

**TOWN OF TRUCKEE  
California**

**ORDINANCE 2023-09**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TRUCKEE  
AMENDING CHAPTER 6.01 OF THE TRUCKEE MUNICIPAL CODE  
REGARDING SOLID WASTE AND RECYCLING MANAGEMENT**

**WHEREAS**, organic material like food scraps, yard trimmings, paper, and cardboard comprise half of landfilled waste in California; and

**WHEREAS**, organic waste in landfills emits 20% of the state's methane, a climate super pollutant 84 times more potent than carbon dioxide; and

**WHEREAS**, Senate Bill 1383 (SB 1383) intends to reduce emissions of short-lived climate pollutants like methane by reducing organic waste disposal 75% and recovering 20% of edible food by 2025; and

**WHEREAS**, SB 1383 requires California jurisdictions to adopt an ordinance or other enforceable mechanism consistent with the requirements of 14 CCR Chapter 12, Short-Lived Climate Pollutants; and

**WHEREAS**, the Truckee Town Council has set a goal to reduce greenhouse gas emissions 80% by 2040;

*The Town Council of the Town of Truckee Does Ordain as Follows:*

**Section 1. Enactment.** Chapter 6.01 of the Truckee Municipal Code is hereby amended to read as set forth in Exhibit "A", attached hereto and incorporated herein by reference.

**Section 2. Findings.** The recitals set forth above are hereby adopted as the Town's findings.

**Section 3. CEQA Findings.** The Town Council hereby finds that under Section 15061(b)(3) of the California Environmental Quality Act ("CEQA") Guidelines, the proposed amendments to Chapter 6.01 of the Truckee Municipal Code are exempt from review under CEQA because it can be seen with certainty that the provisions of this ordinance do not have the potential for causing a significant effect on the environment. The Town Council further finds that these amendments are additionally exempt from review under CEQA pursuant to CEQA Guidelines Sections 15307 and 15308, as an action taken by a regulatory agency to protect natural resources and the environment.

**Section 4. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or 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 Town Council of the Town of Truckee hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

**Section 5. Posting and Publication.** The Town Clerk is hereby directed to publish this ordinance in accordance with the law.

\* \* \* \* \*

The foregoing ordinance was introduced at a regular meeting of the Truckee Town Council held on the \_\_\_ day of \_\_\_\_\_ 2023, and adopted at a regular meeting of the Truckee Town Council, on the \_\_\_ day of \_\_\_\_\_; 2023; \_\_\_\_\_ moved for the adoption, the motion was seconded by \_\_\_\_\_ and was carried by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

\_\_\_\_\_  
**Lindsay Romack, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Kelly Carpenter, Town Clerk**

\_\_\_\_\_  
**Andrew Morris, Town Attorney**

**Attachments:**

Exhibit A – Amendments to Chapter 6.01 of the Truckee Municipal Code

**ORDINANCE 2023-09**

**EXHIBIT "A"**

**AMENDMENTS TO CHAPTER 6.01 SOLID WASTE AND RECYCLING MANAGEMENT**

Chapter 6.01 of the Truckee Municipal Code is hereby amended to read as follows (additions are shown by underline type; deletions are shown by ~~strikethrough~~ type):

## EXHIBIT "A"

### CHAPTER 6.01

#### CHAPTER 6.01 SOLID WASTE AND RECYCLING MANAGEMENT

##### 6.01.010 Definitions

For the purpose of this chapter, the following words, phrases and their derivations shall have the meanings ascribed to them in this section:

- A. "Bulky Waste" means large items of solid waste such as appliances, furniture, large auto parts, and other similar waste with weights and volumes greater than those allowed in an approved solid waste container.
- B. "Collection" means the operation of gathering together and transporting to the point of disposal or processing any solid waste including recyclable and compostable solid waste and Yard Waste.
- C. "Commercial generator" means entities other than residential facilities including restaurants, retail facilities, offices, industrial facilities, hotels, and shopping centers that produce solid waste, including Recyclables and Organic waste.
- D. "Commercial Edible Food Generator" includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in this chapter or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- E. "Community Composting" means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- F. "Compliance Review" means a review of records by the Town to determine compliance with this ordinance.
- G. "C&D" means construction and demolition debris.
- H. "Diversion" means activities which reduce or eliminate the amount of solid waste from solid waste disposal.
- I. "Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance 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 ordinance 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.
- J. "Food Distributor" means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
- K. "Food Facility" has the same meaning as in Section 113789 of the Health and Safety Code.
- L. "Food Recovery" means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).

- M. "Food Recovery Organization" means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:
- (1) A food bank as defined in Section 113783 of the Health and Safety Code;
  - (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
  - (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7). If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this ordinance.

- N. "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 ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- O. "Food Service Provider" means an entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
- P. "Food-Soiled Paper" is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.
- Q. "Food Waste" means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Waste excludes fats, oils, and grease when such materials are source separated from other Food Waste.
- R. "Franchisee" means any person that has entered into a franchise agreement with the Town to collect, remove, transport, process, or dispose of solid waste or recyclable materials.
- S. "Franchise fee" means the fee or assessment imposed by the Town on any franchisee solely because of its status as party to a franchise agreement.
- T. "Grocery Store" means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- U. "Hazardous waste" means any waste which by reason of its quality, concentration, composition, or physical, chemical, or infectious characteristics may do any of the following: cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a substantial threat or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise mismanaged, or any waste which is defined or regulated as a Hazardous Waste, toxic substance, hazardous chemical substance or mixture, or asbestos under Applicable Law, as amended from time to time, including, but not limited to:

1. The Resource Conservation and Recovery Act and the regulations contained in 40 CFR Parts 260-281.
  2. The Toxic Substance Control Act (L5 U.S.C. Section 2601 et seq.) and the regulations contained in 40 CFR Parts 761-766.
  3. California Health & Safety Code §25117.
  4. California Public Resources Code § 40141.
  5. Future additional or substitute federal, state or local laws pertaining to the identification, treatment, storage, or disposal of toxic substances or Hazardous Wastes.
  6. Radioactive materials which are source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.) and the regulations contained in 10 CFR Part 40.
- V. "Inspection" means a site visit where the Town 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).
- W. "Large event" means an event 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, including, but 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, including, but not limited to, a sporting event or a flea market. (California Public Resources Code §42648).
- X. "Local Education Agency" means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- Y. "Medical Waste" means materials, substances or items which may be reasonably considered infectious, pathological or biohazardous, originating from hospitals, public or private medical clinics, departments of research laboratories, pharmaceutical industries, blood banks, forensic medical departments, medical offices, mortuaries, veterinary facilities and other similar facilities, and includes, without limitation, equipment, instruments, utensils, fomites, laboratory waste (including pathological specimens and fomites attendant thereto), surgical facilities, equipment, bedding and utensils (including pathological specimens and disposal fomites attendant thereto), sharps (hypodermic needles, syringes, etc.), dialysis unit waste, chemotherapeutic waste, animal carcasses, offal and body parts, biological materials (vaccines, medicines, etc.), and other similar materials, but excluding any such waste which is determined by evidence reasonably satisfactory to the franchisee to have been rendered noninfectious, non-pathological and non-biohazardous.
- Z. "Multi-Family Units" means a dwelling which includes five or more individual living units under single ownership.
- AA. "Organic Waste" means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

- BB. "Owner" means the person to whom the taxes on the property are assessed as shown on the last equalized assessment roll of the County, or alternatively, from such records of the County assessor or tax collector if they contain more recent information.
- CC. "Paper Products" include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- DD. "Printing and Writing Papers" include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).
- EE. "Recyclables" or "Recyclable materials" means newspaper, cardboard, mixed color paper, white paper, junk mail, magazines, telephone books, paper bags, cereal and food boxes, egg cartons, plastic bottles and containers labeled #1-2, plastic milk containers, detergent containers, clear, brown, and green food and beverage container glass, cans of aluminum, steel, tin, food cans, empty aerosol cans, pipe tins or other materials having economic value contained within a load of recyclable materials which have been separated prior to collection.
- FF. "Restaurant" means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).
- GG. "Self-Haul" means to haul Solid Waste, Organic Waste or Recyclable material generated to another person. Self-haul also includes back-hauling 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 18982(a)(66)(A).
- HH. "Single-Family Units" means a single-family dwelling, a two-unit dwelling, a three-unit dwelling, or a four-unit dwelling.
- II. "Solid Waste" means "solid waste" as defined in Section 40191 of the California Public Resources Code, as this section may be amended. Solid waste shall mean all putrescible and nonputrescible solid and semisolid wastes, including residential, industrial, commercial and municipal garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, Recyclable materials, discarded home and industrial appliances, manure, vegetable and animal solid and semisolid waste, and other discarded solid and semi-solid wastes, but does not include hazardous waste or medical waste.
- JJ. "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).
- KK. "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:
1. Supermarket.
  2. Grocery Store with a total facility size equal to or greater than 10,000 square feet.
  3. Food Service Provider.
  4. Food Distributor.
  5. Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this ordinance.

LL. "Tier Two Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

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

If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this ordinance.

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

NN. "Yard Waste" means tree and shrubbery trimmings, grass, weeds, pine needles, leaves, and other household garden Organic Waste that is no more than four feet in length and four inches in diameter.

### **6.01.020 Policy**

It is hereby declared to be in the interest of the public health, sanitation, safety, and welfare of all residents of the Town of Truckee, and the policy of the Town, that the accumulation, preparation, storage, collection, transportation, and disposal of municipal solid waste, Yard Waste, and Recyclable and compostable materials in the Town of Truckee be handled in a safe, sanitary, routine, and efficient manner so as to maximize the reduction, reuse, recycling, and composting of materials that otherwise would become municipal solid waste; to preserve and maximize landfill disposal capacity; to maintain the good condition, cleanliness, and safety of Town rights-of-way; to comply with state law; to prevent harboring and breeding of rodents, insects, and other pests; to reduce contamination of the environment by the unauthorized burying, burning, or putrefaction of such materials; to prevent the spread of diseases associated with unsanitary conditions; to reduce the hazard of fire; and to prevent unsightliness and other public nuisance which may result in the depreciation of property values and otherwise interfere with the comfortable enjoyment of life within the Town.

### **6.01.030 Fees**

A. Pursuant to California Public Resources Code §41900, et seq., the Town shall prescribe fees for solid waste collection, transfer and disposal, and the collection and transfer of Recyclable materials. Such fees may include charges for the use of dumps or landfills, and may include costs of preparing and implementing source reduction and recycling elements and integrated

waste management plans. The Town may collect all or part of such charges on the tax roll or by such other means as the Town Council may elect, whether or not delinquent. The Town may also direct the franchisee to collect such charges for providing collection services.

- B. If the charges for collection are, on June 30 of each year, delinquent and unpaid for a period of sixty days, such charges shall become a lien on the real property upon which the premises are located and the property owner shall be notified as required by applicable law.

The Council shall hold a public hearing upon the delinquent and unpaid charges and any owner, occupant, or person in possession may appear and object to the charges or any portion thereof. If the Council finds and declares that such charges are true and correct, the Council may pass a resolution making such charges a lien upon the real property for which service was furnished or chargeable.

The Town shall transmit a copy of the resolution containing the list of delinquent amounts and properties against which they constitute a lien to the County of Nevada Tax Assessor for inclusion in the assessment roll against the property. Upon payment of the lien amount and any costs incurred by the Town for recording the lien or any release of lien, the Town may execute and file a release of lien.

- C. The Town or the franchisee may discontinue service for any commercial generator whose account remains unpaid for thirty days after the date of billing as long as the customer has received a notice on a form approved by the Town stating that service will be discontinued fifteen days from the date of the notice if the payment is not made by that time. Upon payment of the delinquent fees, collection shall resume on the next regularly scheduled collection day. Fees shall continue to be assessed and billed notwithstanding that service has been discontinued, and notice of same shall be included in the form sent to the customer. In the event service is discontinued for nonpayment and the accumulation of trash constitutes a hazard to public health, the Town Attorney or his/her designee, the Code Compliance Officer, or the County Health Officer may order the clean-up off the accumulated trash.

## **6.01.040 Receptacles**

### **A. Residential Receptacles**

1. All residents shall deposit solid waste in standard containers suitable for holding garbage. Suitable containers must be 32 gallons or less and not exceed a loaded weight of 60 pounds with a tight-fitting lid.
2. Occupants of single-family units who participate in the curbside residential recycling program must place all acceptable Recyclable materials in franchisee-provided 64-gallon recycling carts or in customer-provided blue bags as long as those services are available. Blue bags must be 30-gallons or smaller and customers are not limited in the number of blue bags they can put out each week.
3. Occupants of single-family units who participate in the curbside residential Yard waste program must place all acceptable Yard waste material in franchisee-provided 96-gallon Yard waste carts.

### **B. Multi-Family Receptacles**

1. All multi-family units shall deposit solid waste in franchisee-provided carts, bins, drop boxes, or compactors. Lids must remain closed at all times except when refuse is being added or removed from the container.
2. All multi-family units shall deposit all acceptable Recyclable materials in franchisee-

provided 64- or 96-gallon carts. Multi-family units can elect to obtain a cardboard-only franchisee-provided bin to deposit cardboard materials. Multi-family units may not use blue bags for Recyclable materials.

C. Commercial Receptacles

1. All businesses shall deposit solid waste in franchisee-provided carts, bins, drop boxes, or compactors. Lids must remain closed at all times except when refuse is being added or removed from the container.
2. All business shall deposit all acceptable Recyclable materials in franchisee-provided 64- or 96-gallon carts. Businesses can elect to obtain a cardboard-only franchisee-provided bin to deposit cardboard materials. Businesses may not use blue bags for Recyclable materials.
3. Businesses generating two cubic yards or more of commercial solid waste shall deposit all recyclable Food Waste in franchisee-provided wildlife-resistant carts or bins unless an exemption is granted as outlined in Section 6.01.070(C)(2).

D. Condition

All receptacles shall be kept in clean and sanitary condition by the owner or the person using the same, and receptacles shall be kept tightly covered at all times, except when garbage, Yard waste, or Recyclable material is being deposited therein or removed therefrom and shall at all times be secure against access by wildlife to the contents thereof and free from leaks.

E. Bear Sheds

Residential customers may choose to store their solid waste containers in a bear shed. All new bear sheds must meet the following requirements: made of metal, stone, brick, concrete, or equivalently sturdy material; have a front-facing door; fit two 32-gallon cans; have a roof with side or back snow shedding; and have plunging pins securing the top and bottom locking mechanism. Bear sheds must be located out of the Town right-of-way and within twenty-eight feet of the edge of the roadway. Bear sheds located farther than twenty-eight feet from the edge of the roadway will be subject to additional servicing arrangements and applicable fees.

F. Wildlife Disturbance

1. Every customer shall ensure that their solid waste is securely stored in cans, carts, bins, or bear sheds. No solid waste shall be strewn on the ground or otherwise outside the container.
2. A warning notice will be issued upon the first violation of this section. Residential and commercial customers may be required to purchase a bear shed meeting the specifications in Section D or wildlife-resistant cart upon the second violation of this section.

## **6.01.050 Collection**

A. Collection Service Mandatory

To protect public health, safety, and well-being against the growth and spread of vectors, all persons residing or maintaining businesses or other premises in the Town of Truckee shall make arrangements to receive solid waste collection service at least one time per week from the Town's franchisee. Should a property have both residential and commercial uses, the property must subscribe to commercial services.

B. Single-Family Units

1. Occupants of single-family units shall subscribe to solid waste, recycling, and Yard waste curbside service, collected at least once per week, or according to a schedule of services provided in a franchise agreement with a waste hauler.
2. In special circumstances, residents may share solid waste, Yard waste, and recycling collection services with other geographically proximate residents as a single Collective Multi-Family Customer upon approval by the Town and the franchisee. Individual parcels sharing a Collective Multi-Family service account must identify a "Primary Responsible Party" which will serve as the main point of contact for communication and billing from the Town and franchisee along with a list of all addresses with which the Primary Responsible Party will share service.
3. Residents of single-family units occupying the same parcel as a commercial use shall not be required to subscribe to solid waste, recycling, and Yard waste services if commercial service is provided at the property and the residents make use of that service.

C. Multi-Family Units

1. Owners of multi-family units shall subscribe to solid waste and recycling services, collected at least once per week and more frequently if required to handle the waste stream of the premises where the containers are located.

D. Commercial Premises

1. Businesses shall subscribe to solid waste and recycling collection services and Organic Waste recycling services to the extent required by this chapter and/or California Public Resources Code § 42649, provided that in the event of conflict or inconsistency between the requirements of this chapter and state law, the more stringent or restrictive standard shall control, as determined by the Town.
2. In special circumstances, businesses with significant space constraints may share solid waste, recycling, and Organic Waste recycling collection services with other geographically proximate businesses upon approval by the Town and the franchisee. Businesses sharing a single service account must identify a "Primary Responsible Party" which will serve as the main point of contact for communication and billing from the Town and franchisee along with a list of all addresses with which the Primary Responsible Party will share service.

E. Location for Collection

1. During the hours for collection, residential containers shall be placed at the location designated by the collector and shall be accessible for mechanized pick-up. Commercial bins shall be accessible to the collector.
2. Containers shall be placed adjacent to a street or public right-of-way. Residential containers shall be placed no earlier than 5:00 am on the day of collection and shall be removed from the street or right-of-way the same day. Commercial containers

shall be placed no more than twelve hours before collection and shall be removed from the street or right-of-way the same day. Alternatively, residential waste can be placed within a bear shed installed on private property, out of the public right-of-way but no further than twenty-eight feet from the edge of the Town maintained roadway.

3. Residential recycling materials in blue bags shall be placed separate from the garbage and next to the refuse container on the designated collection day. Blue bags must be tied and shall not contain materials other than designated Recyclables and, when properly used, shall not be calculated as extra refuse. Carts for Recyclable, Yard waste, and organic materials shall be placed next to the refuse container on the designated day of service which may be less frequent than weekly.

F. Large Events

Any person seeking permission to conduct a large event where the event generates solid waste such as, but not limited to, paper, beverage containers, or food, shall develop a waste reduction and recycling strategy in compliance with Chapter 9.05 and shall file a copy of the strategy with the Town Manager or his/her designee.

### **6.01.060 Mandatory Commercial Recycling**

A. Each commercial generator shall:

1. Subscribe to franchisee-provided recycling collection services. Collection shall be at least once a week and more frequently if required to handle the volume of Recyclable materials produced by the business. The Town shall have the right to review the number and size of a Commercial generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials, and Commercial generators shall adjust their service level as requested by the Town.
2. Ensure the segregation of Recyclable materials from garbage by placing Recyclable materials in a separate designated receptacle or container, and ensure that employees, contractors, volunteers, customers, visitors, and other persons on site segregate Recyclable materials.
3. Provide an adequate number and type of receptacles needed for segregating and storing Recyclable materials and provide adequate access to these receptacles to employees, contractors, tenants, and customers. Containers for collection of source-separated Recyclable materials shall be provided in all indoor and outdoor areas where disposal containers are provided for customers. If a commercial generator does not generate any Recyclable materials or has been issued a waiver by the Town from their obligations to comply with this section according to the process outlined in Section 6.01.085, then the generator does not have to provide collection containers for Recyclable materials. The containers provided by the commercial generator for Recyclable materials shall have either:
  - a. A body or lid that is blue in color. A commercial generator is not required to replace functional containers purchased prior to January 1, 2022, that do not comply with these color requirements prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
  - b. Container labels that include language or graphic images, or both, indicating the Recyclable materials accepted and the primary materials prohibited in that container.
4. Provide adequate instructions at least annually to employees, contractors, and

volunteers of the requirements of this section, including (1) the requirement and procedures to ensure the segregation of Recyclable materials from garbage; (2) the employees', contractors', and volunteers' responsibilities regarding compliance with this chapter; and (3) the types and location of receptacles and containers for Recyclable materials.

5. Periodically inspect containers for the collection of Recyclable materials for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of these containers pursuant to 14 CCR Section 18984.
- B. The Town may waive a commercial generator's obligations to comply with some or all of the recycling requirements in 6.01.060(A) if the Town has evidence that the premises lacks adequate space for the collection containers required for compliance with this section. A commercial generator may request a physical space waiver through the process outlined in Section 6.01.085(B).
- C. Self-hauling
1. Nothing in this chapter shall preclude any person, solid waste customer, commercial generator, or multi-family generator from self-hauling Recyclable materials generated by that entity to a recycling processing facility.
  2. Commercial generators that choose to self-haul shall:
    - a. Source-separate all Recyclable materials.
    - b. Haul Recyclable materials to facilities that accept the materials hauled for recycling.
    - c. Self-haulers that are Commercial generators or Multi-family units shall keep a record of the amount of Organic Waste delivered to each facility that processes or recovers Organic Waste; this record shall be subject to inspection by the Town. The records shall include the following information:
      - i. Delivery receipts and weight tickets from the facility accepting the waste.
      - ii. The amount of material in cubic yards or tons transported by the generator to each facility.
      - iii. 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 Recyclable materials.
- D. Provide proof of compliance with this section, upon request by the Town. Proof includes but is not limited to a receipt from a recycling processing facility that clearly identifies the type and quantity of material delivered. Enforcement

A commercial customer will receive a warning upon its first violation of this section. Chapter 1.02 of this Municipal Code shall apply to all subsequent violations of this section.

## **6.01.070 Organic Waste Recycling**

### **A. Residential Organic Waste Recycling**

Owners and occupants of single-family units shall segregate Organic Waste, except for Food Waste and food-soiled paper, from garbage by placing accepted material in the curbside residential recycling container, Yard Waste container, Yard Waste dumpster, or by self-hauling material to Eastern Regional Landfill, Yard Waste drop-off event, or other recycling facility.

B. Multi-family Organic Waste Recycling

1. Owners, occupants, and staff of multi-family residential units, and contractors collecting Organic Waste from multi-family residential units, shall segregate Organic Waste, except for Food Waste and food-soiled paper, from garbage by placing it in available recycling containers or self-hauling material to a recycling facility.
2. The Town may waive a Multi-Family Unit's obligations to comply with some or all of the Organic waste recycling requirements in this section if the owner, property manager, or other authorized representative provides evidence that they meet the criteria for a De Minimis or Physical Space Waiver as outlined in Section 6.01.085.

C. Commercial Organic Waste Recycling

1. Commercial generators that generate two cubic yards or more of solid waste per week shall:
  - a. Ensure the segregation of recyclable Food Waste from garbage by placing each type of material in a separate designated receptacle or container, and ensure that employees, contractors, volunteers, customers, visitors, and other persons on site segregate Food Waste.
  - b. Provide an adequate number and type of labeled receptacles needed for segregating and storing food waste and provide adequate access to these receptacles.
  - c. Provide adequate instructions to employees, contractors, and volunteers of the requirements of this section, including (1) the requirement and procedures to ensure the segregation of Food Waste from garbage; (2) the employees', contractors', and volunteers' responsibilities regarding compliance with this chapter; and (3) the types and location of receptacles and containers for Food Waste.
- 2.
3. In addition to the applicable requirements of subsection 6.01.070(C)(1), owners and operators of all commercial businesses shall separate non-food Organic Waste from garbage by placing accepted material in a recycling container, subscribing to yard waste collection service offered by the franchisee, or self-hauling material to a facility as outlined in subsection 6.01.070(D). Commercial generators not required to separate Food Waste are not prohibited from integrating other types of waste prevention measures, including community composting, managing Organic Waste on-site, and other means of recovering Organic Waste.
4. The Town may waive a Commercial generator's obligations to comply with some or all of the Organic waste recycling requirements in this section if the Commercial generator provides evidence that they meet the criteria for a De Minimis or Physical Space Waiver as outlined in Section 6.01.085.

#### D. Self-hauling

1. Nothing in this chapter shall preclude any person, solid waste customer, commercial generator, or multi-family generator from self-hauling Organic Waste generated by that entity to an Organic Waste processing facility.
2. Generators that choose to self-haul shall:
  - a. Source-separate all non-recyclable Organic Waste in a manner consistent with 14 CCR Section 18984.1.
  - b. Deliver Organic Waste to a facility that processes or recovers source-separated Organic Waste.
  - c. Self-haulers that are Commercial generators or Multi-family Units shall keep a record of the amount of Organic Waste delivered to each facility that processes or recovers Organic Waste; this record shall be subject to inspection by the Town. The records shall include the following information:
    - i. Delivery receipts and weight tickets from the facility accepting the waste.
    - ii. The amount of material in cubic yards or tons transported by the generator to each entity
    - iii. 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. Provide proof of compliance with this section, upon request by the Town; proof includes but is not limited to a receipt from an Organic Waste processing facility that clearly identifies the type and quantity of material delivered.

#### E. Enforcement

A commercial, multi-family, or residential customer will receive a warning upon its first violation of this section. Chapter 1.02 of this Municipal Code shall apply to all subsequent violations of this section.

### **6.01.080 Commercial Edible Food Recovery**

#### A. Requirements for Commercial Edible Food Generators

1. Tier One Commercial Edible Food Generators shall comply with the requirements of this section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
2. Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Event to comply with the requirements of this Section, commencing January 1, 2024.
3. Commercial Edible Food Generators shall comply with the following requirements:
  - a. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
  - b. 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.

- c. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
- d. Allow the Town's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.
- e. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
  - i. 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).
  - ii. A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
  - iii. A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
    - 1. The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
    - 2. The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
    - 3. The established frequency that food will be collected or self-hauled.
    - 4. 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.
- f. No later than March 31 of each year commencing no later than February 1, 2023, for Tier One Commercial Edible Food Generators and February 1, 2025, for Tier Two Commercial Edible Food Generators, provide an annual Food Recovery report to the Town that includes the following information:
  - i. A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
  - ii. The quantity of food, measured in annual pounds recovered, collected, or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery for the previous calendar year.
  - iii. The name, address, and contact information of the Food Recovery Service or Food Recovery Organization.
- g. Nothing in this ordinance 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 Section 49580 et seq of the Education Code and/or Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time.

**B. Requirements for Food Recovery Organizations and Services**

- 1. Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
  - a. The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
  - b. The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.

- c. The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
  - d. The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
2. Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
  - a. The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
  - b. The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
  - c. The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
3. Food Recovery Organizations and Food Recovery Services shall inform generators about California and Federal Good Samaritan Food Donation Act protection in written communications, such as in their contract or agreement established under 14 CCR Section 18991.3(b).
4. Food Recovery Organizations and Food Recovery Services that have their primary address physically located in Truckee 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 Town it is located in 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 March 31 of each year, commencing March 31, 2023.
5. In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the Town, or its designated entity, Food Recovery Services and Food Recovery Organizations operating in the Town shall provide information and consultation to the Town, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the Town and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the Town shall respond to such request for information within 60 days unless a shorter timeframe is otherwise specified by the Town.

### **6.01.085 Waivers for Generators**

#### **A. De Minimis Waivers**

Commercial generators and Multi-family Units requesting a de minimis waiver for some or all of their obligations under Section 6.01.070 Organic Waste Recycling shall:

1. Submit an application specifying the service(s) for which they are requesting a waiver.
2. Provide required documentation as follows:
  - a. For a Food Scraps de minimis waiver, provide documentation that the commercial generator's total solid waste collection service is two cubic yards or more per week, and the Organic Waste subject to collection in a Food Scraps container is less than one-half cubic yards per week.
  - b. For a Yard Waste de minimis waiver, provide documentation that either:
    - i. The commercial business' total solid waste collection service is two cubic yards or more per week and Organic Waste subject to collection

- in a Yard Waste container comprises less than 20 gallons per week of the businesses' total waste during the season when Yard Waste is accepted by the franchisee; or,
- ii. The commercial business' total solid waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Yard Waste container comprises less than 10 gallons per week of the business' total waste during the season when Yard Waste is accepted by the franchisee.
3. Notify the Town if circumstances change such that the generator's Organic Waste exceeds the threshold required for a waiver, in which case the waiver will be rescinded.
  4. Provide written verification of eligibility for a de minimis waiver every five years, if the Town has approved a de minimis waiver.
- B. Physical Space Waivers
- Commercial generators and Multi-family Units requesting a physical space waiver for some or all of their obligations under Section 6.01.060 Mandatory Commercial Recycling or Section 6.01.070 Organic Waste Recycling shall:
1. Submit an application specifying the service(s) for which they are requesting a waiver.
  2. Provide documentation that the premises lacks adequate space for the necessary collection containers.
  3. Provide written verification to the Town that it is still eligible for a physical space waiver every five years, if the Town has approved a physical space waiver.

### **6.01.090 Compliance Inspections**

The Town or its agent may enter a commercial premises or common areas of a multi-family property of five or more units to conduct a compliance inspection of any collection container or collection vehicle load, and may enter a transfer, processing, or disposal facility to conduct a compliance inspection. Compliance inspections may be performed without prior notice during normal business hours. Such inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this chapter described herein. Failure to provide or arrange for: (i) access to an entity's premises; or (ii) access to records for any Inspection or investigation is a violation of this ordinance and may result in penalties described.

### **6.01.100 Authority to Collect**

The Town and its elected officials, officers, agents, and employees, or any contractors with whom the Town may at any time enter into a contract or franchise therefor, and the officers, agents, and employees of such contractors, while any such contract is in force, shall have the exclusive right to gather, collect and remove solid waste from all premises in the town; and no person other than those specified in this section shall gather, collect or remove any solid waste, convert or transport any solid waste in, along or over any public street, alley or highway in the town, or take any solid waste from any container, alternative receptacle, or bin in which the same may be placed for collection or removal, or interfere with, disturb, or remove any such container, alternative receptacle, or bin, or remove any such container, alternative receptacle, or bin from any location where it is placed for collection by the owner thereof.

### **6.01.110 Responsibility for Solid Waste Prior to Collection**

A. Segregation of materials

Residential customers should separate solid waste, Recyclables, and Yard Waste and set out materials for collection in the appropriate containers and/or bags approved by the collector for each respective material. The collector may refuse to collect containers of solid waste, Recyclables, and/or Yard Waste which contain improperly disposed of materials, and in that event shall notify the customer of the reason for non-collection.

B. Clean up responsibility

Until picked up by the franchisee, each person placing solid waste into a bin, alternative receptacle, or container for collection by the franchisee shall be responsible for the cleanup of any and all solid waste that for any reason whatsoever spills from the bins, alternative receptacle, or containers. It shall be unlawful for a person who has deposited solid waste into a bin, alternative receptacle, or container, which solid waste has later spilled from said bin, alternative receptacle, or container, to knowingly allow the spilled solid waste to remain outside of the bin, alternative receptacle, or container, from which it spilled.

C. Ownership of solid waste and Recyclable materials

1. All solid waste and Recyclable materials are the property of the person generating them and shall pass from the generator directly to the solid waste collector.
2. Nothing in this chapter shall limit the right of any person, organization, or other entity to sell Recyclable material owned by that person, organization or other entity or to donate Recyclable material to a charity or any other entity.

### **6.01.120 Prohibited Acts**

A. Dumping

No person shall deposit or permit to be deposited on, over, or along any public road, highway, right-of-way, or public or private property including sidewalks, gutters, stream, or creek or the banks thereof within the boundaries of the Town any animal carcasses, or solid waste or litter except in containers or in areas lawfully provided for or permitted for that use.

B. Accumulation

No person shall store or accumulate any solid waste, nor permit the storage or accumulation of any solid waste within or upon any property or place owned, leased, or rented by such person or in such person's possession or control.

C. Tampering

No person shall tamper with, modify, remove from, or deposit solid waste or Recyclable materials in a container which has not been provided for his/her use, without the permission of the container owner.

D. Defacing

No person shall deface, damage, paint, or in any way mark any solid waste, recycling, Yard Waste, or Organic Waste containers.

E. Unauthorized Disposal

1. No person shall dispose of solid waste, nor permit the disposal of solid waste, on any premises owned, leased, or rented by such person or in such person's possession or control.
2. No person shall place solid waste upon the land of another, or in a residential or

commercial solid waste receptacle of another, or upon premises other than those from which the solid waste originated, for the purpose of making solid waste available for collection and disposal.

F. Hazardous waste

No person shall dump, deposit, or otherwise dispose of any hazardous or medical waste on land, soil, rock, air, or water or at unauthorized disposal sites, transfer stations, resource recovery facilities, transformation facilities, buy back centers, or drop off recycling centers or in any container to be collected and ultimately deposited, unless otherwise approved in advance and in writing by the Town.

G. Burning

No person shall burn or incinerate solid waste.

H. Sorting

No person shall sort, separate, or segregate any solid waste of any kind within or upon any public street or place, unless authorized by the Town, and then only in the manner, place, time, and subject to such restrictions as may be imposed by the Town.

I. Removal

No person, other than the person in charge of any premises, or the collector authorized by the person in charge of any premises, shall remove any container or commercial bin from the location where the container or commercial bin was placed for storage or collection by the person in charge of the premises, or remove any solid waste, including Recyclable solid waste and Yard Waste, from any container or commercial bin, or move the container or commercial bin from the location in which it was placed for storage or collection, without prior written approval of the person in charge of such premises.

J. Collection

1. No person or entity, other than a franchisee, shall remove, collect, transport, or otherwise handle solid waste except as specifically authorized by this chapter. A franchisee holding a current, valid franchise from the Town may bring a civil action to enforce this provision in its own name and without regard to any action taken by the Town.
2. No person shall interfere with or obstruct the authorized activities of a solid waste collector, authorized recycling collector, in the collection, transportation, or disposal of solid waste.

K. Importation of Solid Waste

No person shall transport or permit to be transported into the Town any solid waste of any kind generated or accumulated outside the Town, for the purpose of storing or disposing of it in the Town, and no person shall store or dispose of any solid waste transported or brought into the Town from outside the Town, except as follows:

1. Solid waste may be transported directly to a solid waste disposal facility for final deposition at such facility site.
2. Solid waste may be transported directly to a solid waste transfer/processing station for the following purposes:
  - i. Transfer of the solid waste directly from smaller to larger vehicles for transport; or
  - ii. Temporary storage, separation, or other processing of the materials in the solid waste.

L. Collection vehicles

1. No person shall collect or transport any solid waste within or upon any public streets in the Town, or anywhere in the Town, except in leak-proof containers or vehicles so constructed that no solid waste can leak, fall, or be blown from such container or vehicle.
2. Vehicles or containers used to collect or transport solid waste shall be kept completely covered or screened at all times except when solid waste is being actually loaded or unloaded and except when the vehicles are moving along a collection route in the course of collection.
3. Vehicles used to collect or transport solid waste shall be labeled with the company's name and telephone number and a unique vehicle number in letters and numbers not less than three inches high on the vehicle in a location that is clearly visible to the public.
4. Vehicles used to collect or transport solid waste shall be maintained in such manner as to meet or exceed vehicle emission standards promulgated by the State of California.
5. Collection and transportation of any solid waste shall be so conducted that no solid waste will spill out of the collecting or transporting container or vehicle. Any person collecting or transporting any solid waste shall immediately pick up all solid waste which spills or is blown from the collecting or transporting container or vehicle, and shall otherwise clean the place onto which any such solid waste was spilled or blown.

**6.01.130 Enforcement**

A regulated entity under this chapter will receive a warning upon its first violation of this chapter. Chapter 1.02 of this Municipal Code shall apply to all subsequent violations of this chapter.

1. Education Period for Non-Compliance  
Beginning January 1, 2022 and continuing through December 31, 2023, the Town will conduct Inspections and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if the Town determines that a Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this ordinance and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.
2. Civil Penalties for Non-Compliance  
Beginning January 1, 2024, if the Town determines that a Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this ordinance, it shall document the noncompliance or violation, issue a Notice of Violation, and take enforcement action as needed.