauler shall comply with education, equipment, signage, Container labelling, Container color, contamination monitoring, reporting, and other requirements contained within its Franchise Agreement, as may be amended from time to time.
- d. Notwithstanding any the foregoing, nothing in this Chapter shall restrict or otherwise prohibit the authorized Hauler from meeting its compliance requirements by any alternative methods or procedures, provided it complies with SB 1383, the SB 1383 Regulations, and/or any other applicable law, as may be amended from time to time.

B. Requirements for Facility Operators and Community Composting Operations.

1. Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon the City's request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the City shall respond within 30 days.
2. Community Composting operators, upon City request, shall provide information to the City to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the City shall respond within 60 days.

#### **SECTION 8.44.200 Self-Hauler Requirements**

In addition to any other requirements for Self-haulers as contained in the Coachella Municipal Code:

- A. Self-Haulers shall source separate all Recyclable Materials and Organic Waste (materials that the City otherwise requires Generators to separate for Collection in the Organic Waste and Recycling Collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
- B. Self-Haulers shall haul their Source Separated Recyclable Materials to a permitted 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. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
- C. Self-Haulers shall have a current Self-Haul application on file with the City and keep a monthly 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 reported and is 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.
  2. The amount of material in cubic yards or tons transported by the Generator to each entity.
  3. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.

- D. Self-Haulers shall provide information collected in subsection(C) to the City or its authorized designee or other representative, on a monthly basis.
- E. Contractors or builders, or their employees, but not their subcontractors, may remove their own construction and demolition debris from construction sites.

**F. Any Person holding a valid City business license to engage in the nursery or gardening business may remove shrubbery, grass, tree cuttings, tree trimmings, or other agricultural debris from property within the City. Persons may remove Solid Waste from any property owned or occupied by such Person.**

#### **SECTION 8.44.210 Compliance with CALGreen Recycling Requirements**

As applicable, all persons and/or entities subject to California Green Building Standards Code, 24 CCR, Part 11, known as CALGreen, shall comply with the following provisions of CALGreen, as amended July 1, 2019 and effective January 1, 2020:

1. Section 4.410.2 Recycling by Occupants Residential and Section 5.410.1 Recycling by Occupants Non-residential.
2. For organic waste commingled with construction and demolition debris, Section 4.408.1 Construction Waste Management Residential and Section 5.408.1 Construction Waste Management non-residential.

If, after the adoption of this Chapter, Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of CALGreen are amended in a manner that requires the City to incorporate the requirements in an updated local ordinance, and the amended requirements include provisions more stringent than those required in this Section, the revised requirements of Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of CALGreen shall be enforced.

#### **SECTION 8.44.220 Model Water Efficient Landscaping Ordinance Requirements**

As applicable, all persons and/or entities subject to the MWELO shall comply with Sections 492.6(a)(3)(B), (C), (D), and (G), as amended September 15, 2015. The MWELO compliance items listed herein are not an inclusive list of MWELO requirements; therefore, property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined herein shall consult the full MWELO for all requirements.

If, after the adoption of this Chapter, the California Department of Water Resources, or its successor agency, amends 23 CCR, Division 2, Chapter 2.7, Sections 492.6(a)(3)(B), (C), (D), or (G) of the MWVELO September 15, 2015 requirements in a manner that requires the City to incorporate the requirements of an updated MWELO in a local ordinance, and the amended requirements include provisions more stringent than those required in this Section, the revised requirements of 23 CCR, Division 2, Chapter 2.7 shall be enforced.

#### **SECTION 8.44.230 Inspections and Investigations by the City**

- A. City representatives and/or its Designees are authorized to conduct Inspections and investigations, at random or otherwise, of any Collection Container, Collection

vehicle loads, or transfer, processing, or disposal facility for materials collected from Generators, or Source Separated materials to confirm compliance with this Chapter, subject to applicable laws. This Section does not allow the City to enter the interior of a private Residential property for Inspection. For the purposes of inspecting Commercial Business Containers for compliance with this Chapter, the City may conduct Container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses shall accommodate and cooperate with the Remote Monitoring, where applicable.

- B. Regulated entity shall provide or arrange for access during all Inspections (with the exception of Residential property interiors) and shall cooperate with City employees and/or its Designees during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in Containers, Edible Food Recovery activities, records, or any other requirement of this Chapter described herein. Failure to provide or arrange for: (i) access to an entity's premises; (ii) installation and operation of Remote Monitoring equipment, where required; or (iii) access to records for any Inspection or investigation is a violation of this Chapter and may result in penalties described.
- C. Any records obtained by a City during its Inspections, Remote Monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 *et seq.*
- D. City representatives and/or its Designees are authorized to conduct any Inspections, Remote Monitoring or other investigations as reasonably necessary to further the goals of this Chapter, subject to applicable laws.
- E. The City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints. Collectors shall relay to City in writing all written complaints they receive.

#### **SECTION 8.44.240 Enforcement**

- A. Violation of Sections 8.44.140 through 8.44.220 shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by an Enforcement Official or representative. Enforcement Actions under this Section include the issuance of an administrative citation and assessment of a fine. . The procedures in Chapter 3.28 shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this chapter and any rule or regulation adopted pursuant to this chapter, except as otherwise indicated in this chapter.
- B. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. City may pursue civil actions in the California courts to seek recovery of unpaid administrative citations.



C. Enforcement pursuant to this Section may be undertaken by the Enforcement Official.

D. Process for Enforcement

1. Enforcement Officials and/or their Designees will monitor compliance with Sections 8.44.140 through 8.44.220 randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program, which may include Remote Monitoring.
2. The City may issue an official notification to notify regulated entities of its obligations under Sections 8.44.140 through 8.44.220.
3. For incidences of Prohibited Container Contaminants found in Containers, the jurisdiction will issue a Notice of Violation to any Generator found to have Prohibited Container Contaminants in a Container. Such notice will be provide via a cart tag or other communication immediately upon identification of the Prohibited Container Contaminants. If the City or its authorized Designees observe Prohibited Container Contaminants in a Generator's Containers on three occasions within a six-month time period, the City may assess Contamination processing fees or Contamination penalties on the Generator.
4. With the exception of violations by Generator of Container Contamination provisions enforced pursuant to Section 8.44.240(D)(3), the City shall issue a Notice of Violation requiring compliance within sixty (60) days of issuance of the Notice of Violation.
5. Absent compliance by the respondent within the deadline set forth in the Notice of Violation, the City shall commence an action to impose penalties, via an administrative citation and fine, pursuant to Chapter 3.20 of Title 3 of the Coachella Municipal Code.

Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the City or if no such address is available, to the owner at the address of the dwelling or Commercial property or to the party responsible for paying for the Collection services, depending upon available information.

E. Penalty Amounts for Types of Violations

1. For a first violation, the amount of the base penalty shall be \$100 per violation.
2. For a second violation, the amount of the base penalty shall be \$200 per violation.

3. For a third or subsequent violation, the amount of the base penalty shall be \$500 per violation.
4. The penalties shall be consistent with Government Code section 36900.

F. Factors Considered in Determining Penalty Amount

The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty amount range:

1. The nature, circumstances, and severity of the violation(s).
2. The violator's ability to pay.
3. The willfulness of the violator's misconduct.
4. Whether the violator took measures to avoid or mitigate violations of Sections 8.44.140 through 8.44.220 this Chapter.
5. Evidence of any economic benefit resulting from the violation(s).
6. The deterrent effect of the penalty on the violator.
7. Whether the violation(s) were due to conditions outside the control of the violator.

G. Compliance Deadline Extension Considerations

The City may extend the compliance deadlines set forth in a Notice of Violation if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

1. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
2. Delays in obtaining discretionary permits or other government agency approvals; or,
3. Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the City is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

H. Appeals Process

Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with City's procedures for appeals of administrative citations pursuant to Chapter 3.28. Evidence may be

presented at the hearing. The City will appoint a hearing officer who shall conduct the hearing and issue a final written order.

I. Education Period for Non-Compliance

Beginning January 1, 2022 and through December 31, 2023, the City or City designee will conduct Inspections, Remote Monitoring, Route Reviews, waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if City determines that Organic Waste Generator, Self-hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this Chapter and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

J. Civil Penalties for Non-Compliance Beginning January 1, 2024, if the City determines that an Organic Waste Generator, Self-hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this Chapter, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to this Section and State law, as needed.