

Folsom City Council Staff Report

MEETING DATE:	11/9/2021
AGENDA SECTION:	New Business
SUBJECT:	Ordinance No. 1320 – An Ordinance of the City of Folsom Repealing and Replacing the Garbage Collection Ordinance as Set Forth in Chapter 8.32 of the Folsom Municipal Code to Incorporate New State Law Mandates (Introduction and First Reading)
FROM:	Public Works Department

RECOMMENDATION / CITY COUNCIL ACTION

The Public Works Department recommends that the City Council introduce and conduct the first reading of Ordinance No. 1320 - An Ordinance of the City of Folsom Repealing and Replacing the Garbage Collection Ordinance as Set Forth in Chapter 8.32 of the Folsom Municipal Code to Incorporate New State Law Mandates.

BACKGROUND / ISSUE

In 2006, the City Council adopted the most recent update to the Garbage Collection ordinance (Folsom Municipal Code Chapter 8.32) primarily to incorporate program changes that had been established in alignment with state recycling and source reduction mandates and to continue to maintain and operate essential garbage collection service to meet community needs. Since then, several new state mandates have been adopted and the Solid Waste Division (Division) is again proposing changes in response to these mandates.

SB 1383 was signed into California law in 2016 as part of the state's broader effort to reduce greenhouse gas emissions. The California Department of Resources Recycling and Recovery (CalRecycle) finalized the regulations in November 2020 and is working with jurisdictions to ensure waste hauling programs are amended, to divert up to 26 million tons of organic material from landfills annually by 2025 in order to reduce methane emissions and support the state's climate goals.

Complying with the complex framework of SB 1383 requires major alteration to the City's solid waste collection program, necessitating a full repeal and replacement of the current garbage collection ordinance, including renaming the ordinance from "Garbage Collection" to "Waste and Recycling Collection". The new ordinance clearly provides the details of operations (containers, collections, materials, charges), permissions, city responsibilities, waivers, education and enforcement and other relevant topics surrounding the organics, recycling and garbage collection programs in accordance with SB 1383.

The Division has been actively working on planning for the required program changes including a comprehensive rate study and rate increase proposal, securing capacity for organics processing, design of new educational materials, route adjustments to accommodate weekly collection of organic waste, a procurement policy update, and coordination with other departments to ensure compliance. The adoption of an enforceable ordinance is one of the mandates of SB 1383, and this ordinance repeal and replacement is the next essential step of the planned approach and process to enact city-wide SB1383 compliant programs mandated to start in January of 2022.

DISCUSSION

The proposed ordinance repeal and replacement is prepared in accordance with the requirement of SB 1383.

The new ordinance addresses how Folsom will collect garbage, recycling and organics, and also specifies how the City's programs will serve all residents and businesses, to work together to prevent food waste from going into landfills, and to reduce edible food waste and rescue it for the food insecure. The Division is required to track the metrics closely and report them annually to CalRecycle. At present, deficiencies in Folsom's organic waste recycling program and infrastructure have resulted in the city being put under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2.

Due to the significant number of changes included in the proposed new ordinance, the Division has attached both the current version and the revised version of the ordinance rather than a marked-up copy. In addition to the changes for SB 1383, staff completed a comprehensive review of all existing language. The revisions include updates to outdated references and definitions, clarified details for existing programs, and consolidated language that is duplicated in other areas of the Folsom Municipal Code. Below are highlights of the updates specific to SB 1383:

- Section 8.32.045, self-hauler requirements, was added to specify how recycling requirements must be met by anyone who self-hauls waste from premises located within the City. Organic materials must be recycled using one of the methods outlined. In the case of commercial businesses, there are also record keeping requirements.

- Section 8.32.125, commercial containers required, placement, appearance and labeling, was added to outline the requirements of businesses to provide containers with specific labeling for all individuals who may generate waste on their premises.
- Section 8.32.140 (B), charges for collection, was revised to establish the responsible party for compliance with SB 1383 when businesses must share waste services. A lack of clarity regarding who is responsible for compliance has been a barrier that contributed to our current non-compliance status with the existing commercial organics recycling mandate.
- Section 8.32.191, sufficient service required, was revised to include the requirement for both residents and businesses to participate in organics recycling.
- Section 8.32.220, exemption from participation in residential curbside recycling, was revised and renamed “waivers”. The revised language significantly limits the circumstances in which a resident or business will not be required to participate in the recycling and organics services.
- Section 8.32.265, inspections and investigations was added to outline the City’s right to perform compliance inspections and the customer’s obligation to provide any necessary access.
- 8.32.270, enforcement, was revised to add compliance details relating to the implementation and ongoing enforcement of SB 1383. In summary, beginning January 1, 2022, the city will focus on implementing the city-wide food scraps composting program through weekly collections, outreach, education and coaching to compliance, providing educational materials to the residents or businesses describing their obligations under this chapter. The City’s current non-compliance status with the existing commercial organics recycling mandate and the contractual obligation to provide minimally contaminated material to our facilities or face penalty, necessitates enforcement actions to be taken as needed. Enforcement action will be done according to the enforcement response plan, following delivery of educational materials and issuance of notices of violations in the case of contamination in any container, starting in 2022.
- Sections 8.32.310, requirements for commercial edible food generators, and 8.32.320, requirements for edible food recovery organizations and services, were added to facilitate the implementation of an edible food recovery program. Generators and food recovery organizations have specific obligations including contracts and record keeping for food recovery efforts and specifically who must participate and when.

Edible food recovery capacity planning and program will begin with “tier one” by 2022, including supermarkets, grocery stores with less than 10,000 square feet, food service

providers, food distributors, and wholesale food vendors. "Tier two" will begin by 2024, to include restaurants with less than 250 seats or less than 5,000 square feet, hotels with food service and less than 200 rooms, health facilities with food service and less than 100 beds, large venues, large events, and schools with food service.

The new ordinance allows the City of Folsom to comply with SB 1383, establishing a program and process by which the City contributes to the state meeting methane emissions reduction targets, a harmful short-lived climate pollutant. SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025.

Methane emissions resulting from the decomposition of organic waste in landfills are a significant source of greenhouse gas (GHG) emissions contributing to global climate change. Food waste alone accounts for approximately 17 to 18 percent of total landfill disposal. Increasing food waste prevention, encouraging edible food rescue, and expanding the composting and diversion of organic waste throughout the City, per this ordinance, is how Folsom will contribute to the reduction of methane emissions from California's landfills.

FINANCIAL IMPACT

Program changes required by SB 1383 and outlined in the new ordinance will have a significant impact to the Solid Waste Fund. A comprehensive rate analysis has been completed and a rate increase to mitigate the impacts of SB 1383 is currently being proposed, with a public hearing scheduled for December 14, 2021. Enforcement efforts required by SB 1383 may result in some nominal revenue to the Solid Waste Fund.

ENVIRONMENTAL REVIEW

This action is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15307 and 15308.

ATTACHMENTS

1. Ordinance No. 1320 - Ordinance of the City of Folsom Repealing and Replacing the Garbage Collection Ordinance as Set Forth in Chapter 8.32 of the Folsom Municipal Code to Incorporate New State Law Mandates
2. Current Version of Chapter 8.32 of the Folsom Municipal Code (Passed and Adopted February 14, 2006)

Submitted,



Mark Rackovan, Public Works Director

Attachment 1

ORDINANCE NO. 1320

AN ORDINANCE OF THE CITY OF FOLSOM REPEALING AND REPLACING THE GARBAGE COLLECTION ORDINANCE AS SET FORTH IN CHAPTER 8.32 OF THE FOLSOM MUNICIPAL CODE TO INCORPORATE NEW STATE LAW MANDATES

The City Council of the City of Folsom does hereby ordain as follows:

SECTION 1 PURPOSE

The purpose of this Ordinance is to repeal and re-enact Chapter 8.32 of the Folsom Municipal Code to conform with new state law requirements pertaining to short lived climate pollutants and the implementation of an organic waste separation program, including but not limited to SB 1383 adopted during the 2016 legislative session and regulations finalized by CalRecycle on November 3, 2020, to take effect January 1, 2022.

SECTION 2 REPEAL AND RE-ENACTMENT TO CODE

Chapter 8.32 of the Folsom Municipal Code is hereby repealed and re-enacted to read as follows:

Chapter 8.32 WASTE AND RECYCLING COLLECTION

Sections:

- 8.32.005 Definitions.
- 8.32.010 City responsibility.
- 8.32.020 Permission required.
- 8.32.030 Burning, burying, on-site private disposal prohibited—Compost exception.
- 8.32.040 Private removal requirements.
- 8.32.045 Self-hauler requirements.
- 8.32.050 Placing in containers—Generally.
- 8.32.080 Residential containerization.
- 8.32.090 Residential/commercial prohibited materials.
- 8.32.100 Residential container location and holiday requirements.
- 8.32.101 Service to below-ground containers prohibited.
- 8.32.110 Location requirements.
- 8.32.111 Fees for automated solid waste containers.
- 8.32.115 Commercial business containerization.
- 8.32.120 Container/dumpster enclosure—Business location
- 8.32.125 Container appearance and labeling.
- 8.32.130 Special solid waste service.
- 8.32.135 Collection charges—Established by City council.

- 8.32.140 Charges for collection and compliance administration.
- 8.32.150 Fees and charges—Due date.
- 8.32.160 Charges—Collection authority.
- 8.32.170 Charges—Nonpayment—Violation.
- 8.32.180 Charges—Nonpayment—Discontinuance.
- 8.32.185 Charges—Contamination in containers.
- 8.32.190 Accumulation prohibited.
- 8.32.191 Sufficient service required.
- 8.32.192 Exclusive use of containers.
- 8.32.210 Scavenging of solid waste.
- 8.32.220 Waivers.
- 8.32.230 Contamination of containerized recyclables and organic waste—contamination monitoring.
- 8.32.240 Replacement fee for damaged containers.
- 8.32.250 Bulky Waste Program requirements.
- 8.32.260 Frequency of residential service change requests.
- 8.32.265 Requirements for commercial edible food generators.
- 8.32.270 Requirements for edible food recovery organizations and services.
- 8.32.275 Inspections and investigations.
- 8.32.280 Enforcement.
- 8.32.285 Penalties.
- 8.32.290 Enforcement procedures—Notice to correct.
- 8.32.300 Remedies cumulative.

8.32.005 Definitions.

A. “Alley” shall mean a passage or way providing a secondary means of vehicular access to abutting lots not intended for general traffic circulation.

B. “Automated container” shall mean a container owned by the City, made of commercially manufactured plastic, steel, or other appropriate material, designed to be lifted, dumped, and returned by City solid waste collection vehicles. Automated containers may be described as: automated cans, cans, containers, dumpsters, roll-off or compactor containers.

C. “Biohazardous waste” shall have the same meaning as in California Health and Safety Code Section 117690(b)(1).

D. “Bulky Waste Program” shall mean a City program designed to provide collection of bulky items that will not fit into a residential container. This may include, but is not limited to, appliances, lumber, and toys. An appointment is required.

E. “Commercial business” shall mean a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling. A multi-family residential dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance.

F. “Commercial edible food generator” shall mean and include “tier one commercial edible food generators” and “tier two commercial edible food generators”.

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

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

I. “Construction and demolition waste” shall mean used or discarded materials resulting from construction, renovation, remodeling, repair or demolition operations on any pavement, house, commercial building, or other structure and such other materials as may be removed during the normal cleanup process of such construction, renovation, remodeling, repair, or demolition operations.

J. “Curbside recycling” shall mean the placement of recyclables in a City-supplied container for collection by the City.

K. “Department” shall mean the City of Folsom Public Works Department.

L. “Director” shall mean the City of Folsom Public Works Director or his/her designee unless otherwise stated or indicated by context.

M. “Division” shall mean the Solid Waste Division of the Department.

N. “Edible food” shall mean food intended for human consumption. For the purposes of this ordinance “edible food” is not solid waste if it is recovered and not discarded. Nothing in this ordinance requires or authorizes the recovery of edible food that does not meet the food safety requirements of the California Retail Food Code.

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

1. A food bank as defined in 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.

P. “Food recovery service” shall mean 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.

Q. “Food service provider” shall mean 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.

R. “Food waste” shall mean food scraps and trimmings and other putrescible waste that result from food production, preparation, cooking, storage, consumption, or handling. Food waste includes but is not limited to: meat, fish and dairy waste, fruit and vegetable waste and grain waste.

S. “Garbage” shall mean discarded solid materials resulting from residential activities, industrial and commercial operations. Garbage does not include useful commercial or industrial by-products, recyclable materials, organic waste, construction and demolition waste, inert waste, medical waste, hazardous waste, or biohazardous waste.

T. “Green waste” shall mean non-contaminated material composed of organic matter or plant matter which is the result of seasonal variations or landscape and gardening activities. Green waste includes, without limitation, grass clippings, shrubbery, leaves, tree trimmings, branches, flowers, plant stalks, untreated wood, Christmas trees and other plant material. Green waste does not include human waste, animal waste or manure.

U. “Grocery store” shall mean 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.

V. “Hazardous waste” shall mean those wastes resulting from products purchased by the general public for use which, because of the quantity, concentration, or physical, chemical or infectious characteristics, may pose a substantial known or potential hazard to human health or the environment when improperly treated, disposed or otherwise managed. Hazardous Waste includes Household Hazardous Waste.

W. “High diversion organic waste processing facility” shall mean a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average mixed waste organic content recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for organic waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5).

X. “Household hazardous waste” shall mean those hazardous waste materials discarded, typically in small quantities, by households (as opposed to large quantities disposed by businesses). Typical household hazardous waste includes used motor oil and oil filters, antifreeze and other vehicle fluids, paints and varnish, pesticides, electronic waste and cleaning supplies.

Household Hazardous Waste does not include waste generated in the course of operating a business concern at a residence.

Y. “Illegal dumping” shall mean to throw or place, or direct another person to throw or place, other than in receptacles provided therefor, upon the private land or waters of another person without the permission of the owner, or upon public lands or waters, or upon any public place, any solid waste, rubbish, trash, garbage, debris, recyclable material, organic waste, or hazardous waste.

Z. “Inert waste” shall mean waste materials that do not react in the environment including but not limited to rock, concrete, brick, sand, soil, ceramics, and cured asphalt. “Inert waste” does not include any waste that meets the definition of “designated waste,” as defined in Water Code Section 13173, or “Hazardous Waste”.

AA. “Large event” shall mean 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.

BB. “Large venue” shall mean 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, 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.

CC. “Medical waste” shall mean waste which is generated or produced as a result of any of the following actions: diagnosis, treatment, immunization, or care of humans or animals, the production or testing of biologicals, sharps waste, waste generated in autopsy, necropsy, or preparation of a body for final disposition such as cremation or interment, research pertaining to any of the above, and waste generated in the cleanup of trauma scenes.

DD. “Multi-family dwelling” shall mean of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-family dwellings do not include hotels, motels, nursing homes or other congregate-care or institutional facilities, which are considered commercial businesses.

EE. “Organic waste” shall mean solid waste 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.

FF. “Organic waste generator” shall mean a person or entity that is responsible for the initial creation of organic waste.

GG. “Organic waste processing facility” shall mean any facility selected by the City’s collector that is designed, approved by the City, or specifically designated by the City, operated, and legally permitted for the purpose of receiving and processing organic waste.

HH. “Person” shall mean an individual, trust, firm, joint stock company, commercial business concern, partnership, association, limited liability company, corporation, and public entity.

II. “Private driveway” shall mean a private roadway owned by a private person, business, association or other private entity.

JJ. “Premises” shall mean a specific lot or area of real property served by the City or any such lot or area in general. “Premises” includes permanent and transient human dwellings and places of accommodation, commerce, or recreation.

KK. “Prohibited container contaminants” shall mean:

1. Discarded materials placed in the designated recycling container that are not acceptable source separated recyclables for the City’s designated recycling container.
2. Discarded materials placed in the designated organic waste container that are not acceptable source separated organic waste for the City’s designated organic waste container.
3. Discarded materials placed in the garbage container that are acceptable source separated recyclables and/or source separated organic waste.
4. Discarded materials placed in any container in violation of section 8.32.090.
5. Acceptable materials for each container are identified and updated regularly on the Division website or as printed on a City container. They may also be found on printed material including, but not limited to flyers, customer service notices, and container labels.

LL. “Putrescible” shall mean to rot; subject to decomposition by microorganisms.

MM. “Recyclables” shall mean recyclable material including, but not limited to: newspaper, magazines, mixed paper, plastic bottles, cardboard, glass bottles, aluminum and steel cans and other materials published on the Division website, on the container or printed materials as acceptable in designated recycling containers.

NN. “Rendering bin” is a closed leakproof containment for uncontaminated fats, oils and grease from the food preparation process that can be used as a source of material that is free of impurities and can be recycled into products.

OO. “Refuse” shall mean and include any of the following:

1. Garbage, waste, or rubbish.
2. Unused or discarded collections of materials, including but not limited to treated or painted wood, bedding, crockery, tires or construction debris.

PP. "Residential" shall mean any premises in the City, whether or not owner-occupied, designed for people to live in.

QQ. "Rubbish" shall mean non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.

RR. "SB 1383" shall mean the Short-Lived Climate Pollutants Reduction Strategy known as Senate Bill 1383 which establishes the regulatory requirements for jurisdictions, generators, haulers, solid waste facilities, and other entities to achieve the organic waste disposal reduction targets codified in Section 39730.6 of the Health and Safety Code and Chapter 13.1 of division 30 of the Public Resource Code.

SS. "Self-hauler" shall mean a generator that collects solid waste at their premises or place of business for the purpose of hauling those materials in their own vehicles to a permitted solid waste facility in compliance with the requirements of this chapter.

TT. "Sharps" shall mean any device having acute rigid corners, edges, or protuberances capable of cutting or piercing, including, but not limited to, all of the following:

1. Hypodermic needles, hypodermic needles with syringes, blades, needles with attached tubing, syringes contained with biohazardous waste, acupuncture needles, and root canal files.
2. Broken glass items, such as Pasteur pipettes and blood vials contaminated with biohazardous waste.
3. Any item capable of cutting or piercing that is contaminated with trauma scene waste.
4. Pen needles, intravenous needles, lancets, and other devices that are used to penetrate the skin for the delivery of medications.

UU. "Source separated" means materials, including but not limited to commingled recyclables, that have been separated or kept separate from the mixed 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.

VV. "Solid waste" shall mean all putrescible and non-putrescible solid, semi-solid, and liquid wastes, including garbage, trash, organics, recyclables, refuse, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes and other discarded waste (whether of solid or semi-solid consistency); provided that such wastes do not contain wastes which must be managed as hazardous wastes, or wastes which contain soluble pollutants in concentrations which exceed applicable water quality objectives, or could cause degradation of waters of the state.

WW. "Tier one commercial edible food generator" shall mean a commercial edible food generator that is one of the following:

1. Supermarkets with gross annual sales of \$2,000,000 or more.
2. Grocery store with a total facility size equal to or greater than 10,000 square feet.
3. Food service provider.
4. Wholesale food vendor.
5. Food Distributor.

XX. "Tier Two commercial edible food generator" shall mean 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.

YY. "Universal waste" shall have the same meaning as in Section 66261.9 of Title 22, California Code of Regulations as may be amended.

ZZ. "Venue facility" shall mean 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.

8.32.010 City responsibility.

The City, its duly authorized agents, servants, or employees, shall have the exclusive right to gather, collect, recycle, or dispose of all solid waste within the City.

8.32.020 Permission required.

A. No person may collect, gather, recycle, or dispose of solid waste within the City without permission of the City council. (Ord. 1049 § 2 (part), 2006)

B. All residential dwellings and commercial businesses shall subscribe with the City's waste hauling services for garbage and recycling, and the City or a City-approved hauling service for organic waste. Commercial businesses that meet the self-hauler requirements in section 8.32.045 may self-haul recycling and organics in lieu of subscribing with the City for those services.

C. If recyclables and/or organic waste are hauled by another entity, the City may inspect records, pursuant to section 1.09.025 of this Code, to verify that the services are not being provided for a net cost.

8.32.030 Burning, burying, on-site private disposal prohibited—Compost exception.

No person shall burn, bury, or otherwise dispose of or process solid waste on any premises in the City except for composting of organic wastes in a compost process as specified in the Division's Regional Recycling Backyard Composting Guide or Commercial Composting and Mulching Operations Conditions for Approval.

8.32.040 Private removal requirements.

This chapter shall not be construed as prohibiting the owner or tenant of any premises in the City from carrying away any such solid waste, on an infrequent or occasional basis in order to reduce the amount to be taken away by the City or its duly authorized agents, but no person shall be authorized by this section to carry away such solid waste if such person receives the benefits of the use of any such solid waste for feed for poultry, hogs, or other livestock unless such person receives permission from the Director. All solid waste removal by an owner or tenant of any premises is subject to the self-haul requirements of 8.32.045. This section shall not be construed as relieving any person from paying the regular solid waste fees.

8.32.045 Self-hauler requirements.

A. Self-haulers shall source separate all recyclable materials and organic waste generated on-site from other solid waste or shall haul all collected wastes, to a high diversion waste processing facility, which also processes organic waste

B. Self-haulers shall haul their source separated recyclable materials to a facility that recovers those materials.

C. Self-haulers shall 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 their source separated organic waste to a high diversion organic waste processing facility.

D. Self-haulers that are commercial businesses shall keep for a minimum of 5 years a record of the amount of organic waste delivered to each high diversion organic waste processing facility or other solid waste facility, operation, activity, or property that properly processes or recovers organic waste. This record shall be subject to inspection upon request of the City as specified by SB1383, at least every 5 years. The records shall include the following information:

1. Delivery receipts and weight tickets from the entity accepting the waste including the date and identifying information about the facility.
2. The amount of material in cubic yards or tons transported by the generator to each entity.

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.

8.32.050 Placing in containers—Generally.

The person responsible for any premises in the City shall gather the solid waste and put it into the appropriate container for that premises.

8.32.080 Residential containerization.

All garbage, recyclables and organic waste shall be containerized as follows:

A. Garbage shall be placed in the standard plastic gray garbage containers provided by the City.

B. Organic waste shall be placed in standard plastic green containers provided by the City or its authorized agent (black containers in service as of January 1, 2022 may continue to be used for organic waste until January 1, 2036).

1. Green waste shall not exceed four inches in diameter and shall not protrude above the lid of the container. Green waste shall be loosely placed in the container.
2. Food waste shall be contained in compostable bags.

C. Recyclables shall be placed loosely (not in bags) in the standard plastic blue container provided by the City.

D. All items shall be containerized with the lid completely closed for automated container services. Material shall not be packed tightly in the containers and must fall freely when the can is tipped.

F. Items not contained within automated cans will not be collected, except by appointment through the Bulky Waste Program as defined under Section 8.32.250

G. Residential containers shall not exceed ninety-six gallons and shall have a total weight limit of two hundred pounds per container.

8.32.090 Residential/commercial prohibited materials.

A. Unless otherwise permitted by written contract with the City, the following materials will not be collected in any City provided container:

1. Dirt, rocks, sod, asphalt, brick, concrete, large metal objects, tile, landscaping bark, furniture;
2. Construction and demolition debris;
3. Appliances, tires, tree stumps;
4. Oversized or excess waste that prevents the lid from closing or material from falling freely from the container during normal service procedures.

B. The following materials will not be collected in any City provided container:

1. Liquids, hot ashes, coal;
2. Flammables;
3. Live ammunition;
4. Household hazardous waste;
5. Hazardous waste.

C. No person shall place in any City container any wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed; any explosive substance, poison, hazardous chemical, offal, or fecal matter.

D. Disposal of medical or biohazardous waste shall be performed through a licensed collection and disposal company, which complies with all applicable laws and regulations, including, but not limited to, California Health and Safety Code Sections 117600 through 118360.

8.32.100 Residential container location and holiday requirements.

A. Residences Having Street Frontage Only. Residential containers for garbage, recycling and organic waste shall be placed for collection at the street curb or edge of road right-of-way by 6:00 a.m. on scheduled collection day, holidays included, and removed from the street and screened from public view by 6:00 a.m. of the following day. The wheels of the containers must

be placed in the gutter with the handle facing the residence. Containers must be at least three feet from any obstruction such as automobiles, trailers, motor homes, fences, lampposts, portable basketball hoops, mailboxes, or other automated containers. Containers shall not block pedestrian access.

B. Residences with Alley Access. Residential containers for garbage, recycling and organic waste shall be placed for collection adjacent to the alley property line, with direct access from the alley by 6:00 a.m. on scheduled collection day, holidays included. The base of the container must be placed on a stable, level surface with the handle facing the residence. Containers must be at least three feet from any obstructions such as automobiles, trailers, motor homes, fences, portable basketball hoops, lampposts, mailboxes, or other automated containers.

C. Residences with Private Driveways. Residential containers for garbage, recycling and organic waste shall be placed for collection at the nearest public road right-of-way by 6:00 a.m. on scheduled collection days, holidays included, and removed from the right-of-way and screened from public view by 6:00 a.m. of the following day. The container must be placed on a level surface with the handle facing the shoulder of the road. Containers must be at least three feet from any obstructions such as automobiles, trailers, motor homes, fences, portable basketball hoops, lampposts, mailboxes, or other automated containers. Containers shall not block pedestrian access.

D. Collection trucks may come back for garbage, recycling, and organic waste put out after the truck has passed a residence upon request, subject to payment of an extra pickup service charge.

E. For purposes of this section, “screened” means blocked from public view from the street or public right-of-way with a permanent fence, enclosure, landscaping, or other comparable facility as approved by the Director.

8.32.101 Service to below-ground containers prohibited.

City personnel shall not service containers stored below the surface of the ground.

8.32.110 Location requirements.

The City shall not collect solid waste from above the first floor of any premises, nor from the basement of any premises. City shall not collect solid waste when containers are not placed at a position and in a manner that allows for collection.

8.32.111 Fees for automated solid waste containers.

A. Fee Established. Each dwelling unit to be serviced by City-owned automated container collection shall pay a fee equal to the then cost of providing the containers. The fee shall be adjusted on July 1st of each fiscal year by the Director to reflect the most recent cost per container actually purchased by the City, plus the cost of labor and equipment necessary to deliver the containers to the new dwelling.

B. Ownership. The City shall retain ownership of all City provided containers. Persons owning or renting property served by such containers are responsible for the security of the

containers. In the event of fire, theft, or other damage or disappearance of a container from the property, a replacement container shall be obtained from the City upon payment of the established fees. Persons owning or renting property served by such containers shall, upon vacating the premises, leave the primary containers for the next occupant in a secure location upon the premises. Persons who have ordered an extra container shall, upon vacating the premises, contact the City to have the extra container removed. Persons owning or renting property served by such containers are responsible for the appearance and cleanliness of the container.

C. Replacement Containers. A replacement container may be obtained upon payment of the fee established by City Council. Replacement of a container no longer usable due to normal wear shall not be subject to a replacement fee.

8.32.115 Commercial business containerization.

All garbage, recyclables and organic waste shall be containerized as follows:

- A. Garbage shall be placed in the standard gray garbage containers provided by the City.
- B. Organic waste shall be placed in standard green or brown containers (or containers with a green, yellow, or brown lid) provided by the City or a City approved hauler.
- C. Recyclables shall be placed in the standard blue container or containers with a blue lid provided by the City (white containers in service as of January 1, 2022 may continue to be used for recyclables until January 1, 2036).

8.32.120 Container/dumpster enclosure—Business location.

- A. Solid waste containers/dumpster enclosures at places of business shall be located in such place as shall be convenient to the Division and must be approved by the Director. City-approved solid waste enclosures are to be used for solid waste removal containers only unless approved in advance by the Director. Storage of other equipment or material is prohibited. Enclosure maintenance is the responsibility of the landlord, property owner, property manager, or management company. Enclosures shall be maintained in working order and floors shall be free of debris. The property owner shall be liable for damage to or spills from any other equipment stored in the solid waste enclosure.
- B. All items shall be containerized with the lid completely closed for automated container services. Material shall not be packed tightly in the containers and must fall freely when the container is tipped.
- C. Items not contained within automated containers will not be collected, except by appointment.
- D. Commercial containers shall have a not to exceed weight limit of 1,800 pounds per container.

E. New commercial business properties shall provide enclosure space for garbage, recyclable, and organic waste containers, including rendering bins as applicable, for the use of the property. Should the use of an existing commercial business property change to require a rendering bin, the business served by the rendering bin shall be responsible for ensuring that the rendering bin is stored in a secure location that does not impede waste collection services.

8.32.125 Commercial Containers required, placement, appearance and labeling.

Customers that are commercial businesses shall:

A. Supply and allow access to an adequate number, size and location of containers with sufficient labels and colors (conforming with requirements in Section 8.32.115) for employees, contractors, tenants, and customers, consistent with the collection services or, if self-hauling, per the commercial businesses' instructions to support compliance with its self-haul program, in accordance with Section 8.32.045.

B. Excluding multi-family dwellings, provide containers for the collection of source separated organic waste materials and source separated recyclable materials in all indoor and outdoor areas where disposal containers for materials generated by that business are provided for customers. 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 areas where disposal containers are provided for customers. The containers provided by the business shall have:

1. A body or lid that conforms to the color requirements specified in Section 8.32.115.
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.
3. Notwithstanding subsection (B)(1), 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 subsection (B)(1) before the end of the useful life of those containers, or before January 1, 2036, whichever occurs first.

8.32.130 Special solid waste service.

A. Container Service. The tenant, occupant, owner, or lessee of any premises in the City may temporarily obtain additional City automated container(s) for the purpose of disposing of garbage or source separated solid waste. The person requesting this special trash service is responsible to pay for the service in accordance with a fee set by the City council. The City will be responsible for delivery and pickup of the automated container to and from the premises of the person requesting service.

B. Container/Roll-Off Service. The tenant, occupant, owner, or lessee of any premises in the City may temporarily obtain a City dumpster or roll-off container, in addition to standard services, for the purpose of disposing of garbage or source separated solid waste. The person requesting this special trash service is responsible to pay for the service in accordance with a fee set by the City council. The City will be responsible for delivery and pickup of the dumpster or roll-off container to and from the premises of the person requesting service.

C. Collection of Household Hazardous Waste (HHW). The tenant, occupant, owner or lessee of any residential premises in the City may request special collection of household hazardous waste through appointment with the Division. Commercial businesses may request special collection of universal wastes through appointment with the Division.

D. Disposal of Medical and Biohazardous Waste. The tenant, occupant, owner, or lessee of any premises in the City shall not dispose of any medical or biohazardous waste in a City-owned collection container. Disposal of medical or biohazardous waste shall be performed through a licensed collection and disposal company, which complies with all applicable laws and regulations, including, but not limited to, California Health and Safety Code Sections 117600 through 118360.

8.32.135 Collection charges—Established by City council.

All charges for solid waste collection shall be established or modified by resolution of the City council. The Director shall, with the approval of the City Manager, recommend changes in the collection charges when appropriate.

8.32.140 Charges for collection and compliance administration.

A. Residential.

1. A property owner of each and every dwelling, house, or residence shall be responsible for paying to the City, a fixed minimum solid waste fee based upon current established solid waste rates which shall be set by the City council. Such fee, based upon service of one collection per week for garbage and organic waste, and one collection every other week for recyclables, applies and is payable without consideration of whether there is any garbage, recyclables, or organic waste to remove from the premises.
2. Residential solid waste service may be discontinued upon written request for a period of no less than two months when a dwelling, house, or residence will be unoccupied. Municipal service charges may be discontinued pursuant to section 3.20.020 of this code.
3. For collection of additional containers beyond those covered by the fixed minimum charges established in this chapter, the collection charge shall be set by resolution of the City council for each additional garbage, recyclable, or organic waste container.

4. An additional or special pickup may be requested beyond the minimum service required by this chapter. Each such additional or special pickup shall be subject to a fixed fee. The fixed fee for additional or special pickups shall be set by resolution of the City council.

B. Commercial.

1. A property owner of each and every commercial business shall be responsible for paying to the City, a fixed minimum charge as set forth by the City council as a solid waste fee. Such fixed minimum charge is based upon service of one collection per week, without consideration of whether there is any solid waste to remove from the premises.

A landlord, property owner, property manager, or management company with multiple tenants who must share a commercial container shall be responsible for the solid waste utility bill of the tenants and compliance with SB1383.

2. Commercial Container, Roll-Off, and Additional Services. The Director may approve the placing of solid waste in containers other than automated cans such as roll-off containers. The fixed fee and additional service charges will be set by resolution of the City council. Such charge shall include all costs to the City, including, but not limited to, labor, equipment operation, maintenance and depreciation, administrative overhead, recycling, landfill closure and landfill operation costs. Standard commercial charges for commercial containers and roll-off containers may be established by the Director subject to the approval of the City council.
3. An additional or special pickup may be requested beyond the minimum service required by this chapter. Each such additional or special pickup shall be subject to a fixed fee. The fixed fee for additional or special pickups shall be set by resolution of the City council.
4. Commercial customers are also charged a monthly recycling compliance fee, as established by the City council, for the administration of state mandated recycling programs. The monthly recycling compliance fee is waived if the commercial customer subscribes to City recycling collection service.

C. Adjustment of Bills for Billing Error.

1. Where the City overcharges or undercharges a customer's solid waste bill as the result of a billing error, the City may render an adjusted bill for the amount of the undercharge, without interest, and shall issue a refund or credit to the customer for the amount of the overcharge, without interest, computed back to the date that the City determines the billing error commenced, except that the period of adjustment shall not exceed one year for a refund and six months for an undercharge.

8.32.150 Fees and charges—Due date.

Solid waste service fees and charges are due and payable as described in section 3.20.070 of this code.

8.32.160 Charges—Collection authority.

The City finance department shall collect all charges and fees with the assistance of the City attorney as necessary or appropriate.

8.32.170 Charges—Nonpayment—Violation.

The nonpayment by any person of the solid waste fee after notice given by the City finance department by bill rendered to such person, or left on the premises, is a violation of this chapter.

8.32.180 Charges—Nonpayment—Discontinuance.

The City shall have the right in addition to any other remedies to discontinue solid waste service for nonpayment of solid waste fees or charges.

8.32.185 Charges—Contamination in containers.

The City shall establish fees or charges for contamination found in containers pursuant to Section 8.32.230. Fees or charges shall be established by resolution of the City council.

8.32.190 Accumulation prohibited.

No person shall permit solid waste to accumulate upon the premises owned, occupied or managed by such person.

8.32.191 Sufficient service required.

A. The person responsible for any premises or commercial business in the City shall accept solid waste collection service sufficient to remove garbage and organic waste generated by or accumulating weekly from the premises and recyclables generated by or accumulating every other week from the premises. The Director may order additional service for any premises or commercial business where the Department determines necessary, at the customer's expense. If additional service is needed, a customer may use additional containers or select a larger-capacity container from the container choices available from the Department. Commercial-route customers may also request container collection more frequently than once a week.

B. All Residential customers shall:

1. Subscribe to the City's organic waste collection services for all organic waste generated. The City shall have the right to review the number and size of a customer's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation and containment of materials; and, customers shall adjust the number or size of containers for collection services as requested by the City. Generators may additionally manage their organic waste by preventing or reducing their organic waste (source reduction), managing organic waste on site (composting), and/or using a community composting site.

2. Participate in the City's organic waste collection services by placing designated materials in designated containers.
3. Customers shall not place prohibited container contaminants in collection containers.

C. All customers that are commercial businesses shall:

1. Subscribe to the City's collection services and comply with requirements of those services. The City shall have the right to review the number and size of a customer's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service; for proper separation and containment of materials; and commercial businesses shall adjust their service level for their collection services as requested by the City.
2. Participate in the City's organic waste collection service(s) by placing designated materials in designated containers.
3. Customers shall not place prohibited container contaminants in collection containers.
4. If a commercial business wants to self-haul recycling or organic waste, it must meet the self-hauler requirements in Section 8.32.045 of this ordinance.
5. Nothing in this Section prohibits a customer from preventing or reducing waste generation (source reduction), managing organic waste on site (composting), or using a community composting site.

8.32.192 Exclusive use of containers.

A. It is unlawful for any person to dump or place any material into or to utilize any solid waste container, bin, or dumpster without consent of the property owner or tenant in charge of the property.

B. It is unlawful for any person to enter into a solid waste container, whether or not a notice has been placed on such container.

8.32.210 Scavenging of solid waste.

No person shall remove solid waste from residential containers or commercial containers that are designated for collection by the City or its authorized agent.

8.32.220 Waivers.

A. Residential. In exceptional circumstances, a waiver may be granted to individual(s) from participating in residential curbside recycling and/or organics recycling, upon approval from the Director in his/her sole discretion. The Director may grant one or more of the following types of waivers to a residential generator of solid waste:

1. Reasonable Accommodation. The Director may waive a property owner's obligation to comply with the requirements of Section 8.32.191(B) if the property owner provides documentation, or the City has evidence from staff, or any medical professional, demonstrating that compliance with this Chapter would act as a barrier to fair housing opportunities or health-related reasons prevent individual(s) from complying.
2. Physical Space Waiver. The Director may waive the obligation to comply with the requirements of Section 8.32.191(B) if the property owner provides documentation, or the City has evidence from staff, licensed architect, or licensed engineer, demonstrating that the premises contain severe space constraints which prevent the placement of a recycling and/or organic container at the household.

B. Commercial. In exceptional circumstances, a waiver may be granted to a commercial business from participating in recycling and/or organics recycling, upon approval from the Director in his/her sole discretion. The Director may grant one or more of the following types of waivers to a commercial business that is a generator of solid waste:

1. De Minimis Waiver: The Director may waive a commercial business' obligation to comply with some or all of the organic waste requirements of this chapter if the commercial business provides documentation or the City has evidence demonstrating that:
 - a. The commercial business' total solid waste collection service is two cubic yards or more per week and organic waste subject to collection in the designated recycling container or designated organic waste 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 the designated recycling container or the designated organic waste container comprises less than 10 gallons per week per applicable container of the business' total waste.
 - c. Any commercial business granted a de minimis waiver shall notify the City if circumstances change such that the organic waste generated exceeds the threshold required for the waiver, in which case the waiver will be rescinded.
 - d. Any commercial business granted a de minimis waiver shall provide to the City written verification of eligibility for the de minimis waiver every 5 years.
2. Physical Space Waiver: The Director may waive a commercial business' obligations 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 City approved hauler, licensed architect, or licensed engineer demonstrating that

the premises contain severe space constraints which prevent the placement of the collection containers required for compliance with this chapter.

3. Waivers will not be granted for any commercial business that sells or produces food.

C. Any customer requesting a waiver shall make the request in writing on an application provided by the Division.

D. Waivers are conditioned upon and subject to: (1) the requesting party continuing to reside at the location specified in the application; and (2) the circumstances justifying the waiver remaining unchanged. Customers who are granted a waiver must notify the Director, in writing, of any change in the circumstances supporting the grant of waiver within thirty days of such change in circumstances.

E. Waivers may be revoked at any time at the discretion of the Director.

8.32.230 Contamination of containerized recyclables and organic waste—Contamination monitoring.

A. No person shall place nonrecyclable materials into automated containers, dumpsters, or roll-off containers that are designated for the collection of recyclables or organic waste.

B. To the extent practical through education, training, inspection, and/or other measures, commercial businesses, shall prohibit employees from placing materials in a container not designated for those materials per the City's collection service or, if self-hauling, per the commercial business's instructions to support its compliance with its self-haul program, in accordance with Section 8.32.045.

C. Commercial businesses shall periodically inspect organic waste, recycling, and garbage containers for contamination and inform employees and agents, including but not limited to custodial vendors if containers are contaminated and of the requirements to keep contaminants out of those containers.

D. Commercial businesses shall 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.

E. Commercial businesses shall provide education information to new tenants before or within fourteen (14) days of occupation of the premises. The education information provided shall describe requirements to keep source separated organic waste and source separated recyclable materials separate from garbage and the location of containers and the rules governing their use at each property.

F. Commercial businesses shall provide or arrange access for the City or its representative to their properties during all inspections conducted in accordance with Section 8.32.270 to confirm compliance with the requirements of this ordinance.

G. Commercial businesses shall accommodate and cooperate with the collector's remote monitoring program for inspection of the contents of containers for prohibited container contaminants, to evaluate generator's compliance.

8.32.240 Replacement fee for damaged containers.

The Director shall have the authority to assess the cost for the replacement of any containers that have been damaged or destroyed due to the customer's negligence or misuse.

8.32.250 Bulky Waste Program requirements.

Any and all materials deposited curbside for the purposes of participating in the Bulky Waste Program must meet the following criteria:

- A. All pickups must be secured by an appointment.
- B. All piles must be no more than five cubic yards in size (seven feet by six feet by three feet).
- C. All materials must be placed curbside, no earlier than one day prior to the scheduled pick-up, and by 6:00 a.m. on the scheduled collection date.
- D. Material must be placed at the edge of the street, not within the gutter area, not on a sidewalk, or on private property.
- E. The Bulky Waste Program will only accept materials that consist of:
 - 1. Green waste;
 - 2. Lumber/wood;
 - 3. Furniture/mattresses;
 - 4. Lawn mowers (remove gas and oil);
 - 5. Barbeques (remove propane tanks);
 - 6. Metals;
 - 7. Large appliances;
 - 8. Tires.

Any materials placed curbside that do not meet the above requirements shall be considered illegal dumping and any person who commits such act(s) shall be subject to the penalties set forth in Folsom Municipal Code Section 8.34.040.

8.32.260 Frequency of residential service change requests.

Residents will be allowed two service change requests after receiving the residential garbage, recycling, and organic waste cans at no charge for one year from implementation of the City’s organics recycling program applicable to all categories of service. New residents will be allowed one service change request after receiving initial residential garbage, recycling and organic waste cans at no charge for one year from the start date of their utility account applicable to all categories of service. Additional service change requests will be charged an administrative fee as set by resolution of the City council.

The categories of service change include:

- A. Changing the size and number of garbage containers.
- B. Changing the size and number of recycling containers.
- C. Changing the size and number of organic waste containers.

8.32.265 Requirements for Commercial Edible Food Generators.

- A. Tier One commercial edible food generators shall comply with the requirements of this section commencing on January 1, 2022, and Tier Two commercial edible food generators shall comply commencing on January 1, 2024 or sooner.
- 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 on January 1, 2024 or sooner.
- 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; or, (ii) 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:

- 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 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.

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.

8.32.270 Requirements for Edible 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:

- 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:

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. 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) no later than July 1 annually.

D. In order to support edible food recovery capacity planning assessments or other studies conducted by the County, City, special district 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.

8.32.275 Inspections and Investigations

A. The City's representatives 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 customers, or source separated materials, to confirm compliance with this chapter by organic waste generators, commercial businesses, property owners, commercial edible food generators, haulers, self-haulers, food recovery services, and food recovery organizations, subject to applicable laws.

1. This Section does not allow the City to enter the interior of a private residential property for inspection.
2. 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, which may involve installation of remote monitoring equipment on or in any collection container. Commercial businesses shall accommodate and cooperate with the remote monitoring.

B. Any regulated entity shall provide or arrange for access during all inspections (with the exception of residential property interiors) and shall cooperate with the City's representative 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.

C. Failure to provide or arrange for: (i) access to an entity's premises; or (ii) access to records for any inspection or investigation is a violation of this section.

8.32.280 Enforcement.

A. This chapter shall be enforced pursuant to the provisions of Chapters 1.08 to 1.10 of the Folsom Municipal Code and any other enforcement mechanism available to the City under the Folsom Municipal Code and/or applicable law.

B. Unless otherwise expressly provided in this chapter, the Director shall enforce the provisions of this chapter.

C. Compliance Deadline Extension Considerations. The City may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with Section 8.32.290 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 not related to fault of the respondent, 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.

D. Education Period for Residential and Multi-Family. Beginning January 1, 2022, and through December 31, 2023, if the City determines that a residence or multi-family dwelling is not in compliance with this chapter, it shall provide educational materials to the entity describing its obligations under this chapter and a notice that compliance is required, and that violations may be subject to administrative civil penalties. Except for multi-family dwellings, there will be no education period for commercial businesses.

E. Civil Penalties for Non-Compliance. 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 as needed.

8.32.285 Penalties.

A. Unless otherwise expressly provided in this chapter, a violation of this chapter shall be an administrative violation as defined in Section 1.08.020 of this code. In addition to enforcement by any procedure set forth in Chapters 1.08 to 1.10, except as provided in this section, any violation of this chapter shall be punishable as an infraction and shall be punishable by:

1. For a first violation, the amount of the base penalty shall be \$50-\$100 per violation.
2. For a second violation, the amount of the base penalty shall be \$100-\$200 per violation.
3. For a third violation, the amount of the base penalty shall be \$250-\$500 per violation.
4. Subsequent violations of this chapter shall be subject to the range of monetary sanctions set forth in Section 1.09.012(A)(5) and may be imposed on a per day basis for each violation.

B. Each and every day during which a violation of this chapter continues, except in cases in which a given time has been allowed for corrective action to be taken, shall be a separate and distinct offense.

C. Violations of Section 8.32.090(B), (C), and (D); 8.32.190, and 8.32.210 shall be a misdemeanor, which shall be punishable by a fine not to exceed one thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

D. Each of the sanctions for administrative violations identified in Chapter 1.09 of this code shall be available for enforcement of the provisions of this chapter.

8.32.290 Enforcement procedures—Notice to correct.

A. Prior to the suspension, revocation, or denial of any permit, or the assessment of any fee, penalty, or charge, or the commencement of any other enforcement action pursuant to this chapter, the enforcement authority may pursue the procedures set forth in Chapter 1.09 of this code. The rights to judicial review set forth in Sections 1.09.050 through 1.09.059 of this code shall apply.

B. A notice to correct shall not be required to commence the administrative hearing procedures set forth in Chapters 1.08 through 1.10 of this code. Pursuant to Section 1.09.024(A) of this code, a notice of administrative violation shall be served in accordance with the provisions of Section 1.09.027 of this code.

8.32.300 Remedies cumulative.

The remedies set forth in this chapter are cumulative to any other remedy available to the City. Pursuit of one remedy shall not preclude any other remedy, and nothing contained in this chapter

shall limit or be deemed to prevent the City from pursuing any other remedy available to the City under the City's code or any other applicable law.

SECTION 3 SCOPE

Except as set forth in this ordinance, all other provisions of the Folsom Municipal Code shall remain in full force and effect.

SECTION 4 NO MANDATORY DUTY OF CARE

This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5 SEVERABILITY

If any section, subsection, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council declares that it would have passed each section irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared unconstitutional, invalid, or ineffective.

SECTION 6 EFFECTIVE DATE

This ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City.

This ordinance was introduced and the title thereof read at the regular meeting of the City Council on November 9, 2021, and the second reading occurred at the regular meeting of the City Council on December 14, 2021.

On a motion by Council Member _____ seconded by Council Member _____, the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this ____ day of _____, 2021 by the following roll-call vote:

AYES: Councilmember(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

ABSTAIN: Council Member(s):

Michael D. Kozlowski, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

Attachment 2

ORDINANCE NO. 1049

**AN ORDINANCE OF THE CITY OF FOLSOM REPEALING AND REPLACING
TITLE 8, CHAPTER 8.32 OF THE FOLSOM MUNICIPAL CODE CONCERNING
GARBAGE COLLECTION**

THE CITY COUNCIL OF THE CITY OF FOLSOM DOES ORDAIN AS FOLLOWS:

SECTION 1 PURPOSE

The purpose of this ordinance is to repeal and replace Chapter 8.32 of Title 8, of the Folsom Municipal Code (the "code") pertaining to Garbage Collection. Chapter 8.32 will be amended to align the code requirements with current and future services to be provided by the Utilities Department.

SECTION 2

Chapter 8.32 of the Folsom Municipal Code is repealed and replaced to read as follows:

Chapter 8.32

GARBAGE COLLECTION

Sections:

- 8.32.005 Definitions.
- 8.32.010 City responsibility.
- 8.32.020 Permission required.
- 8.32.030 Burning, burying, on-site private disposal prohibited; Compost Exception.
- 8.32.040 Private removal requirements.
- 8.32.050 Placing in containers-Generally.
- 8.32.070 Department--Removal intervals.
- 8.32.080 Residential containerization.
- 8.32.090 Residential/Commercial prohibited materials.
- 8.32.100 Residential receptacle location and holiday requirements.
- 8.32.101 Service to below-ground containers prohibited.
- 8.32.110 Location requirements.
- 8.32.111 Automated solid waste containers
- 8.32.120 Container/Dumpster Enclosure – Business Location
- 8.32.130 Special solid waste service.
- 8.32.135 Collection charges--Established by City Council
- 8.32.140 Charges for Collection
- 8.32.150 Fees and Charges--Due date.
- 8.32.160 Charges--Collection authority.
- 8.32.170 Charges--Nonpayment--Violation.
- 8.32.180 Charges--Nonpayment--Discontinuance.
- 8.32.190 Accumulation prohibited.
- 8.32.191 Sufficient Service Required

- 8.32.192 Exclusive use of containers.
- 8.32.210 Scavenging of recyclable materials.
- 8.32.220 Exception from participation in Residential Curbside Recycling
- 8.32.230 Contamination of containerized recyclables & green waste.
- 8.32.240 Replacement fee for damaged containers
- 8.32.250 Neighborhood Cleanup requirements.
- 8.32.260 Frequency of Residential Service Change Requests
- 8.32.270 Enforcement.
- 8.32.280 Penalties.
- 8.32.290 Enforcement procedures, notice to correct.
- 8.32.300 Remedies Cumulative.

8.32.005 Definitions.

A. **“Alley Ways”** Shall mean a recorded easement for public access near a residential property or between residential properties.

B. **“Biohazardous Waste”** Shall mean laboratory waste including human or animal specimen cultures from medical and pathology laboratories. Cultures and stock of infectious agents from research and industrial laboratories. Waste from the production of bacteria, viruses, spores, discarded live and attenuated vaccines used in human health care or research, discarded animal vaccines. Human or animal surgery specimens or tissues, which may contain infectious agents known to be contagious to humans. Waste containing discarded materials contaminated with excretion exudates or secretions from humans that are required to be isolated by infection control staff the attending physician or local health officer to protect others from highly communicable diseases.

C. **“Container”** Shall mean commercially manufactured plastic or steel solid waste containers owned by the City designed to be lifted, dumped and returned by City solid waste packers. Containers may be described as: automated carts, bins, commercial containers, drop box, roll-off or compactor containers.

D. **“Curbside Recycling”** Shall mean the placement of recyclables in a city supplied cart for collection by the city.

E. **“Department”** Shall mean the City of Folsom, Utilities Department.

F. **“Director”** Shall mean the City of Folsom Director of Utilities or his/her designee unless otherwise stated or indicated by context.

G. **“Division”** Shall mean the Utilities Department, Solid Waste Division.

H. **“Garbage”** Shall mean all putrescible animal and vegetable waste resulting from packaging, storing, handling, preparation, cooking and consumption of food and all other materials not defined as recyclables or yard waste. Garbage to be removed from places of business shall consist of garbage as above defined and packing boxes, crates and packing materials.

I. **"Hazardous Waste"** Shall mean those wastes resulting from products purchased by the general public for use which, because of the quantity, concentration, or physical, chemical or infectious characteristics, may pose a substantial known or potential hazard to human health or the environment when improperly treated, disposed or otherwise managed. It shall be unlawful for any person to deposit for collection in any receptacle(s) provided pursuant to this Chapter any item of "hazardous waste" as defined by an applicable federal, state or local law.

J. **"Household Hazardous Waste"** Shall mean those hazardous waste materials discarded, typically in small quantities, by households (as opposed to large quantities disposed by business), Typical household hazardous waste includes used motor oil and oil filters, antifreeze and other vehicle fluids, paints and varnish, pesticides, electronic waste and cleaning supplies.

K. **"Illegal Dumping"** Shall mean to throw or place, or direct another person, to throw or place, other than in receptacles provided therefore, upon the private land or waters of another person, without the permission of the owner, or upon public lands or waters, or upon any public place any rubbish, trash, garbage, debris, or recyclable material.

L. **"Inerts"** Shall mean waste materials that do not react in the environment.

M. **"Medical Waste"** Shall mean waste which is generated or produced as a result of any of the following actions: diagnosis, treatment, or immunization of humans or animals. Research pertaining to the above. The production or testing of biologicals and sharps waste.

N. **"Neighborhood Clean-Up"** Shall mean a city program designed to provide clean-up of bulky items that will not fit into a residential container. This may include appliances, lumber and toys. An appointment is required.

O. **"Person"** Shall mean an individual, trust, firm, joint stock company, business concern, partnership, association, limited liability company, and corporation, including, but not limited to a government corporation.

P. **"Private Driveways"** Shall mean a private roadway owned by a private person or business.

Q. **"Premises"** Shall mean a specific lot or area of real property served by the City or any such lot or area in general. "Premises" includes permanent and transient human dwellings and places of accommodation, commerce or recreation.

R. **"Premises with Multi-unit Dwellings"** Shall mean an area of one or more premises operating in whole or part under unified management or ownership, with housing facilities for more than a single-family residence. Such facilities include duplex or multiplex dwellings, apartments, condominiums, and trailer parks. Distinguished from this definition for purposes of requirements affecting premises with multi-unit dwellings are hotels, motels, hospitals, nursing homes or other congregate-care or institutional facilities, which are generally served as a commercial-service account.

S. **"Putrescible"** Shall mean to rot, subject to decomposition by microorganisms.

T. **“Recyclables”** Shall mean recyclable material including, but not limited to: newspaper, magazines, mixed paper, plastic bottles, cardboard, glass bottles, aluminum and steel cans and other materials not defined as garbage.

U. **“Sharps”** Shall mean any device having acute rigid corners, edges, or protuberances capable of cutting or piercing, including, but not limited to, all of the following:

- a. Hypodermic needles, hypodermic needles with syringes, blades, needles with attached tubing, syringes contained with biohazardous waste, acupuncture needles, and root canal files.
- b. Broken glass items, such as Pasteur pipettes and blood vials contaminated with biohazardous waste.
- c. Any item capable of cutting or piercing that is contaminated with trauma scene waste.

V. **“Solid Waste”** Shall mean nonhazardous, noninfectious waste materials including garbage, yard waste, and recyclable material.

W. **“Utilities Director”** Shall mean the City of Folsom Director of Utilities or his/her designee.

X. **“Yard waste”** or **“Green Waste”** Shall mean materials consist of trimmings from lawns, shrubs, plants, and foliage from trees and gardens.

8.32.010 City responsibility.

The city, its duly authorized agent, servants, or employees, shall have the exclusive right to gather, collect, recycle or dispose of solid waste within the city.

8.32.020 Permission required.

No person may collect, gather, recycle or dispose of solid waste within the city without permission of the City Council.

8.32.030 Burning, Burying, On-site Private Disposal Prohibited; Compost Exception.

No person shall burn, bury, or otherwise dispose of or process solid waste on any premises in the City except for composting of garden wastes in a compost process, approved by the Utilities Director.

8.32.040 Private removal requirements.

This chapter shall not be construed as prohibiting the owner or tenant of any premises in the city from carrying away any such solid waste, on an infrequent or occasional basis in order to reduce the amount to be taken away by the city or its duly authorized agents, but no person shall be authorized by this section to carry away such solid waste if such person receives the benefits of the use of any such solid waste for feed for poultry, hogs, or other livestock unless such person receives permission from the Utilities Director. This section shall not be construed as relieving any person from paying the regular solid waste fees.

8.32.050 Placing in containers-Generally.

The person in charge of any premises in the City shall gather the solid waste together and put it into a receptacle provided by the Utilities Department for that premises.

8.32.070 Department--Removal intervals.

All solid waste accumulated at, or on any premises within the city, shall be removed by the Utilities, Department, Solid Waste Division, at regular intervals, as determined by the Utilities Director.

8.32.080 Residential containerization.

All garbage, recyclables and yard waste shall be containerized as follows:

- A. Garbage/Putrescible waste must be placed in the standard plastic garbage containers provided by the City not exceeding ninety six gallons with a total weight limit of two hundred pounds per container.
- B. Yard waste shall be placed in standard plastic containers provided by the City. Tree limbs shall not exceed four inches in diameter and shall not protrude above the lid of the container. Loose branches, cuttings, trimmings, etc. which are not containerized shall not be collected except through the Neighborhood Clean-up as defined under section 8.32.250.
- C. Recyclables shall be placed in the standard plastic container provided by the City.
- D. Municipal solid waste which does not fall into the above categories (A, B and C) is Garbage and must be placed in the appropriate container

8.32.090 Residential/Commercial prohibited materials.

A. Materials which will not be collected in 60-65 gallon and 90-95 gallon containers include:

- 1. Dirt, rocks, sod, concrete, large metal objects, furniture;
- 2. Construction and remodeling debris;

B. Materials which will not be collected in any City container include:

- 1. Flammables;
- 2. Live ammunition;
- 3. Household Hazardous Waste;
- 4. Hazardous Waste;

C. No person shall place any wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed or any explosive substance, poison, hazardous chemical, offal, or fecal matter.

- D. Hazardous medical waste, including, but not limited to sharps, shall be handled by a licensed medical waste hauler and shall not be disposed of in materials offered for collection by the city.

8.32.100 Residential container location and holiday requirements.

- A. Residences having street frontage only. Residential containers for solid waste, recycling and yard waste shall be placed for collection at the street curb or edge of road right-of-way by 6:00 a.m. on scheduled collection day, holidays included, and be removed from the street and screened from public view by 6:00 a.m. of the following day. The wheels of the containers will be placed in the gutter with the handle facing the residence. Containers will be at least three (3) feet from any obstruction such as automobiles, trailers, motor homes, fences, lampposts, portable basketball hoops, mailboxes, or other automated containers. Containers are not to block pedestrian access.
- B. Residences with alley way access. Residential containers for solid waste, recycling and yard waste shall be placed for collection adjacent to the alley property line, with direct access from the alley way by 6:00 a.m. on scheduled collection day, holidays included. The base of the container will be placed on a stable, level surface with the handle facing the residence. Containers will be at least three (3) feet from any obstructions such as automobiles, trailers, motor homes, fences, portable basketball hoops, lampposts, mailboxes, or other automated containers.
- C. Residences with private driveways. All solid waste, recycling and yard waste must be placed at the nearest road right-of-way by 6:00 a.m. on scheduled collection day, holidays included and removed from the right-of-way and screened from public view by 6:00 a.m. of the following day. The container must be placed on a level surface with the handle facing the shoulder of the road. Containers will be at least three (3) feet from any obstructions such as automobiles, trailers, motor homes, fences, portable basket ball hoops, lampposts, mailboxes, or other automated containers.
- D. Collection trucks will come back for solid waste, recycling, and yard waste put out after the truck has passed a residence upon payment of an extra pick-up service charge.
- E. For purposes of this Section, "Screen" means blocked from public view from the street or Public right-of-way with a permanent fence, enclosure, landscaping, or other comparable facility as approved by the Director.

8.32.101 Service to below-ground containers prohibited.

Utilities Department personnel shall not service containers stored below the surface of the ground.

8.32.110 Location requirements.

The Utilities Department shall not collect garbage from above the first floor of any premises, nor from the basement of any premises.

8.32.111 Automated solid waste containers.

- A. Fee Established. Each dwelling unit to be serviced by City-owned sixty-five and ninety-five gallon automated container collection shall pay a fee upon issuance of a building permit equal to the then cost of providing the containers. The fee shall be

adjusted on July 1st of each fiscal year by the Utilities Director to reflect the most recent cost per container actually purchased by the City, plus the cost of labor and equipment necessary to deliver the containers to the new dwelling. Containers shall be delivered upon issuance of a certificate of occupancy for the residence by the chief building inspector.

B. **Ownership.** The City shall retain ownership of the sixty-five and ninety-five gallon automated solid waste containers. Persons owning or renting property served by such containers are responsible for the security of the containers. In the event of fire, theft, or other disappearance of container from the property a replacement container shall be obtained from the City upon payment of the fee established in subsection A of this section. Persons owning or renting property served by such containers shall, upon vacating the premises, leave the primary containers for the next occupant in a secure location upon the premises. Persons who have ordered an extra container shall, upon vacating the premises, contact the city to have the extra container removed. Persons owning or renting property served by such containers are responsible for the appearance and cleanliness of the container.

C. **Replacement Containers.** A replacement container may be obtained upon payment of the fee established in subsection A of this section. Replacement of a container no longer usable due to normal wear shall not be subject to a replacement fee.

8.32.120 Container/Dumpster Enclosure--Business location.

Solid waste containers/dumpster enclosures at places of business shall be located in such place as shall be convenient to the Solid Waste Division and must be approved by the Utilities Director. City approved solid waste enclosures are to be used for solid waste removal equipment only. Storage of other equipment or material will not be allowed. The property owner shall be liable for damage to or spills from any other equipment stored in the solid waste enclosure.

8.32.130 Special solid waste service.

A. **Container Service.** The tenant, occupant, owner or lessee of any premises in the city may obtain a city commercial container for the purpose of disposing of brush and tree cuttings, trash and inorganic solid waste, excluding the following materials: (a) dirt, rocks, sod, concrete, large metal objects, furniture.; (b) flammables and liquids; (c) live ammunition; (d) paints, oils, and acids. The person requesting special trash service is responsible to pay for the service in accordance with a fee set by the City Council. The city shall be responsible for delivery and pick-up of the commercial bin to and from the premises of the persons requesting service.

B. **Container/Roll-off Service -** The tenant, occupant, owner or lessee of any premises in the city may obtain a city commercial ten, twenty, thirty or forty yard roll-off container for the purpose of disposing of recyclables, brush and tree cuttings, trash and inorganic solid waste, excluding the following materials: (a) dirt, sod, large metal objects, furniture; (b) flammables and liquids; (c) live ammunition; (d) paints, oils and acids. The person requesting special trash service is responsible to pay for the service in accordance with a fee set by the City Council. The city shall be responsible for delivery and pick-up of the commercial container to and from the premises of the persons requesting service.

C. Collection of Household Hazardous Waste (HHW)- The tenant, occupant, owner or lessee of any residential premises in the city may request special collection of the following materials through appointment with the City's Utilities Department HHW Division: flammables and liquids, pesticides, paints, oils and oil filters batteries, anti freeze, pool chemicals, propane tanks, TV's and computer monitors.

D. Disposal of Medical and Bio-hazardous Waste - The tenant, occupant, owner or lessee of any premises in the city shall not dispose of any medical or bio-hazardous waste in a city-owned collection container. Disposal of medical or bio-hazardous waste shall be performed through a licensed collection and disposal company, which complies with all applicable laws and regulations, including but not limited to, California Health & Safety Code, Sections 117600-118360.

8.32.135 Collection charges-Established by City Council.

All charges for solid waste collection shall be established or modified by resolution of the City Council. The schedule of fees shall remain on file and be available in the office of the Finance Director. The Utilities Director shall, with the approval of the city manager, recommend changes in the above fees when the cost of solid waste collection makes it appropriate.

8.32.140 Charges for Collection.

A. Residential

1. Each and every householder or tenant occupying any dwelling, house, or residence, shall pay to the City, or its authorized agent, a fixed minimum solid waste fee based upon current established solid waste rates which shall be set by City Council. Such fee is based upon service of one (1) call per week for garbage and one (1) call every other week for recyclables and yard waste without consideration of whether there is any garbage, recyclables or yard waste to remove from the premises.
2. Solid waste service may be discontinued upon written request for a period of no less than two (2) months when a dwelling, house, or residence will be unoccupied. The minimum time of discontinuing service will be two (2) months. A service charge equal to two (2) months solid waste charge will be charged to the utility user for the removal and redelivery of the assigned automated containers when service has been temporarily discontinued. This service charge will be paid at the time service is discontinued. Upon occupancy of a dwelling, house or residence the utility user must contact the City Finance Department to restart service. If the occupant of a dwelling, house, or residence does not contact the City to restart service, the City may bill back to the discontinuance of service all monthly charges.
3. For collection of additional containers beyond those covered by the fixed minimum charges established in this chapter, the collection charge shall be set by Resolution of the City Council for each additional solid waste container.
4. An additional or special pickup may be requested beyond the minimum service required by this chapter. Each such additional or special pickup shall be subject to

a fixed fee. The fixed fee for additional or special pickups shall be set by Resolution of the City Council.

B. Commercial

1. A landlord, property owner, or property manager or management company of each and every store, shop, apartment, house, rooming house, or factory that has a commercial container shall pay to the City, or its authorized agent, a fixed minimum charge as set forth by the City Council as a solid waste fee. Such fixed minimum charge is based upon service of (1) call per week, without consideration of whether there is any solid waste to remove from the premises.

A landlord, property owner, or property manager or management company with multiple tenants who must share a commercial container shall be responsible for the solid waste utility bill of the tenants. Responsibility to pay the solid waste utility bill of the landlord, property owner, or property manager or management company will become mandatory effective six months from the date of the adoption of this ordinance to allow time to renew rental or lease contracts with tenants

2. Commercial Container, Roll-off, and Additional Services. The Utilities Director may approve the placing of solid waste in containers other than ninety-five (95) gallon automated cans such as roll-off containers. The fixed fee and additional service charges will be set by Resolution of the City Council. Such charge shall include all costs to the City, including, but not limited to, labor, equipment operation, maintenance and depreciation, administrative overhead, recycling, landfill closure and landfill operation costs. Standard, commercial, charges for commercial containers and roll-off containers may be established by the Utilities Director subject to the approval of the City Council.
3. An additional or special pickup may be requested beyond the minimum service required by this chapter. Each such additional or special pickup shall be subject to a fixed fee. The fixed fee for additional or special pickups shall be set by Resolution of the City Council.

C. Adjustment of Bills for Billing Error.

1. Where the City overcharges or undercharges a customer's solid waste bill as the result of a billing error, the City may render an adjusted bill for the amount of the undercharge, without interest, and shall issue a refund or credit to the customer for the amount of the overcharge, without interest, for the same periods as for the billing error. Adjusted billing shall be computed back to the date that the City determines the billing error commenced, except that the period of adjustment shall not exceed one (1) year for a refund and six (6) months for an undercharge.

8.32.150 Fees and Charges--Due date.

Solid waste service fees and charges shall be paid on the first of each and every month and are delinquent on the tenth day of each month and shall be paid in advance.

8.32.160 Charges--Collection authority.

The city Finance Department shall collect all charges and fees with the assistance of the City Attorney as necessary or appropriate.

8.32.170 Charges--Nonpayment--Violation.

The nonpayment by any person of the solid waste fee after notice given by the city Finance Department by bill rendered to such person, or left on the premises is a violation of this chapter.

8.32.180 Charges--Nonpayment--Discontinuance.

The city shall have the right in addition to any other remedies to discontinue solid waste service for nonpayment of solid waste fees or charges.

8.32.190 Accumulation prohibited.

No person shall permit solid waste to accumulate upon the premises owned or occupied by such person.

8.32.191 Sufficient Service Required.

Customers must accept solid waste collection service sufficient to remove solid waste generated by or accumulating weekly from the premises. The Utilities Director may order additional service on behalf of the customer where the department determines necessary. If additional service is needed, a customer may use additional containers or select a larger-capacity container from the container choices available from the department. Commercial-route customers may also request more frequent container collection or dumps more than once a week.

8.32.192 Exclusive use of containers.

A. It is unlawful for any person to dump or place any material into, or to utilize, any solid waste container, bin or dumpster without consent of the property owner or tenant in charge of the property.

B. It is unlawful for any person, without the consent of the property owner or tenant in charge of the property, to enter into a solid waste container, whether or not a notice has been placed on such container, for the purpose of salvaging solid waste therein or for the purpose of utilizing the receptacle to rest or sleep therein.

8.32.210 Scavenging of recyclable materials.

No person shall remove recyclable materials from residential containers or commercial dumpsters that are designated for city collection. Such material includes, but is not limited to: newspapers, magazines, yard trimmings, wood waste, books, glass bottles, cardboard, plastic bottles, aluminum and steel cans.

8.32.220 Exemption from participation in Residential Curbside Recycling.

At the discretion of the Utilities Director, an exemption may be granted to individual(s) from participating in Residential Curbside Recycling upon approval from the Utilities Director, in his/her sole discretion. Exemptions may be granted based on the following criteria:

- A. Individual(s) who perform back yard composting at their household
- B. Individual(s) who perform grass cycling at their household
- C. Individual(s) or Home Owner's Associations whose gardener takes green waste to a recycler
- D. A lack of yard waste or recyclables being generated at household

- E. Health related reasons which prevent individual(s) from wheeling carts to the curb
- F. Severe space constraints which prevents the placement of additional containers at household

Individuals must request an exemption in writing and such request must provide a detailed explanation of the basis for the request, include supporting documentation and any other information or documentation reasonably requested by the Utilities Director. Exemptions may be revoked by the Utilities Director at any time at the discretion of the Utilities Director. Exemptions are conditioned upon and subject to 1) the requesting party continuing to reside at the location specified in the request; and, 2) the circumstances justifying the exemption remaining unchanged. Individuals or associations who are granted an exemption must notify the Utilities Director, in writing, of any change in the circumstances supporting the grant of exemption within 30 days of such change in circumstances.

8.32.230 Contamination of containerized recyclables & yard waste.

No person shall place non-recyclable materials into city-provided Containers, roll-off containers or dumpsters that are designated for the city collection of Recyclables or Yard Waste. Commercial or residential recycling or yard waste containers may be removed from service if excessive and frequent contamination is found in the container. Excessive and frequent contamination is defined as three violations within a one-year period. If a residential container is removed from service, no rate reduction will be provided. If a commercial container is removed from service, for contamination, the existing charge will be discontinued concurrently with the removal of the bin.

8.32.240 Replacement fee for damaged containers.

The Utilities Director shall have the authority to assess the cost for the replacement of containers, roll offs or dumpsters that have been damaged or destroyed due to the customer's negligence or misuse.

8.32.250 Neighborhood Cleanup Requirements.

Any and all materials deposited curbside for the purposes of participating in the Neighborhood Clean-up program must meet the following criteria:

- A. All pickups must be secured by an appointment
- B. All piles must be no more than five cubic yards in size (7' x 6' x 3')
- C. All materials must be placed curbside by 6:00 a.m. on the scheduled collection date
- D. Material must be placed at the edge of the street and not on a sidewalk
- E. All materials must only consist of
 - 1. Yard waste (leaves and grass must be bagged)
 - 2. Lumber/wood
 - 3. Furniture/mattresses
 - 4. Lawn mowers (remove gas & oil)
 - 5. Barbeques (remove propane tanks)
 - 6. Metals
 - 7. Large appliances
 - 8. Tires (no more than three)

Any materials placed curbside that do not meet the above requirements shall be considered illegal dumping and any person who commits such act(s) shall be subject to the penalties set forth in Folsom Municipal Code Section 8.34.040.

8.32.260 Frequency of Residential Service Change Requests.

Residents will be allowed three service change requests after receiving the residential solid waste, recycling and yard waste carts at no charge for one year of the City's recycling program applicable to all categories of service. Additional service change requests will be charged an administrative fee of \$20.00 or as otherwise set by the City Council by Resolution.

The categories of service change include:

- A. Changing the size and number of garbage containers
- B. Changing the size and number of recycling containers
- C. Changing the size and number of yard waste containers

8.32.270 Enforcement.

A. This chapter shall be enforced pursuant to the provisions of Chapters 1.08 to 1.10, inclusive, of Title 1 of the Folsom Municipal Code and any other enforcement mechanism available to the City under the Folsom Municipal Code and/or applicable law.

B. Unless otherwise expressly provided in this Chapter, the Utilities Director shall enforce the provisions of this chapter.

8.32.280 Penalties.

A. Unless otherwise expressly provided in this Chapter, a violation of this chapter shall be an administrative violation as defined in Section 1.08.020 of this code. In addition to enforcement by any procedure set forth in Chapters 1.08 to 1.10, inclusive, except as provided in this section, any violation of this chapter shall be punishable as an infraction and shall be punishable by: (1) a fine not exceeding fifty dollars for a first violation; (2) a fine not exceeding one hundred dollars for a second violation within one year; (3) a fine not exceeding two hundred fifty dollars for each additional violation within one year.

B. Each and every day during which a stationary violation continues, except in cases in which a given time has been allowed for corrective action to be taken, shall be a separate and distinct offense.

C. Violations of Section 8.32.090 (B), (C), and (D); 8.32.190, and 8.32.210 shall be a misdemeanor, which shall be punishable by a fine not to exceed \$1,000, or by imprisonment in the county jail for not more than 6 months, or by both such fine and imprisonment.

D. Each of the sanctions for administrative violations identified in Chapter 1.09 of this code shall be available for enforcement of the provisions of this chapter. The range of

monetary sanctions available for a violation of this chapter shall be as set forth in Section 1.09.012(A)(5) and may be imposed on a per day basis for each violation.

8.32.290 Enforcement procedures, notice to correct.

A. Prior to the suspension, revocation, or denial of any permit, or the assessment of any fee, penalty, or charge, or the commencement of any other enforcement action pursuant to this chapter, the enforcement authority may pursue the procedures set forth in Chapter 1.09 of this code. The rights to judicial review set forth in Sections 1.09.050 to 1.09.059, inclusive, of this code shall apply.

B. A notice to correct shall not be required to commence the administrative hearing procedures set forth in Chapters 1.08 to 1.10, inclusive, of this code. Pursuant to Section 1.09.024(A) of this code, a notice of administrative violation shall be served in accordance with the provisions of Section 1.09.027 of this code.

8.32.300 Remedies cumulative.

The remedies set forth in this chapter are cumulative to any other remedy available to the city. Pursuit of one remedy shall not preclude any other remedy, and nothing contained in this chapter shall limit or be deemed to prevent the city from pursuing any other remedy available to the city under the city's code or any other applicable law.

SECTION 3

Except as set forth in this ordinance, all other provisions of Chapter 8.32 remain in full force and effect.

SECTION 4 SEVERABILITY

If any section, subsection, 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 shall 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 section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5 EFFECTIVE DATE

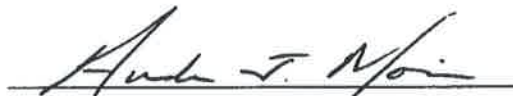
This ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City of Folsom.

This ordinance was introduced and the title thereof read at the regular meeting of the City Council on January 24, 2006, and by a majority vote of the Council Members present, further reading was waived.

On a motion by Council Member Miklos, seconded by Council Member Starsky, the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this 14th day of February 2006 by the following roll-call vote, to wit:

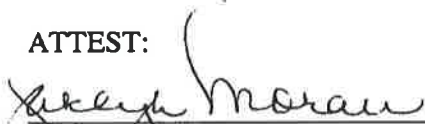
PASSED AND ADOPTED on this 14th day of February 2006, by the following roll-call vote:

AYES:	Council Member(s)	Miklos, Starsky, Morin
NOES:	Council Member(s)	Howell
ABSENT:	Council Member(s)	King
ABSTAIN:	Council Member(s)	None



Andrew J. Morin, MAYOR

ATTEST:



Jaklyn Moran, DEPUTY CITY CLERK

Effective: March 16, 2006