

## **Chapter 8.24 GARBAGE COLLECTION AND RECYCLING**

**Sections:**

### ***Article I. Solid Waste***

#### **8.24.010 Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

"Act" means the California Integrated Waste Management Act of 1989 (commencing with Section 40000 of the Public Resources Code), as amended, including, but not limited to, the Jobs and Recycling Act of 2011 (AB 341), SB 1016 (Chapter 343, Statutes of 2008 [Wiggins, SB 1016]), the Mandatory Commercial Organics Recycling Act of 2014 (AB 1826), and the Short-Lived Climate Pollutants Bill of 2016 (SB 1383), and as implemented by the regulations of CalRecycle.

"Authorized collector" means a person, firm, partnership, corporation or other entity authorized under and by virtue of a contract, franchise, or permit with the city to collect, remove or dispose of solid waste generated in the city..

"California Code of Regulations" or "CCR" means the State of California Code of Regulations. CCR references in this Ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR). "CalRecycle" means California's Department of Resources Recycling and Recovery, which is charged with implementing and enforcing the Act.

"City" means the City of Grass Valley, the City Manager, or their designee which may include other city employees.

"Collection" shall mean the operation of gathering together and transporting to the point of disposal any garbage or refuse.

"Commercial" means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a Multi-Family Residential Dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this chapter.

"Commercial Edible Food Generator" includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in 14 CCR Section 18982(a)(73) and (a)(74).

"Compost" means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility.

"Construction and demolition debris" or "C&D" means used or discarded materials resulting from construction, renovation, remodeling, repair, demolition, excavation or construction clean-up operations on any pavement or structure.

"Container" means a durable, corrosion-resistant, non-absorbent, leak-proof, watertight, odor-proof, rodent-resistant box, barrel, bin, canister, cart, dumpster, receptacle or other approved device used for the purpose of holding solid waste for collection.

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"Designated collection location" means curbside or other place designated in the contract between the city and an authorized collector from which the authorized collector has contracted to collect solid waste.

"Designee" means a person or entity that the City designates, contracts with, or otherwise arranges to carry out any of the City's responsibilities of this chapter authorized in 14 CCR Section 18981.2. A Designee may be a government employee or entity, a private entity, a franchised collector, or a combination of those entities.

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

"Enforcement Action" means an action of the relevant Enforcement Agency to address non-compliance with this chapter including, but not limited to, issuing abatement notices, administrative citations, fines, penalties, or using other remedies as authorized by Title 1 of the Grass Valley Municipal Code.

"Enforcement Agency" or "Enforcement Agent" means any person or entity authorized or directed by the City Manager to enforce any provision of this code, including any peace officer. Employees and agents of an Enforcement Agency may carry out inspections and enforcement activities pursuant to this chapter. Nothing in this chapter authorizing an entity to enforce its terms shall require that entity to undertake such enforcement except as agreed to by that entity and the City. The City is an Enforcement Agency for all Sections of this chapter. The City may choose to additionally delegate enforcement responsibility for certain sections, to other public entities, including the County of Nevada Environmental Health Department. In addition to any other powers conferred upon him/her by this code or by any other law, an Enforcement Agency shall have the authority to issue a notice to appear, (per Penal Code Section 948), or issue a notice of violation, as described in Title 1 of this code, if the Enforcement Agency has cause to believe that a violation of this code was, or is being, committed or that any nuisance conditions exist.

"Excluded Waste" means hazardous substances, hazardous waste, infectious waste, designated waste, waste that is volatile, corrosive or infectious, medical waste, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the City and its Generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including land use restrictions or conditions, including but not limited to: waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions; waste that in the reasonable opinion of the City or its Designee would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the City or its Designee to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the Public Resources Code. Excluded Waste does not include used motor oil and filters, or other materials defined as allowable materials for collection through the City's collection programs and the Generator or customer has properly placed the materials for collection pursuant to instructions provided by the City, Authorized Collector or the Franchised Collector providing service to the Generator.

"Food Facility" has the same meaning as in Section 113789 of the Health and Safety Code.

"Food Recovery Organization" means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

- (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,

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- (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

“Food Recovery Service” means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

“Food Scrapes” means all edible or inedible food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, coffee grounds, and eggshells. Food Scrapes excludes fats, oils, and grease when such materials are Source Separated from other Food Scrapes.

“Food Service Provider” is a Tier 1 Commercial Edible Food Generator and means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).

“Food Waste” means Food Scrapes and food soiled paper.

“Franchised Collector” means such persons, firms or corporations collecting and delivering for disposal, recycling or processing Solid Waste (other than Solid Waste generated by a permitted building project) originating in the City and doing so under a franchise agreement with the City.

“Garbage” means those elements of the Solid Waste stream designated for the “Garbage Container”, and excludes hazardous waste, Excluded Waste, materials designated for the “Organics Container” or “Recycling Container” or materials which have been separated for reuse.

“Garbage Container” has the same meaning as “Gray Container” in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of Garbage.

“Generator” means a person or entity that is responsible for the initial creation of Garbage, Organic Waste or Recyclable Materials.

“Grocery Store” is a Tier 1 Commercial Edible Food Generator and means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).

“High Diversion Organic Waste Processing Facility” means 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); or, as otherwise defined in 14 CCR Section 18982(a)(33).

“Inspection” means a site visit where an enforcement agent reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35)

“Multi-Family Residential Dwelling” or “Multi-Family” means for the purpose of implementing this chapter, of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises are considered a distinct type of Commercial Business for the purposes of implementing SB 1383 requirements. Consistent with SB 1383 Regulations, residential premises that consist of fewer than five units are not “Multi-Family” and instead are “Single-Family” for the purposes of implementing this chapter. Multi-Family premises do

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not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses that are not Multi-Family Residential Dwellings.

“Organics Container” has the same meaning as “Green Container” in 14 CCR Section 18982(a)(29) and shall be used for the purpose of storage and collection of Source Separated Organic Waste designated for Compost processing, including Food Waste and landscape and pruning waste accepted in the City’s Organic Waste Collection program, and other organic materials as determined by the City as acceptable for the Organics Container

“Organic Waste” means Solid Waste containing material originated from living organisms and their metabolic waste products, including but not limited to Food Scraps, food soiled paper, landscape and pruning waste, organic textiles and organic carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Organic Waste does not include Rigid Compostable Plastic.

“Organic Waste Generator” means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

“Person” shall include any individual, firm, company, corporation, or public entity or other organization.

“Premises” means any real property or estate which may be devised or granted by deed.

“Prohibited Container Contaminant” includes all of the following: (i) materials placed in the Recycling Container that are not identified as acceptable Source Separated Recyclable Materials for the City’s Recycling Container; (ii) materials placed in the Organics Container that are not identified as acceptable Source Separated Organic Waste for the City’s Organics Container; (iii) materials placed in the Garbage Container that are acceptable Source Separated Recyclable Materials and/or acceptable Source Separated Organic Waste that can be placed in the City’s Organics Container and/or Recycling Container; and, (iv) Excluded Waste placed in any container.

“Property Owner” means the owner of real property.

“Recycling Container” has the same meaning as “Blue Container” in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials.

“Recyclable Materials” has the same meaning as Source Separated Recyclable Materials below.

"Recycling" means the process of collecting and forming used products into new products by reprocessing or remanufacturing them.

“SB 1383” means Senate Bill 1383, the Short-lived Climate Pollutant Reduction Act of 2016.

“SB 1383 Regulations” means or refers to, for the purposes of this Ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

“Self-hauler” means a generator who transports its own Solid Waste by using a vehicle owned by that generator and driven by the generator or the generator’s employees, rather than the Franchised Collector. Self-hauler also includes a person or entity who back hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the Generator using the Generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 189881(a)(66)(A).

“Single-Family” means, of, from, or pertaining to any residential premises with fewer than five (5) units for the purposes of implementing this chapter.

“Solid Waste” means Garbage, Recyclable Materials, and Organic Waste and has the same meaning as defined in Public Resources Code Section 40191, which defines Solid Waste as all putrescible and non-putrescible solid, semisolid, and liquid wastes, including Garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, C&D

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wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

- (1) Hazardous waste, as defined in the Public Resources Code Section 40141.
- (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code).
- (3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the Public Resources Code.

“Source Separated” means materials that have been kept separate from other materials in the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4).

“Source Separated Organic Waste” means those organics that can be placed in a Organics Container for Compost processing, including Food Scraps, food soiled paper and landscaping and pruning waste, and any other items as determined by the City. The franchised collector may, in its discretion, designate additional categories of nonhazardous or toxic materials accepted in the Organics Container.

“Source Separated Recyclable Materials” means the same thing as “Recyclable Materials” and includes those Recyclable Materials that can be placed in the Recycling Container including but not limited to, glass and plastic bottles, aluminum, tin and steel cans, metals, unsoiled paper products, printing and writing paper, and cardboard, and any other items as determined by the City. The franchised collector may, in its discretion, designate additional categories of nonhazardous or toxic materials accepted in the Recycling Container.

“Supermarket” is a Tier 1 Commercial Edible Food Generator and means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).

“Tier One Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following, or as otherwise defined in 14 CCR Section 18982(a) and as amended:

- (4) Supermarkets with gross annual sales of \$2,000,000 or more, or as defined in 14 CCR Section 18982(a)(71).
- (5) Grocery store with a total facility size equal to or greater than 10,000 square feet, as defined in 14 CCR Section 18982(a)(30).
- (6) Food Service Provider which means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
- (7) Wholesale food vendor which means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 18982(a)(76)

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- (8) Food Distributor which means a company that distributes food to entities including, but not limited to, supermarkets and grocery stores or as otherwise defined in 14 CCR Section 18982(a)(22).

“Tier Two Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following, or as otherwise defined in 14 CCR Section 18982(a) and as amended:

- (1) Restaurant which means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64) and which has 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 or as otherwise defined in 14 CCR Section 18982(a)(74)(B).
- (3) Health facility with an on-site food facility and 100 or more beds, or as otherwise defined in 14 CCR Section 18982(a)(73)(C).
- (4) Large Venue, which means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility, or as otherwise defined in 14 CCR Section 18982(a)(39). For purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue.
- (5) Large Event, as defined in 14 CCR Section 18982(a)(38) means an event that serves an average of more than 2,000 individuals per day of operation of the event and either: 1) charges an admission price; or 2) is operated by a local agency.
- (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, which means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40), and which has an on-site food facility.

#### **8.24.020 Detrimental material not allowed in neighborhoods.**

It is unlawful and a nuisance, subject to abatement by the police department, for any person or entity to bring onto or place on any residential area, or to allow to be kept thereon, such materials whether on wheels or in place, which of their very nature will have a known physical detrimental effect upon the human senses and general well-being of the people residing in such area. This shall exclude the normal collection of solid waste in the exercise of the contract as franchised collector, provided the collection is done in a sanitary manner and in full compliance with the terms and conditions of the contract.

#### **8.24.030 Littering.**

No person or entity shall throw or deposit any solid waste, or cause the same to be thrown or deposited, upon any street, alley, gutter, park or other public place, or any bus, public conveyance or public building, or throw or deposit the same in or upon any vacant lot or backyard, or store or keep the same otherwise than in cans or receptacles as required by this chapter. It shall be unlawful to have, store, deposit or keep solid waste where rats can have access thereto or feed thereon.

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#### **8.24.040 Approved containers.**

- A. Every property owner, tenant, lessee or occupant of any premise in the city shall make available and at all times shall keep within such building, or on the lot on which such building is situated, suitable and sufficient watertight containers provided by the franchised collector, for receiving and holding without leakage or escape of odors, and without being filled to within four inches of the top, all the solid waste which would ordinarily accumulate on such premises within one week's time.

#### **8.24.045 Unlawful use of containers.**

- A. It is unlawful for any person to dump or place any material into, or to utilize, any container without the express consent of the owner or lessee of the container or unless a notice has been placed on the container denoting that it is for the use of the public.
- B. It is unlawful for any person, without the consent of the owner or lessee of the container, to enter into, or access, a container, whether or not a notice has been placed on such container, for the purpose of salvaging garbage, recyclable material or organic waste therein or for the purpose of utilizing the container to rest or sleep therein.

#### **8.24.060 Container capacity.**

- A. Garbage containers for single-family premises, shall have a capacity of not less than ten gallons nor more than ninety-six gallons; and garbage containers at all other places including commercial businesses shall each have a capacity of not less than ten gallons.
- B. Generators shall arrange for a size, quantity and collection frequency of containers to adequately store all solid waste generated in connection with the premise between the times designated for collection service. The City shall have the right to review the number and size of such containers to evaluate the adequacy of capacity provided for each type of collection service and to review the separation and containment of materials. Generators shall adjust service levels for their collection services as requested by the City in order to meet the standards set forth in this chapter.

#### **8.24.070 Weekly collection.**

All solid waste containers required by this chapter shall be emptied by the authorized collector at least once each week, or as otherwise directed by the city in the contract with the franchised collector.

#### **8.24.080 Placement for collection.**

- A. Commercial containers required by this chapter for receiving solid waste shall be so placed as to be readily accessible for removing and emptying by the collector.
- B. On the day for collection, residential containers required by the chapter, shall be placed on the portion of the resident's real property nearest the public right-of-way which is readily accessible for removing and emptying by the authorized collector. All persons who are physically unable to place such containers as required in this section shall be exempt from this requirement.
- C. No container for receiving solid waste, shall be placed on any street, alley, sidewalk, footpath, or any public place, except in accordance with rules and regulations established under this chapter or an arrangement made with the City in consultation with the franchised collector for an alternate collection location. At no time shall such containers in any way be offensive to human senses or a public nuisance.

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#### **8.24.090 Mandatory use of containers.**

No person shall keep, place or deposit solid waste including recyclable materials, organic waste or garbage on any private grounds or premises whatsoever, except in accordance with the rules and regulations established under this chapter. Persons approved to self-haul under Section 8.24.280 may keep, place or deposit solid waste including recyclable materials, organic waste or garbage for the purposes of separating recyclable materials and organic waste generated on-site prior to hauling organic waste to a High Diversion Organic Waste Processing Facility.

#### **8.24.100 Contract for solid waste collection.**

- A. For the purpose of carrying out the provisions of this chapter, the city council, unless otherwise provided by resolution that the work be done by the city, shall provide for the entering into a contract with any suitable and responsible person for a term of years, not to exceed the maximum term set forth in Article XII of the Grass Valley Charter, as it may be amended from time to time, for the exclusive right to collect solid waste including recyclable materials, organic waste and garbage within the city, which person shall be known and designated as the franchised collector.
- B. An authorized collector providing single-family, commercial, organic waste collection service to generators within the City shall meet the following requirements and standards in connection with collection of organic waste and recyclables:
  - (1) Through written notice or written report to the City annually identify the facilities to which they will transport organic waste including facilities for source separated recyclable materials and source separated organic waste.
  - (2) Transport source separated recyclable materials to a facility that recycles those materials and transport source separated organic waste to a facility, operation, activity, or property that recovers organic waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
  - (3) Obtain approval from the City to haul organic waste, which can be through a franchise agreement or contract, unless it is transporting source separated organic waste to a community composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1.

#### **8.24.110 Collection of fees.**

The contract executed pursuant to this chapter shall provide that the franchised collector shall have the right to collect and receive the collection charges and fees provided in this chapter for the collection of garbage, recyclable material and organic waste in the city and no more, as and for his sole compensation.

#### **8.24.120 Exclusivity to contractor.**

At such time as there is in force a contract entered into by the city and any person or entity for the collecting and removal of garbage, recyclable material and organic waste in the city, it shall be unlawful for any person or entity other than the contractor having such contract, or his employees, to collect within the city, dispose of or transport, carry or convey through the streets, alleys, or public thoroughfares of the city, any garbage, recyclable material or organic waste or other matter offensive to the sight, or to interfere in any manner with any containers, or to remove such containers after they are placed by the lessees or owners thereof. This shall not prevent self-haulers in the City (City to be the City limits as they exist on 1/1/21 and includes any subsequent annexations of



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land into the city limits from collecting, removing, or transporting their own solid waste in accordance with Section 8.24.280, but shall not allow such self-hauler to provide such services for pay.

#### **8.24.130 Duty of collector.**

It shall be the duty of the franchised collector to gather, collect and dispose of, by dumping, , distributing or sale, all solid waste within the city in a manner satisfactory to the city council, Section 8.24.100 and applicable laws.

#### **8.24.140 Collector to furnish vehicles, equipment.**

The franchised collector shall furnish at his own expense all the vehicles and all other equipment necessary for the collection and removal of solid waste in accordance with the provisions of this chapter; provided, that all such vehicles and equipment shall first be approved by the City.

#### **8.24.150 Fees, rates and charges.**

All solid waste service collection fees, charges, and rate schedules which are set by the city's franchised collector through the contract for solid waste collection described in subsection 8.24.100, shall not exceed the ceiling for such fees and charges as established and fixed by resolution; such resolution may be amended from time to time, upon majority vote of the city council.

#### **8.24.160 Regulations governing collections.**

The City manager, with the approval of the city council, shall have the power to establish sanitary rules and regulations governing the collection of solid waste in the city. Such rules and regulations, when published, shall become a part of this chapter, and any person violating any such rules shall be subject to the penalty provided for the violation of this chapter.

### ***Article II. Recyclable Materials, Organic Waste and Edible Food Recovery***

#### **8.24.170 Purpose.**

- A. The city council finds and determines that a municipal program for the collection and recycling of recyclable materials and organic waste within the city and the licensing of persons engaged therein, is in the public interest and serves to promote the general welfare of the city.
- B. This article is enacted to increase participation rates, improve recyclable material recovery rates, reduce landfill dependency, and ultimately maintain a cost effective overall recyclable material and organic waste collection service program for the citizens, businesses and institutions of the city.
- C. It is also recognized that the recyclable material and organic waste collection service program established in this article may be victimized by unauthorized scavengers and that the theft of recyclable materials before they can be picked up by the authorized collector would be destructive to the economic interest of the city at large, and the citizens, businesses and institutions in particular. It is the additional purpose of this article to define clear ownership of recyclable materials and organic waste and to provide for the protection of those ownership rights.

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#### **8.24.180 Container requirements.**

- A. Pursuant to the terms and conditions of any exclusive contract between the city and the authorized collector, the authorized collector shall provide suitable and sufficient containers to store source separated recyclable materials and source separated organic waste for each premise to be made available for curbside pickup. The color, style and markings of the containers shall be determined by the authorized collector and subject to approval by the City.
- B. All such containers shall be and remain the property of the authorized collector, and shall not be used for any purpose other than the separation and curbside placement of recyclable materials and organic waste. Participating persons relocating out of the city shall leave all containers at the premises.
- C. It is the duty of every generator in the city to maintain containers in a reasonably safe and secure manner; and all such containers shall be so placed and kept at the designated collection location so as to be readily accessible for removal and collection therefrom and placed such that they will not be a public nuisance or in any degree offensive.

#### **8.24.190 Authority to administer.**

The city manager is empowered and directed to administer the provisions of this article, subject to such rules and regulations consistent herewith as may, from time to time, be established by the city council. The city manager shall further administer the provisions of this article subject to the terms of any agreement entered into by the city pertaining to recyclable material and organic waste collection and/or recycling, as such agreements may from time to time be amended. In the event that any provision of any such agreement is inconsistent with any provision of this article, the provisions of this article and this code shall prevail.

#### **8.24.200 Ownership of recyclable material and organic waste.**

Upon the collection of recyclable material and organic waste at a designated collection location by an authorized collector, the recyclable material and organic waste shall become the property of the authorized collector.

#### **8.24.210 General requirements.**

- A. It is unlawful for any person to keep, deposit, bury or dispose of any recyclable material or organic waste, except as in this article provided, in or upon any private or public property, street, alley, sidewalk, gutter, park or upon the banks of any stream or creek in the city, or in or upon any of the waters of it; and every person in the city who disposes of recyclable material or organic waste shall dispose of same only in the manner provided in this article.
- B. The City's designated enforcement agency is authorized to administer a SB 1383 permit system to monitor compliance with the requirements of this article. Generators are required to obtain an SB 1383 permit and pay associated application or enforcement fees, should such fees be incurred.

#### **8.24.220 Collection service.**

- A. A recyclable material and organic waste collection service program is established and shall be available to all persons, residents, businesses and institutions in the city for the purpose of providing for the orderly and regular collection of recyclable material and organic waste within the city under this program.

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- B. Every single-family dwelling unit or commercial business (throughout this chapter, commercial business includes multi-family residential dwellings of five (5) or more units, unless otherwise excluded) in the city), except those single-family generators who meet the self-haul requirements contained in Section 8.24.280 of this chapter, shall be required to subscribe with the authorized collector for, recycling container and organics container collection; comply with the relevant sections of this chapter, state law and local ordinances; and to pay for the collection and disposal of such containers, unless commercial business owner receives a waiver as provided in this chapter.
  - C. No provision of this chapter shall be construed to prevent any person from self-hauling their own waste in their own vehicles or composting in the rear yard of their residence, provided that such composting does not constitute a nuisance to neighboring property because it is injurious to health or is offensive to the senses. Nor shall any provision of this chapter limit the right of any person to donate or sell recyclable materials.
  - D. Recyclable material and organic waste for donation, sale or collection by or to any person or entity other than the authorized collector, may not be stored or transferred by use of the containers described in this article, or any other containers used for recycling provided by the authorized collector. Storage of recyclable materials and organic waste at the designated collection location other than for pickup by the authorized collector as defined in this article, is prohibited.

#### **8.24.230 Separation of recyclable materials and organic waste.**

Generators subject to the requirements of the Act shall fully comply with all applicable requirements of the Act.

- A. All generators in the city, except those that meet self-hauler requirements set forth in this chapter or Commercial Businesses that obtain a waiver pursuant to requirements in this chapter shall:
  - (1) Prepare and separate those recyclable materials and organic waste that the city has contracted to pick up by the authorized collector from other garbage and solid waste as required in this section, and thereafter have the separated recyclable materials and organic waste placed within containers as required by this article, or within the designated collection location, which shall be collected by the authorized collector.
  - (2) Participate in the collection services provided by the authorized collector, by placing designated materials in designated containers as described below, and not placing prohibited container contaminants in containers. Generators shall place source separated organic waste, in the organics container; source separated recyclable materials in the recycling container; and garbage in the garbage container. The franchised collector may, in its discretion, designate the categories of nonhazardous or toxic materials accepted in the organics container, recycling container or garbage container. Generators shall not place materials designated for the garbage container in the organics container or the recycling container.
  - (3) Place recycling containers and organics containers for single-family residential premises at curbside for collection by the authorized collector; but shall not be placed at curbside earlier than twelve hours prior to the date and time for scheduled collection, nor left remaining at curbside longer than twelve hours following the date and time for scheduled collection.
  - (4) Maintain garbage containers, recycling containers and organics containers in a sanitary condition at all times. Any bulky material must be reduced in size so that it may be placed in the appropriate container not overflowing and with the cover tightly closed and without excessive tamping, so that the container may be easily emptied.
  - (5) Recycling containers and organics containers for multi-family, commercial and/or institutional locations shall be of a size and serviceability agreed to by the parties and thereafter placed at the

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designated collection location. Generators shall arrange for a sufficient number of such containers to adequately store all source separated recyclable materials and source separated organic waste generated in connection with the residence or business between the times designated for collection. The City shall have the right to review the number and size of such containers to evaluate the adequacy of capacity provided for each type of collection service and to require additional or larger containers (or additional service days) and to review the separation and containment of materials. Generators shall adjust service levels for their collection services as requested by the City in order to meet the standards set forth in this chapter.

- (6) Generators may manage their organic waste by preventing or reducing their organic waste, managing organic waste on site, and/or using a community composting site pursuant to 14 CCR Section 18984.9(c) to the extent permitted by other applicable laws.
- (7) Organic waste may be fed to animals on the premises where such organic waste is produced, provided that the premises are always kept in a sanitary condition to the satisfaction of the City Manager; and provided further that the keeping and feeding of such animals shall at all times conform to the applicable regulations of those entities governing the same now in force or which thereafter may be enacted or promulgated.

B. In addition to the requirements in Section A above, commercial businesses shall also:

- (1) Commercial business owners including multi-family, shall provide or arrange for garbage container, organics container and recycling container collection service for employees, contractors, tenants and customers, and supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors as noted in B (2)(a) and (b) or, if self-hauling, in compliance with self-hauling requirements set forth in this chapter.
- (2) Commercial business that are not multi-family residential dwellings shall provide containers for the collection of source separated organic waste and source separated recyclable materials in all areas where the commercial business provides disposal containers for employees, contractors, tenants, customers and other users of the Premises ("User Disposal Containers"). Such User Disposal Containers do not need to be provided in restrooms. If a commercial business does not generate, or has a waiver pertaining to, any of the materials that would be collected in one type of User Disposal Container, then the business does not have to provide that particular type of container in all areas where User Disposal Containers are provided. Pursuant to 14 CCR Section 18984.9(b), the User Disposal Containers provided by the business shall have either:
  - (a) A body or lid that conforms with the following container colors, with either lids conforming to these color requirements or bodies conforming to these color requirements, or both lids and bodies conforming to these color requirements: gray or black containers for garbage, blue containers for source separated recyclable materials, and green containers for organics containers. Notwithstanding the foregoing, a commercial business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the color requirements of this Section prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first; **or**
  - (b) Container labels that include language or graphic images, or both, indicating the primary materials accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and

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primary materials prohibited in the container. The container labeling requirements are required on new containers commencing January 1, 2022.

#### **8.24.240 Commercial education and outreach requirements.**

All commercial business owners are required to:

- A. Excluding multi-Family residential dwellings, to the extent practical through education, training, inspection, and/or other measures, prohibit employees from placing materials in a container not designated for those materials per the recycling container, organics container, and garbage container collection service.
- B. Excluding multi-family residential dwellings, periodically inspect recycling containers, organics containers, and garbage containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers.
- C. Including multi-family residential dwellings, annually provide information to employees, contractors, tenants, building residents, and customers about organic waste recovery requirements and about proper sorting of organic waste and recyclable materials. A copy of such instructions shall be provided to the City or designee, upon request.
- D. Including multi-family residential dwellings, provide information before or within fourteen (14) days of new occupation of the premises to new tenants and no less than fourteen (14) days before tenants move out of the premises, unless a tenant does not provide fourteen (14) or more days' notice to before moving out, that describes requirements to keep organics container organic waste and recyclable materials separate from each other and from garbage, the location of containers, and the rules governing their use at the premises.
- E. Including multi-family residential dwellings, prominently post and maintain one or more signs where recyclable materials and/or organic waste are collected and/or stored that set forth what materials are required to be source separated, in addition to collection procedures for such materials.

#### **8.24.250 Waivers.**

- A. De minimis waivers. The City or enforcement agency may waive commercial business' obligation to comply with some or all of the organic waste and recycling collection service requirements of this chapter if documentation is provided demonstrating that the commercial business generates below a certain amount of organic waste material, (de minimis) as described below.

A commercial business requesting a de minimis waiver shall:

- (1) Submit an application to the City or enforcement agency specifying the service or requirements for which it is requesting a waiver. Applicant must supply all required proof of qualifications in writing together with the application submittal. Applicants may be required to provide information in forms provided by the City. Applicants are subject to one or more site inspection(s) prior to approval of a waiver.
- (2) Provide documentation with the de minimis waiver application that either:
  - (a) The commercial business' total solid waste collection service is two cubic yards or more per week and organic waste subject to collection in a recycling container or organics container comprises less than 20 gallons per week per applicable container of the business' total waste; or,

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(b) The commercial business' total solid waste collection service is less than two cubic yards per week and organic waste subject to collection in a recycling container or organics container comprises less than 10 gallons per week per applicable container of the business' total waste.

(3) For the purposes of subsections (2) (a) and (b) above, total solid waste shall be the sum of weekly garbage, source separated recyclable materials, and source separated organics container organic waste measured in cubic yards.

(4) If the de minimis waiver is granted, notify the City or enforcement agency granting the waiver if circumstances change such that the conditions under which the waiver was granted are no longer being met, in which case the waiver will be rescinded.

(5) If the waiver is granted, provide written verification of continued eligibility for de minimis waiver to the City or enforcement agency every five (5) years.

B. Physical space waivers. The City or enforcement agency may waive a commercial business' or property owner's obligation to comply with some or all of the organic waste collection service requirements of this chapter if the enforcement agency has evidence from a licensed contractor, licensed architect, licensed engineer, or other person authorized by the enforcement agency demonstrating that the premises lacks adequate space for the collection containers required for compliance with the organic waste collection service requirements set forth in this chapter.

A commercial business or property owner requesting a physical space waiver shall:

(1) Submit an application to the City or enforcement agency specifying the service or requirements for which it is requesting a waiver.

(2) Provide documentation with the application for a physical space waiver that the premises lacks adequate space for recycling containers and/or organics containers, which shall include documentation from its licensed contractor, licensed architect, licensed engineer, or other person authorized by the enforcement agency.

(3) If the waiver is granted, the commercial business or property owner, shall notify the City if the commercial business' physical space configurations or amounts of solid waste generation change, in which case the waiver may be rescinded.

(4) If the waiver is granted, the commercial business or property owner shall provide written verification to the City of continued eligibility for a physical space waiver every five (5) years.

C. Change of ownership of a premises automatically revokes a waiver and the new owner must comply with this chapter or obtain its own waiver.

D. Upon the determination of the City or enforcement agency a written notification of the approval or denial of a waiver shall be issued to the applicant.

#### **8.24.260 Commercial Edible Food Generator requirements.**

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- A. Tier one commercial edible food generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3, or such later deadline established by State law or regulations.
- B. Large venue or large event operators not providing food services, but allowing for food to be provided by others, shall require food facilities, operating at the large venue or large event to comply with the requirements of this Section, commencing January 1, 2024, or such later deadline established by State law or regulations.
- C. Commercial edible food generators shall comply with the following requirements:
- (1) Arrange to safely recover for human consumption the maximum amount of edible food that would otherwise be disposed.
  - (2) Enter into a contract or other written agreement with food recovery organizations or food recovery services for: (i) the collection for food recovery of edible food that would otherwise be disposed; or (ii) acceptance of edible food that would otherwise be disposed that the commercial edible food generator self-hauls to the food recovery organization for food recovery.
  - (3) Use best efforts to abide by all contractual or written agreement requirements specified by the food recovery organizations or food recovery services on how edible food should be prepared, packaged, labeled, handled, stored, distributed or transported to the food recovery organizations or food recovery services.
  - (4) Not intentionally donate food that has not been prepared, packaged, handled, stored and/or transported in accordance with the safety requirements of the California Retail Food Code.
  - (5) Not intentionally spoil edible food that is capable of being recovered by a food recovery organizations or food recovery services
  - (6) Allow the enforcement agency to review records upon request, including by providing electronic copies or allowing access to the premises.
  - (7) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
    - (a) A list of each food recovery organizations or food recovery services 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 and written agreements established under 14 CCR Section 18991.3(b) and/or this chapter.
    - (c) A record of the following information for each of those food recovery organizations or food recovery services:
      - (i) The name, address and contact information of the food recovery organizations or food recovery services.
      - (ii) The types of food that will be collected by or self-hauled to food recovery organizations or food recovery services.

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- (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 organizations or food recovery services for food recovery.
  - (8) If it has not entered into a contract or written agreement with food recovery organizations or food recovery services, a record that describes (i) its direct donation of edible food to end recipients (including employees) and/or (ii) its food waste prevention practices that result in it generating no surplus edible food that it can donate.
  - (9) Tier one commercial edible food generators and tier two commercial edible food generators shall provide, upon request, a food recovery report to the enforcement agency that includes the information in C(7)(c). Entities shall provide the requested information within sixty (60) days of the request.
  - D. Nothing in this chapter shall be construed to limit or conflict with (1) 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; or (2) otherwise applicable food safety and handling laws and regulations.
  - E. Nothing in this chapter prohibits a Commercial Edible Food Generator from donating Edible Food directly to end recipients for consumption, pursuant to Health and Safety Code Section 114432(a).

#### **8.24.270 Food Recovery Organizations and Service requirements.**

- A. Food recovery services collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records:
  - (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. This may also include the total quantity in pounds of food collected that was spoiled when received from a commercial edible food generator or otherwise not able to be used to feed people.
  - (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 to which the food recovery service transports edible food 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.



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- (2) The quantity in pounds of edible food received from each commercial edible food generator per month. This may also include the total quantity in pounds of food collected that was spoiled when received from a commercial edible food generator or otherwise not able to be used to feed people.
    - (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 or 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 shall report to the City, or its enforcement agency, the total pounds of edible food recovered from the tier one commercial edible food generators and tier two commercial edible food generators they have established a contract or written agreement with (regardless of whether those commercial edible food generators are located in the City) according to the following schedule:
    - (i) no later than August 15, 2022, submit an initial report covering the period of January 1, 2022, to June 30, 2022; and
    - (ii) no later than March 31, 2023, and no later than every March 31 thereafter, submit a report covering the period of January 1 to December 31 of the previous calendar year.
  - C. In order to support edible food recovery capacity planning assessments and similar studies, food recovery services and food recovery organizations operating in the City shall provide, upon request, information and consultation to the City and Nevada County regarding existing, or proposed new or expanded, food recovery capacity in a form that can be provided to or that can be accessed by the City and County and commercial edible food generators. A food recovery service or food recovery organization contacted by an enforcement agency shall respond to such request for information within sixty (60) days, unless a shorter timeframe is otherwise specified by the enforcement agency.

#### **8.24.280 Self-hauler requirements.**

Self-haulers shall:

- A. Source separate their recyclable materials and organic waste generated on-site from solid waste in a manner consistent with this section or haul organic waste to a High Diversion Organic Waste Processing Facility.
- B. Haul their source separated recyclable materials to a facility that recovers those materials; and haul their source separated organic waste to a solid waste facility, operation, activity, or property that processes or recovers source separated organic waste or to a High Diversion Organic Waste Processing Facility; and haul their garbage to a fully permitted solid waste facility.
- C. Self-haulers, which are commercial businesses including multi-family residential dwellings, shall keep a record of the amount of organic waste delivered to each solid waste facility, operation, activity, or property that processes or recovers organic waste for a minimum of five (5) years; this record shall be subject to inspection by the City.
  - (1) The records shall include the following information:
    - (a) Delivery receipts and weight tickets from the entity accepting the waste.

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- (b) The amount of material in cubic yards or tons transported by the generator to each entity.
  - (c) If the material is transported to an entity that does not have scales on-site or employs scales incapable of weighing the self-hauler's vehicle in a manner that allows it to determine the weight of materials received, the self-hauler is not required to record the weight of material but shall keep a record of the entities that received the organic waste.
- D. Self-haulers that are commercial businesses including multi-family residential dwellings, shall provide these records, upon request, to the City or designee. Self-haulers shall provide the requested information within sixty (60) days.
  - E. Landscapers, who self-haul organic waste generated at a customer's site, must also meet the requirements in this section.
  - F. A single-family organic waste generator that self-hauls organic waste is not required to record or report this information.

#### **8.24.290 Unauthorized collection prohibited.**

It is unlawful for any person other than an authorized collector to remove recyclable material or organic waste which has been placed at a designated collection location.

#### **8.24.300 Individual may dispose of recyclables.**

Nothing in this article shall limit the right of an individual person, organization, or other entity to donate, sell or otherwise dispose of recyclable material and organic waste; provided, that any such disposal is in accordance with the provisions of this article.

#### **8.24.310 Theft of authorized receptacle.**

Theft or the unauthorized diversion from its designated purpose of any designated recycling container or organics container of an authorized collector constitutes a misdemeanor and shall be punishable as such.

#### **8.24.310 Inspections and investigations.**

- A. The city manager shall be designated as an enforcement agent for purposes of enforcing this chapter. Said enforcement agent may deputize one or more employees of the city to carry out the duties of enforcement agent.
- B. The City and enforcement agent is authorized to conduct any inspections, remote monitoring, or other investigations as reasonably necessary to further the goals of this chapter, subject to applicable laws. This may include Inspections and investigations, at random or otherwise, of any collection container, collection vehicle load, or transfer, processing, or disposal facility to confirm compliance with this chapter, subject to applicable laws. This section does not allow entry in a private residential dwelling unit for inspection. For the purposes of inspecting commercial business containers for compliance, the City or designee may conduct container inspections for prohibited container contaminants using remote monitoring, and commercial businesses shall accommodate and cooperate with the remote monitoring.
- C. A person subject to the requirements of this chapter shall provide or arrange for access during all inspections (with the exception of the interior a private residential dwelling unit) and shall cooperate with

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the City or designee during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, inspection of edible food recovery activities, review of required records, or other verification or inspection to confirm compliance with any other requirement of this chapter, inspection of County-run transfer stations, McCourtney Road landfill and any other landfills that the County may establish or acquire. Failure to provide or arrange for: (i) access to the premises; (ii) installation and operation of remote monitoring equipment, if a remote monitoring program is adopted; or (iii) access to records for any Inspection or investigation is a violation of this chapter.

- D. Any records obtained by the City or designee during inspections, remote monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the California Public Records Act as set forth in Government Code Section 6250 et seq.
- E. The City or designee shall accept written complaints from persons regarding an entity that may be potentially non-compliant with this chapter. Written complaints may be submitted using the city form for code complaints.

#### **8.24.270 Violations, enforcement and penalty.**

- A. Any section of this chapter may be enforced by the City, or, if agreed to, by another enforcement agency designated by the City.
- B. Violation of all provisions of this chapter, unless otherwise specified, shall constitute an infraction and shall be subject to enforcement action pursuant to Title 1 of the Grass Valley Municipal Code.
- C. A violation of this chapter may be punishable by administrative penalty, in amounts that shall not exceed the following:
  - (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 or subsequent violation, the amount of the base penalty shall be \$250-14 \$500 per violation of the same provision within a 12-month period. This remedy is not exclusive and is in addition to any other remedy or penalty provided by law.
- D. The maximum penalties described in subsection (C) of this section shall be increased automatically if the maximum penalties established 14 C.C.R. section 18997.2 are amended.
- E. Nothing in this section shall be construed as preventing the City from revoking, suspending, or denying a permit, registration, license, or other authorization consistent with local requirements in addition to the imposition of penalties authorized under this Section.
- F. Any person engaged in the unauthorized collection or theft of recyclable materials or organic waste is guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed five hundred dollars or incarceration in the county jail for a period not to exceed six months or both.
- G. As an alternative to criminal enforcement, both the city and the authorized collector have the independent authority to civilly enforce any provisions of this article, to and including the authority to seek treble damages pursuant to California Government Code Section 66764. The city administrator may invoke these remedies, or any of them whenever he or she deems it appropriate.