

## STAFF REPORT

**DATE:** November 16, 2021

**TO:** City Council

**FROM:** Stan Gryczko, Director, Public Works Utilities & Operations  
Adrienne Heinig, Assistant to the Director  
Jennifer Gilbert, Conservation Coordinator

**SUBJECT:** Senate Bill 1383 Updates to Chapters 15 and 32 of the City's Municipal Code

---

### **Recommendation**

1. Receive report on the revisions to Chapter 15 of the City's Municipal Code (Finance and Taxation); and Chapter 32 of the City's Municipal Code (Management of Garbage, Other Wastes, Recyclables, and Fees Therefor), necessary to ensure compliance with Senate Bill (SB) 1383, with feedback from the Natural Resources Commission; and
2. Introduce the Ordinance (Attachment 1) amending Chapters 15 and 32 of the City of Davis Municipal Code related to the incorporation of required changes related to SB 1383 compliance, as well as other updates, to ensure the City of Davis is in compliance with State law.

### **Fiscal Impact**

Adoption of the updates contained in the proposed Ordinance will have a fiscal impact to the City, as the regulations in the proposed changes require the development of revisions to existing City programs and the creation of new programs. The exact impact to the City's Solid Waste Fund is undetermined at this time, as the program and policy actions to achieve compliance with SB 1383 have not been directed by Council. It is anticipated that the cost of compliance with the programs and procedures defined in the proposed ordinance will be fully understood at the conclusion of the next solid waste cost of service/rate study, which will be initiated in the beginning of 2022. The cost to revise the City's Municipal Code is within the operating budget of the Public Works Utilities & Operations Solid Waste Diversion Program (7701).

### **Council Goals**

This effort is consistent with the Council Goal to Pursue Environmental Sustainability.

## **Commission Input**

The Natural Resources Commission reviewed the suggested changes to the Municipal Code (in concept and by example) at their meeting on October 25, 2021. A more detailed summary of the discussion of the Commission is included within this report, however in brief the Commission discussed and ultimately motioned the following:

- Discussion included a focus on issues with inconsistent bin color/labeling and subsequent confusion around waste diversion, the importance of a robust education campaign around SB 1383 for all City solid waste customers, existing waste diversion and waste storage issues in the Downtown, concerns around contamination in organics bins, best practices for noticing customers of contamination, and clarification around who is responsible for fines, should they be levied for non-compliance.
- Concern was expressed regarding the volume of changes suggested, and the inability to see the redline updates. It was reiterated that the Commission supports the changes *in concept*.

Motion: To recommend the changes in concept to the Ordinance as related to SB 1383 regulations, support the changes above the SB 1383 regulations, and support the changes unrelated to the SB 1383 regulations, with consideration of the additional comments as provided by the Natural Resources Commission discussion.

Moved by Michelle Byars, seconded by T Rost. The motion passed by the following votes:

Ayes: M Byars, J Johnson, R McCann, T Rost, M Slattery, K Tuso

Noes:

Absent: H Safford

## **Background**

Concurrent with the work to develop an implementation roadmap to ensure the City is well on the way to compliance with the regulations set forth in Senate Bill (SB) 1383, City staff has also been working with California's Department of Resources Recycling and Recovery (CalRecycle), the City Attorney's Office and on-call consultants to update Chapter 32 of the City's Municipal Code: Management of Garbage, Other Wastes, Recyclables and Fees Therefor, and a small portion of Chapter 15: Finance and Taxation. This work is to enable the City to have an enforceable ordinance, compliant with SB 1383 regulations, in place by January 2022.

As outlined in the SB 1383 introduction to the Council on October 5, 2021, landfills are the third largest source of methane emissions in California. When buried in landfills, organic waste (including paper, cardboard, food scraps, food-soiled paper products, yard trimmings and other organic-based wastes) emit 20% of the state's methane (a climate super pollutant 84 times more potent than carbon dioxide) and air pollutants like

PM 2.5 (which contributes to health conditions like asthma). Organic wastes make up half of what Californians send to landfills. Reducing the amount of organic waste in landfills can have a direct impact on the climate crisis, which is the purpose of SB 1383.

CalRecycle has created a webpage for elected officials that outlines the roles and responsibilities that jurisdictions have under the new regulations:

<https://www.calrecycle.ca.gov/organics/slcp/electedofficials>

The final rulemaking for SB 1383 was completed by CalRecycle on November 3, 2020, with the final text of the regulations published in February 2021. Fortunately for Davis, solid waste programs and policies already in place contribute to the community being well on the way toward compliance with SB 1383, especially with the introduction of mandatory organics waste collection in 2016. However, there are many other parts of SB 1383 that the City has been working to address, including the required updates to the City's Municipal Code. With this effort, the City has the benefit of a model ordinance developed by CalRecycle (included as Attachment 4 to this report) which includes draft ordinance language from the SB 1383 regulations highlighted for jurisdictions, provided to ensure the revisions conform to the regulations. Major changes within the City's ordinance utilize language directly from the model ordinance.

### **Steps Toward Compliance and Readiness by January 2022**

With the delays in finalizing the SB 1383 regulations, CalRecycle has prioritized three components of the regulations to be in place prior to January 2022: an enforceable ordinance, an edible food recovery program, and mandatory organics collection. The City implemented a mandatory organics program in 2016, and is working collaboratively with Yolo County, West Sacramento, Woodland and Winters staff to develop a county-wide Edible Food Recovery Program. Implementation of the SB 1383 regulations related to policy and program development is being presented to the Natural Resources, Social Services, and Utilities Commissions concurrent to this effort.

Although the update to the ordinance and implementation plan complement each other, it is important that each effort remains separate to avoid confusion on primary goals and discussion points. The implementation plan, along with Commission comments and recommendations, will be before Council for consideration in December.

As a response to the challenges created by the COVID-19 pandemic and the associated delays in rulemaking for SB 1383, Governor Newsom signed Senate Bill 619, which allows agencies to request that CalRecycle waive fines for non-compliance by January 1, 2022. The fines would only be waived for agencies that have a "Notice of Intent to Comply" on file with CalRecycle by March 2022.

The City of Davis works closely with CalRecycle regulators, and will continue to watch the actions around SB 619. Should the City be at risk of fines for non-compliance prior

to the full implementation of SB 1383 regulations, it is anticipated that the City would submit the notice required by the specified time.

### **Establishing the Foundation**

Updating the City's Municipal Code incorporates the necessary definitions and specifications of the SB 1383 regulations in anticipation of January 1, 2022. Chapter 32 provides the foundation for the City's implementation of SB 1383 programs and policies, and defines the terms by which each customer class is impacted, as well as how each waste stream is modified, how contamination in the waste stream is identified, and how infractions are enforced. The Chapter does not set the policy or the approach that the City is taking with overall compliance.

### **Narrow Ordinance Update Focus**

The substantial update of Chapter 32 (and the small change to Chapter 15) is focused on revisions specific to SB 1383, with limited "clean-up" of language that would likely not require more input from the community prior to implementation. For the most part, new sections added as required reflect language provided by CalRecycle in the model ordinance, with minor modifications as needed to individualize the regulations to Davis.

City staff is planning additional changes to Chapter 32 as part of a broader look at the City's development review process and the creation of waste enclosure guidelines to aid businesses and developers and ensure that they are set up for waste diversion success. During the discussion of the ordinance updates at the NRC meeting, additional updates to the ordinance were recommended, and have been noted by staff. These recommendations will be presented to Council at a later date and are not part of this discussion.

### **New Chapter versus Revision of Existing**

With the shortened time available to amend the City's Municipal Code to bring it into compliance with SB 1383, staff considered approaching the ordinance updates as other jurisdictions have, by creating a new section or chapter of the ordinance for adoption separately from the existing chapters to ensure regulations are in place.

Staff does not recommend this approach for two reasons. First, the regulations associated with SB 1383 will (as has been previously stated on many occasions) impact nearly all waste program policies within the City, and the shorter work to append the ordinance would likely just delay the weightier task of making the necessary updates across each section of the Code. Second, with the magnitude of changes, it is important that the City's messaging and process is clear from the beginning to reduce (as much as possible) the confusion associated with the implementation of the regulations. Having chapters that are revised to incorporate the changes to each section also illustrates the depth of the changes, and identifies areas where the City may have an

additional gap in compliance, or suggest opportunities to improve outreach and education.

### **Summary of Updates Related to SB 1383**

Throughout the Chapters (15 & 32) there are a number of updates that need to be made that are included in redline form in Attachments 2 & 3. A summary of those proposed changes is included here. Staff has listed the updates to Chapter 32 first, as by far the most updates are focused on that Chapter. When possible, page numbers from the PDF version of the Model Ordinance are provided for reference.

#### Updates to Article 32.01: *IN GENERAL*

- Definitions (32.01.010) have been added to ensure that the Chapter reflects the requirements of SB 1383. The definitions applicable to the City (and not currently included in the Chapter) are provided from the CalRecycle model ordinance. This includes new definitions (such as ‘Container Contamination’; ‘Excluded Waste’; ‘Food Recovery Service’; ‘Large Event’, etc.) and revising existing definitions (adding ‘organic waste’ to Divertible Materials, for example). As Davis’ dual-stream recycling collection service is slightly different from the traditional 3-bin system, additional definitions were added to reflect this, such as “Split Recycling Cart,” “Dark Blue Container,” and “Light Blue Container”. In addition, throughout the definitions terms that have been defined are included in the appropriate form (e.g. Contract Hauler and Solid Waste are capitalized, to indicate that they are defined.)
- Updates have been made to the Mandatory Service (32.01.020) section, to further detail mandatory service provisions under SB 1383, self-hauling requirements as established by the regulations, and compliant language on possible exemptions to mandatory service, including De Minimis Waivers. This language is in various sections of the CalRecycle model ordinance, with self-hauler requirements on page 38, and exemptions to mandatory service starting on page 47.
- Updates have been made to Prohibited Acts (32.01.030) to update references to the defined terms Solid Waste, Yard Waste Recyclable Materials and Organic Waste (this minor update is throughout the Chapter), and to ensure that there are no prohibitions against using Community Composting sites, within specific perimeters as required (on page 22 of the CalRecycle model ordinance definitions).
- Modifications have been made to Acceptable Containers and Placement of Waste (32.01.040) to ensure that all customers are sorting waste into the appropriate containers, or placing on the street as permitted (as required by SB 1383).

- Modifications have been made to the section on Placement of Waste Containers (32.01.050) to add the section header that was missing in the current language, to ensure that the appropriate containers are referenced, as well as other modifications detailed in the section on Non-SB 1393 Related Updates below.
- The section on Ownership of Wastes and Recyclables (32.01.060) was updated to ensure containers for waste are correctly identified.
- Within Customer Obligation Relating to Separation of Divertible Materials (32.01.065), the containers have been identified and the requirement of only placing yard materials in on-street yard material piles has been clearly defined (This is not referenced in the CalRecycle model ordinance, but is required to prevent contamination). Additional updates have been made to combine sections of the Chapter that are similar for clarity.
- Changes in Commercial and Industrial Waste Management (32.01.080) have been included to update defined terms (such as Commercial Business, and Putrescible waste), to add reference to requirements for Tier 1 and Tier 2 food generators, ensure the proper waste bins (with the correct colors and/or labels) are provided to customers and employees, and that necessary education and monitoring is conducted. This language is included in a few locations in the model ordinance, with most in Section 6, starting on page 39.
- The section on Yard Waste Management (32.01.090) has been updated to include defined terms, and additional modifications detailed in the section on Non-SB 1393 Related Updates below.
- Outdated or now-redundant sections of the Chapter have been removed. This includes Recyclables Collection (32.01.100) and Recycling collection sites for existing communally serviced residences (32.01.110).
- Modifications have been made to the Enforcement/Penalties Section (32.01.125). The changes incorporate the description of the types of violations and consequences defined and determined by SB 1383 in the City's existing administrative process, and ensures that the fines for violations in Chapter 32 match the City's structure in Article 1.02 (Administrative Citations). Further discussion on these changes is included later in this report. The language added to the section, and required amounts for fines, is in Section 17 of the model ordinance, starting on page 67 of the model ordinance document.
- Billing procedures in sections Commencement of liability for charges for new buildings (32.01.130) and Billing procedure (32.01.140) have updated defined terms, and footnotes are struck within the Refunds and Remedies of city,

penalties, etc., concerning collection of charges sections (32.01.150 and 32.01.160).

- A new section on Edible Food Recovery Programs (32.01.170) has been added to the Chapter. This language is from Section 9, and starts on page 50 of the model ordinance.
- A new section on Requirements for Haulers and Facility Operators (32.01.180) has been added to the Chapter. This section starts on page 55 of the model ordinance.
- A new section on Inspections and Investigations by the City (32.01.190) has been added to the Chapter. This section starts on page 65 of the model ordinance.
- A new section on Model Water Efficient Landscaping Ordinance (MWELo) Requirements (32.01.200) has been added to the Chapter. Although other portions of MWELo are currently included in the City's Municipal Code, the requirements specifically called out in SB 1383 related to the use of compost and mulch are delineated in this section. The code includes the provision that if MWELo is amended by the state and the provisions are more stringent than those required in this section, the revised requirements will be enforced. The reference to MWELo requirements is in Section 14 of the model ordinance, which starts on page 61.
- A new section on Procurement (32.01.210) has been added to reflect SB 1383 requirements for the City and all vendors to comply with the City's policy regarding recovered organic waste product procurement. This language is reflected in Section 15 of the model ordinance, however the City's existing policy (on recycled-content paper purchasing) is adequate to meet the requirements, and a reference to the policy is all that is required.
- Lastly, it is recommended that the Chapter title be re-named: Chapter 32 Management Solid Waste

#### Updates to Article 32.03: ADEQUATE AREAS FOR COLLECTING RECYCLABLE MATERIALS

*As a note, since this section is shorter, it was suggested that the section be struck and replaced in its entirety with revised language. The changes are summarized below:*

- Definitions established for Article 32.01 as required by the regulations are recommended to be incorporated into this section (32.03.010), and section-specific definitions, for Development Projects and Improvements have been added for clarity.

- Updates to General Requirements (32.03.020) were made to clarify the placement of recycling and organic containers in new and existing developments, and to ensure containers are properly identified.
- Minor updates to the Guidelines for all Development Projects (32.03.030) to include organic waste collection and ensure waste areas are designed to collect all divertible wastes generated onsite.
- A new section on CalGreen Requirements (32.03.050 - replacing 'Education' as described below) has been added to comply with SB 1383 requirements. The requirement is detailed in Section 13 in the model ordinance, starting on page 39.
- The section on Education (32.03.050) has been removed as the information is already covered in another section of the revised ordinance. This modification also ensures that property owners/businesses provide educational materials for all new tenants within 14 days of occupancy, as required by SB 1383.
- It has also been recommended that the title of the Article be changed to: Adequate Areas For Collecting Recyclable **And Organic** Materials

#### Updates to Article 15.02: PURCHASE OF RECYCLED PRODUCTS

- Minor updates were made to this article (15.02.070) to link the purchase of recycled products in the City to the State Public Contract Code.

#### **Updates Above and Beyond SB 1383 Requirements**

In addition to the requirements to amend the City's ordinance for minimal adherence to SB 1383, City staff proposes to include the following three revisions that would go above and beyond the SB 1383 regulations as written, and would benefit the City in meeting local and State waste diversion requirements. These three modifications, and the sections they are in are outlined below:

- Article 32.01.020 Mandatory service. While the requirements of SB 1383 prescribe that the ordinance shall require organics recycling service, the City is proposing to amend the requirements to include non-organic waste recyclables as well. This is, in a lot of ways, a minimal change in terms of impact to solid waste customers (it is formalizing and clarifying what has already been included in City Municipal Code 32.01.065 since 2016, which requires that wastes be placed into the correct bin for maximum waste diversion) and if customers would like to petition to self-haul, they still can.
- Article 32.01.080 Commercial and industrial waste management (*suggested to be renamed: Waste Collection Services – Commercial Businesses and*



*Other Generators*). SB 1383 regulations specifically exempt restrooms from organics collection requirements. However, paper towels from restrooms are a highly divertible waste stream, and the City has had some success in enforcing that diversion in public buildings. City staff would recommend that the City exempt restroom stalls only from the organics waste requirements, and continue to ensure that paper towels in restrooms are collected as organic waste.

- Throughout Article 32.01: A focus on cardboard recycling. With the onset of the global pandemic, and significant increase in mail-order goods within the community (and across the State, etc.), as well as the cyclical move-out/move-in cycles within Davis in June/July and Aug/September, the disposal of cardboard has offered City staff quite the challenge in convincing customers to break down and properly recycle this (very easily recycled) material. With some testing, City staff has found that identifying clear areas in trash enclosures for the placement of flattened cardboard has significantly increased the amount of cardboard being recycled. City staff recommend that the ordinance be further amended to ensure that all commercial businesses (including multi-family properties) designate an area in or around trash enclosures for cardboard collection.

### **Updates Unrelated to SB 1383**

As indicated in the beginning of this memo, the ordinance revisions under consideration do include a few items that are not directly related to the implementation of SB 1383, summarized here for review.

- Article 32.01.040: Acceptable waste containers (*Suggested name: Acceptable Containers and Placement of Waste*). Within this Article, staff are recommending that compactors may only be utilized for new developments with approval of staff. The City has encountered repeated issues with compactor bins, especially at multi-family communities. Compactors are a major deterrent to proper waste sorting, and make contamination monitoring extremely difficult.
- Article 32.01.040: Acceptable waste containers (*Suggested name: Acceptable Containers and Placement of Waste*). Also, within this article staff suggest the inclusion of language that the City and its hauler have no liability for any damages to privately owned containers.
- Article 32.01.040 Acceptable waste containers (*Suggested name: Acceptable Containers and Placement of Waste*). The section on cleaning containers was amended to ensure that the containers are cleaned in accordance with best

practices for stormwater quality protection. Dumpsters or carts cleaned with hoses in the gutter would potentially permit significant contamination of stormwater quality.

- Modifications have been made to the section on Placement of Waste Containers (32.01.050) to clarify that bins that are 6 yards or smaller must have lids that remain closed and that bins should never be overfilled—both items address stormwater quality and litter issues.
- Article 32.01.070 Garbage service - Individually serviced residents (*Suggested name: Waste Collection Service – Individually Serviced Residences*). This section has been updated to replace the use of the term “disabled service” with the currently used “assisted service,” as well as to define container types.
- Article 32.01.080 Commercial and industrial waste management (*Suggested name: Waste Collection Services - Commercial Businesses and other Generators*). This section was amended to clarify that construction debris waste (as well as special waste and industrial waste) should be collected frequently enough to ensure that the waste is not discharged into the stormdrain.
- Article 32.01.090 Organic Waste management. Within this section, staff made two adjustments, both as “clean up.” The Cannery Development, which receives no on-street yard material pile collection service (as part of the development agreement) has been added to the list of sections of town that do not receive service, and the section that expired in September 2019 has been removed. It was also clarified that yard material piles cannot block stormdrain inlets.
- Articles 32.01.100 & 32.01.110 Recyclables collection & Recycling collection sites for existing communally services residences. These sections were removed as they are outdated and no longer required with the new SB 1383 updates to other sections.
- Article 32.03.020 General requirements. This section was amended to require that new developments create waste enclosures with all bins present, rather than create separate enclosures for trash, recycling, and organics. Compliance with diversion of materials is higher when the ability to sort materials is conveniently at hand.

## **Enforcement**

As with the implementation roadmap process, the majority of the changes required by SB 1383 are highly prescriptive, and offer little room for customization by jurisdictions. One area that did arise in the process of revising the City's ordinance was the question of enforcement, and how the City would suggest incorporating the required enforcement into the City's existing process. It is important to note that the enforcement process for violations of SB 1383 regulations will be *required* by all jurisdictions beginning in January 2024. Prior to that date, jurisdictions can undertake their own process, or focus on an education-only approach (more detail on that approach is included below).

SB 1383 does lay out specific penalties and steps for enforcement of violations related to the regulations. These penalties are a range, with the minimum and maximum penalties included here:

- First Violation \$50.00 - \$100.00
- Second Violation \$100.00 - \$200.00
- Third Violation \$250.00 - \$500.00

The process for enforcing compliance includes the following:

- Upon discovery of a violation, the jurisdiction must send a Notice of Violation to the owner on file with the County, or tenant on record, to notify them of a violation and appropriate corrective action. Compliance is required within 60 days of the issuance of the notice.
- If compliance is achieved within the timeline, no further action is required. If not, the City shall document the noncompliance and take enforcement action (i.e. levy the penalties as outlined above).

Currently, the City has a similar, though less truncated process for violations throughout solid waste services, which follows the City's standard administrative citation process:

- Step 1: First violation Enforcement staff in the Public Works Utilities and Operations department will leave reminder notices will be left to remind customers of the compliance requirement that has been violated. The reminder notice will note the date and nature of the violation and educational information to inform the resident/business of City regulations printed on the reverse. Staff will note the address and date of the violation as record, *however this is not an "official notice."*
- Step 2: Second violation Should a property be found to be in violation for a second time during the same calendar year, enforcement staff will photograph the violation, note the address and date of violation, and will send a Notice of Violation (NOV) to the resident/business. The NOV will include the photograph with the date/time stamp. If the property is a rental, the notice will be mailed to both the resident and property owner and/or manager. A copy of the NOV is

emailed to City Code Enforcement in the Police Department. The resident/property owner/manager will be given 10 days from the date of the letter to correct the violation. After a Notice-of-Violation is issued, enforcement staff will inspect the property to determine whether the violation has been corrected. If the condition has been corrected, the incident will be closed by enforcement staff and enforcement staff will notify Code Enforcement as such. In the event the condition is not corrected, enforcement staff will proceed to Step 3 of the enforcement process.

- Step 3: Third violation If after a Notice-of-Violation is issued and upon inspection the condition has not been corrected, or when a property is found to be in violation for a third time in the same calendar year, enforcement staff will direct Code Enforcement to issue an administrative citation in accordance with Section 1.02 of the Code. Enforcement staff will document the violation with a photograph and note the date and location of the violation. After this point Code Enforcement staff in the Police Department will be responsible for the citation and enforcement process.
- Step 4: For all subsequent violations by the same property in the same calendar year enforcement staff will direct Code Enforcement to issue subsequent administrative citations in accordance with Section 1.02 of the Code. Enforcement staff will document the violation with a photograph and note the date and location of the violation. After notification is made by enforcement staff to Code Enforcement in the Police Department regarding successive violation(s), Code Enforcement will be responsible for the citation and enforcement process.

The City's fine structure, per the Municipal Code:

- First Violation - \$100.00
- Second Violation - \$200.00
- Third Violation - \$500.00

#### *Amount of the Fines*

During the NRC discussion, the Commissioners suggested that the City consider fines at the lower end of the range suggested by the SB 1383 regulations. Given that the City's administrative fines are already at the top of the required range, staff asks Council to provide direction on the amount of the fine, should Council prefer a lower amount than current practice. In addition to direction on the amount of the fine (if different from current practice and within the range required by SB 1383), Council is also asked to provide staff with direction on the applicability of that fine amount for all solid waste infractions, or if the fine adjustment is only for SB 1383-related citations.

City staff have worked with the City Attorney's Office on this section closely, and at this time staff feels that with minor modifications to the timing of noticing customers in non-

compliance with City solid waste regulations (including SB 1383), and with the establishment of fines consistent with administrative citation limits in Article 1.02, the enforcement regulations are compliant with SB 1383 without *substantially* changing the City's current process, other than requiring fines be administered, which historically has been a choice of the jurisdiction. The only change would be to significantly shorten step 1 of the City's current process for all violations of the SB 1383 regulated portions of the Code.

#### *Education Period for Non-Compliance*

The SB 1383 regulations give jurisdictions the option to conduct a two-year education period from January 1, 2022 to December 31, 2023. This period would include all of the actions the jurisdiction is required to take, including route reviews, monitoring, waste evaluations, etc., however when a customer is not in compliance, the jurisdiction would only provide educational materials to the customer to inform them of the requirement of compliance, with reminders that penalties would begin January 1, 2024. Staff would not recommend this approach, as unlike other jurisdictions, the City has had organics service since 2016 and all customers have already received years of education on what should and should not go in the trash.

#### **Natural Resources Commission Discussion and Recommendations**

The Commission was presented with a memo prepared by staff, and a presentation from staff at their October 25, 2021 meeting. As stated in this report, staff has been working with CalRecycle, consultants and the City Attorney's Office on the updates to the Municipal Code. The process with the City Attorney has been the latest round of review, and a tracked changes version of the updates had not been fully reviewed prior to the time required to present the updates to the Natural Resources Commission. As such, along with a general list and description of changes that will need to be made to the Code, the Commission received the CalRecycle Model SB 1383 Ordinance, which is a standard by which jurisdictions can base their municipal code updates in order to ensure compliance with the regulations. However, given the prescriptive updates required by SB 1383, and the fact that the updates are (largely) taken directly from State guidance, staff felt comfortable in approaching the Commission for feedback absent a redline version of the ordinance, and to request recommendations based on the conceptual updates to the Code as required, with greater detail provided on the changes within the City's discretion. This update process is unique, and staff would not approach future updates independent of state regulatory changes in the same fashion.

Commission discussion on the suggested updates to the City's Municipal Code included the following:

- Agreed with the goals of the SB 1383 regulations (and the associated municipal code updates) to reduce the confusion associated with bin colors and labeling.

Identified existing issues with color and labeling with waste bins (especially with schools).

- Clarification that the organics program extends to residents of multifamily housing.
- Mentioned the importance of emphasizing the proper way to recycle cardboard, and suggested that staff implement educational campaigns on proper cardboard handling in advance of holiday season.
- Highlighted an issue with downtown where shared waste bins and waste bins away from the businesses physical location create pollution opportunities, especially in alleyways. Requested that staff consider way to phase out all storage of commercial waste containers on City property (and/or pedestrian alleyways, parking lots) to mirror changes like San Luis Obispo.
- Concern around the contamination percentage most likely to be seen in organics bins if placed in a restroom.
- Requested that with any warnings provided by staff for customers violating solid waste regulations, any notices left for customers would include the name and contact information for staff to contact in order to get more information and educational material. Also requested that the notice provide clear deadlines for compliance, and to keep the timing for the resolution of the violation commensurate with the actual violation (i.e. 10 days is short to address contamination of bins, but longer to address larger programmatic items, such as implementing a food recovery program, etc.) amount of time to remove material from the street).
- Requested that education on any violations be provided to property owners as well as tenants (when applicable).

Staff appreciated the consideration, review and feedback provided by the NRC, and reiterate that their support was provided conceptually for the updates, since they had not had the opportunity to see the redline changes.

### **Next Steps**

The City has been working on a condensed timeline to ensure readiness for SB 1383 based on a number of factors, including the delays in issuing the final rulemaking for the regulations and the delay in publishing the final language. With that, City staff are confident that within the current timeline and with the straightforward nature of the ordinance changes, the City can have an enforceable ordinance in place in the beginning of January 2022, as required by CalRecycle.

Should Council approve the updates to the Code and introduce the Ordinance on November 16, the second reading would take place on December 7, 2021. This would ensure that the ordinance would be in full effect by the first week of January 2022.

The development of the programs and policies associated with the SB 1383 regulations (outlined in the implementation roadmap) will take additional time to prepare and bring online, and will be before Council for review in December.

### **Outreach**

Outreach and education on the changes related to the SB 1383 regulations have been distributed to all City solid waste customers with increased regularity. A summary of completed and planned outreach is provided below.

#### **Completed outreach**

- Four new webpages were launched on DavisRecycling.org (the City's recycling website), in July 2021 on the new SB 1383 regulations
- July 2021 Utility Bill: Flier introducing the new SB 1383 regulations
- July 2021 Greener Davis E-Newsletter: Introduction to SB 1383, links to the City's new SB 1383 webpages
- July and August 2021: Letter, emails and phone calls to businesses required to recover edible food starting in January to let them know about their requirements under SB 1383, direct them to the City's website for additional information, and invite them to a countywide workshop on food recovery, held on August 25.
- October 2021: Informational flier on how SB 1383 will impact them was emailed and mailed out to local apartment properties and property management companies.

#### **Planned Outreach**

- Flier on how SB 1383 will affect businesses is planned to be included in the Downtown Business Improvement District renewal mailing
- Direct mail to all businesses operating with a license in Davis with information on the SB 1383 regulations and how that applies to them.
- A mailer to all Davis addresses is planned for January with details on the regulations
- Meetings and outreach coordination with the Downtown Davis Business Association (DDBA), Chamber, and other business organizations

### **Attachments**

1. Ordinance
2. Davis Municipal Code Chapter 32: Management of Garbage, Other Wastes, Recyclables, and Fees Therefor – Redline Changes
3. Davis Municipal Code Chapter 15: Finance and Taxation – Redline Changes
4. CalRecycle Model Ordinance

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF DAVIS, CALIFORNIA, AMENDING AND RESTATING SECTION 15.02.070 “PURCHASE OF RECYCLED PRODUCTS” OF ARTICLE 15.02 “PURCHASES” OF CHAPTER 15, “FINANCE AND TAXATION” OF THE DAVIS MUNICIPAL CODE, THE TITLE OF CHAPTER 32, “MANAGEMENT OF GARBAGE, OTHER WASTES, RECYCLABLES AND FEES THEREFOR,” AND 32.01 “IN GENERAL” AND ARTICLE 32.03 “ADEQUATE AREAS FOR COLLECTING RECYCLABLE MATERIALS” OF CHAPTER 32, “MANAGEMENT OF GARBAGE, OTHER WASTES, RECYCLABLES AND FEES THEREFOR,” OF THE DAVIS MUNICIPAL CODE, REGARDING MANDATORY ORGANIC WASTE DISPOSAL REDUCTION, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA**

WHEREAS, the City of Davis, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California;

WHEREAS, Assembly Bill (“AB”) 939 of 1989, the California Integrated Waste Management Act of 1989, requires the City to reduce, reuse, and recycle (including composting), solid waste generated in the City to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment;

WHEREAS, AB 341 of 2011 places requirements on businesses, including multi-family property owners with five or more dwelling units, that generate a specified threshold amount of solid waste to arrange for recycling services and requires the City to implement a mandatory commercial recycling program;

WHEREAS, AB 1826 of 2014 requires businesses, including multi-family property owners with five or more dwelling units, that generate a specified threshold amount of solid waste, recycling, and organic waste per week to arrange for recycling services for that waste, and requires the City to implement a mandatory commercial organics recycling program to divert organic waste from such businesses;

WHEREAS, AB 827 of 2019, with respect to certain businesses that offer products for immediate consumption, imposes requirements for on-site recycling and organic waste containers, including that these containers be placed adjacent to trash containers, be visible, easily accessible, and clearly marked. AB 827 further provides that certain businesses that arrange for gardening or landscaping services shall require the contract or work agreement between the business and the gardening or landscaping service require that the organic waste generated by those services be managed in compliance with Chapter 12.8 of Part 3 of Division 30 of the California Public Resources Code;

WHEREAS, Senate Bill (“SB”) 1383 of 2016, the Short-lived Climate Pollutant Reduction Act of 2016, requires the California Department of Resources Recycling and Recovery (“CalRecycle”) to develop regulations to reduce organics in landfills as a source of



methane. These regulations, adopted in 2020 (“SB 1383 Regulations”), place requirements on multiple entities including the City; single-family residential households; commercial businesses, including multi-family property owners with five or more dwelling units; commercial edible food generators; haulers, including self-haulers; food recovery organizations; and food recovery services to support achievement of statewide organic waste disposal reduction targets;

WHEREAS, the SB 1383 Regulations require the City to adopt and enforce an ordinance or other enforceable mechanism to implement relevant provisions of the SB 1383 Regulations;

WHEREAS, this Ordinance implements the requirements of the SB 1383 Regulations;

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

SECTION 1. Section 15.02.070 (“Purchase of recycled products”) of Article 15.02 (“Purchases”) of Chapter 15 (“Finance and Taxation”), of the City of Davis Municipal Code is hereby amended as follows:

**“15.02.070 Purchase of recycled products.”**

The City shall comply with 14 CCR Sections 18993.3 and 18993.4 and Public Contract Code, Chapter 3.5. Recycled Product Procurement Mandates Pertaining to Local Governments Division 2. Part 3. Chapter 3.5, Sections 22150 - 22154.

(a) **Definitions.**

- (1) **Recycled product.** Goods or materials that meet the requirements identified in Public Contract Code Section 12209, including any good or material that has been reused or refurbished without substantial alteration of its original form and paper products, and printing and writing paper.
- (2) **Recovered material.** Material and byproducts which have been recovered or diverted from the solid waste stream, but such term does not include those materials and byproducts generated from, and commonly reused within, an original process (such as mill broke). This term includes material defined as postconsumer material.
- (3) **Postconsumer material.** Postconsumer materials are those recovered materials which have served their intended uses and have been separated and diverted from the solid waste stream for the purposes of collection and recycling. These do not include manufacturing wastes.
- (4) **Mill broke.** Trimmings of paper machine rolls.

**(b) Procurement program for purchase of recycled products.**

(1) Preference. The city shall purchase recycled products whenever sufficient quantities are readily available and meet the city's specifications. The city shall purchase recycled products that contain the highest percentage of recovered materials, and are produced to the greatest extent with postconsumer materials.

All city departments shall establish purchasing practices which maximize the purchase of materials, goods and supplies that are produced from recovered materials, and/or may be recycled or reused when discarded.

(2) Promotion. To promote the use of products made from recovered materials, the city, to the extent practicable, shall label applicable products to indicate that they are recycled products.

The city shall cooperate with neighboring agencies in an effort to develop a comprehensive, consistent and effective procurement effort intended to stimulate the market for recycled products.

(3) Certification of Recovered Material Content. The city shall require the seller to certify in writing on a form prescribed by the city, that the recycled product sold to the city contains the minimum percentage of recovered materials set forth in the city's product specification and shall also specify the percentage of postconsumer materials contained in the product.

(4) Annual Status Report. City staff shall prepare and deliver to the city council an annual status report documenting the types, quantities and dollar amounts of recycled products purchased in the previous year, any additions or revisions to the previous year's specifications, and document those instances whereby an exemption, as listed in subsection (e) of this section, was used to purchase something other than the specified recycled product. The report shall also contain the status of the city's efforts to develop markets for recycled products including efforts to establish cooperative procurement programs with other agencies.

**(c) Product specifications.**

(1) The city shall review and revise product specifications so as to conform to the following guidelines:

(A) Specifications shall not require the use of products made from virgin materials.

(B) Specifications shall not exclude the use of recycled products.

(C) Specifications shall, whenever possible, clearly identify both the expected performance standard(s) for each particular product, and the specific intended use.

(D) Performance standards must be reasonable and not so stringent as to purposely exclude recycled products.

(E) A minimum percentage of recovered material content shall be incorporated into each specification when it is known that there are sufficient and readily available supplies of a particular recycled product able to meet the city's specifications.

(F) A minimum percentage of postconsumer material content shall be incorporated in each specification when it is known that there are sufficient and readily available supplies of a particular recycled product able to meet the city's specifications.

(2) **Monitoring and Revising Specifications.** City staff shall continually monitor the availability of recycled products so as to create new specifications and revise existing product specifications to reflect the availability of newly marketed products and increases in recovered material content (specifically, increases in the postconsumer material content).

(d) **Equipment and machinery purchases.** The city shall purchase, whenever feasible, equipment and machinery that is compatible with the city's applicable recycled products specifications.

(e) **Exemptions.**

(1) If the city finds it is unable to purchase a sufficient supply of a particular specified recycled product, the city may purchase a nonrecycled product until such time as a sufficient supply of the recycled product becomes available.

(2) No product shall be purchased that will negatively impact the health and safety of employees and citizens.

(3) A nonrecycled product may be substituted for the specified recycled product whenever:

(A) A particular piece of equipment or operation is unable to function properly with the material specified. In these instances, the preferred substitute product shall be a recycled product containing the highest percentage of recovered material and postconsumer material that allows the particular piece of equipment or operation to function. The substitution of a nonrecycled product shall be used as the last resort;

(B) In cases of operational emergency, the city may purchase products from the nearest capable vendor when the specified recycled product cannot be purchased by the time needed.

(4) If the purchase of a recycled product would significantly impact a department's adopted budget, the department shall document the impact and submit the issue to council for policy direction.

(f) **City consultant contracts.** All city contracts for consultant work, requiring the submittal of paper document(s) to the city, shall specify that the submitted document must be produced on recycled paper, when practicable, conforming to the city's specifications. All such documents shall be required to have the front cover labeled in such a way as to identify that the document was produced on recycled paper. Where practicable, the pages of all such documents shall be produced double-sided.

(g) **Public works contracts.** This section shall not apply to public works contracts required to be awarded to the lowest responsible bidder under state law."

SECTION 2. The title of Chapter 32 ("Management of Garbage, Other Wastes, Recyclables and Fees Therefor"), of the City of Davis Municipal Code is hereby amended to read as follows:

**"Chapter 32. MANAGEMENT OF SOLID WASTE"**

SECTION 3. Article 32.01 ("In General") of Chapter 32 ("Management of Garbage, Other Wastes, Recyclables and Fees Therefor"), of the City of Davis Municipal Code is hereby amended in its entirety and restated to read as follows:

**"Article 32.01 IN GENERAL**

**32.01.010 Definitions.**

For the purposes of this article, the following words, terms, phrases, and their derivations have the meanings given herein. Terms not defined in this section and defined elsewhere in this Code shall have the same meanings herein unless the context otherwise requires. In the event of a conflict between a definition in this Code and a definition in 14 CCR Section 18982, the definitions in Section 18982 shall control for the purposes of this article. Additionally, for the purposes of this article, the definitions in 14 CCR Section 18982 shall control for terms used in this article and not defined in this Code. When consistent with the context, words used in the present tense include the future tense, and words in the singular number include the plural number. Unless otherwise specified herein, references to a statute or regulation means the statute or regulation, as amended, supplemented, superseded and replaced from time to time.

**CalRecycle.** The California Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on the City (and others).

**California Code of Regulations** or **CCR.** The State of California Code of Regulations. CCR references in this article are preceded with a number that refers to the relevant title of the CCR (e.g., “14 CCR” refers to Title 14 of the CCR).

**Cardboard Collection Service.** A collection service that collects corrugated cardboard that is greater than two cubic feet in size when flattened and stacked in a pile within five feet of the curb or on the ground next to the Dark Blue Container or Split Blue Container for collection by the City’s Contract Hauler. Corrugated cardboard of any size placed in a container used only for the purpose of collection of cardboard by the City’s Contract Hauler.

**Code Compliance Administrator.** The city employee or agent of the city, including the City’s Designee with the authority to enforce any provision of this article, or as otherwise defined in Section 1.02.020 of this code.

**Commercial Business** or **Commercial.** 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 the purposes of implementing this article.

**Commercial Edible Food Generator.** A Tier One or a Tier Two Commercial Edible Food Generator as defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).

**Compliance Review.** A review of records by the City to determine compliance with this article.

**Communally serviced residence.** Apartments, quadruplexes, condominiums, mobile home parks and other resident occupancies at which wastes from individual resident units are commingled in a common container or a group of containers.

**Community Composting.** 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).

**Compost.** 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; or, as otherwise defined in 14 CCR Section 17896.2(a)(4).

**Compostable Plastics.** Plastic materials that meet the ASTM D6400 standard for compostability; or, as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).

**Container Contamination or Contaminated Container.** A container, regardless of color, that contains Prohibited Container Contaminants; or, as otherwise defined in 14 CCR Section 18982(a)(55).

**Construction and demolition debris** includes:

- (1) Discarded materials generally considered to be not water soluble and nonhazardous in nature, including, but not limited to, metals, glass, brick, concrete, asphalt material, pipe, gypsum, wallboard, and/or lumber, generated as part of a construction, demolition or renovation project; of a structure and/or landscaping, and including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing, landscaping and development operations for a construction or demolition project;
- (2) Clean cardboard, paper, plastic, wood, and metal scraps resulting from any construction or demolition project;
- (3) Other nonhazardous wastes that are generated at construction or demolition projects provided such amounts are consistent with best management practices of the industry.

**Contract Hauler.** The entity under contract with the city to haul Solid Waste in the city.

**Customer.** Any person or entity that the city or Contract Hauler bills for Solid Waste services provided by the Contract Hauler.

**Dark Blue Container.** A container that is part of the city's collection service for Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, with a dark blue lid and body and used only for the purpose of storage and collection of Source Separated Dark Blue Container Organic Waste; or, as otherwise defined in 14 CCR Section 18982(a)(5). Notwithstanding the foregoing, functional containers purchased prior to January 1, 2022 that are used for the storage and collection of Source Separated Dark Blue Container Organic Waste and that do not comply with the color requirements of 14 CCR Section 18982(a)(5) and Section 18984.1(a)(6)(B) shall be deemed to be Dark Blue Containers and are not required to be replaced until the end of the useful life of those containers or January 1, 2036, whichever is earlier.

**Dark Blue Side.** The side of a Split Blue Container that has a dark blue lid and is used only for the purpose of storage and collection of Source Separated Dark Blue Container Organic Waste. Notwithstanding the foregoing, a functional side of a Split Blue Container purchased prior to January 1, 2022 that is used for the storage and collection of Source Separated Dark Blue Container Organic Waste and that does not comply with the color requirements of 14 CCR Section 18982(a)(5), and (6)(B) (including a side of a Split Blue Container with a black lid, instead of a dark blue lid, on the section of the container used only for the purpose of storage and collection of Source Separated Dark Blue Container Organic Waste) shall be deemed to be the Dark Blue Side of the Split Blue Container.

**Designee.** An entity that the city contracts with or otherwise arranges to carry out any of the city's responsibilities of this article as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, including the city's Contract Hauler, a private entity, or a combination of those entities.

**Edible Food.** Food intended for human consumption; or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this article 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 article requires or authorizes the recovery of edible food that does not meet the food safety requirements of the California Retail Food Code.

**Enforcement Action.** An action of the city to address non-compliance with this article including, but not limited to, issuing administrative citations, citations for an infraction, fines, penalties, or using other remedies; or, as otherwise defined in 14 CCR Section 18982(a)(19).

**Excluded Waste.** Hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the city and its Generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions; waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the Code Compliance Administrator's or its Designee's, reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the city, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the State Public Resources Code.

**Food Distributor.** A commercial business that distributes food to entities including, but not limited to, Supermarkets and grocery stores.

**Food Facility.** A Food Facility as defined in Section 113789 of the State Health and Safety Code.

**Food Recovery.** Actions to collect and distribute Edible Food for human consumption which otherwise would be disposed

**Food Recovery Organization.** An entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities including, but not limited to: (1) A food bank as defined in Section 113783 of the State Health and Safety Code; (2) A nonprofit charitable organization as defined in Section 113841 of the State Health and Safety code; and, (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the State Health and Safety Code. A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this article and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

**Food Recovery Service.** 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 Edible Food Recovery.

**Food Scraps.** All food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps. Acceptable Food Scraps may be added to or removed from this list from time to time by the City.

**Food service provider.** 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.

**Food-Soiled Paper.** Compostable paper material that has come in contact with food or liquid, such as, but not limited to, paper towels, compostable paper plates, paper coffee cups, napkins, and pizza boxes. Acceptable Food-Soiled Paper may be added to or removed from this list from time to time by the City.

**Food Waste.** Food Scraps, Food-Soiled Paper, and Compostable Plastics.

**Generator.** A person or entity that is responsible for the initial creation of Solid Waste, and with respect to Organic Waste, 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).

**Gray Container.** A container that is part of the city's collection service for all Generators and used only for the purpose of storage and collection of Gray



Container Waste; or, as otherwise defined in 14 CCR Section 18982(a)(28). Notwithstanding the foregoing, functional containers purchased prior to January 1, 2022 that are used for the storage and collection of Gray Container Waste and that do not comply with the color requirements of 14 CCR Section 18982(a)(28), shall be deemed to be Gray Containers and are not required to be replaced until the end of the useful life of those containers or January 1, 2036, whichever is earlier.

**Gray Container Waste.** Solid Waste that is collected in a Gray Container that is part of the city's container collection service for all Generators that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Sections 18984.1(a) and (b); or, as otherwise defined in 14 CCR Section 17402(a)(6.5).

**Green Container.** A container that is part of the city's collection service for all Generators and used only for the purpose of storage and collection of Source Separated Green Container Organic Waste; or as otherwise defined in 14 CCR Section 18982(a)(29). Notwithstanding the foregoing, functional containers purchased prior to January 1, 2022 that are used for the storage and collection of Source Separated Green Container Organic Waste and that do not comply with the color requirements of 14 CCR Section 18982(a)(29) shall be deemed to be Green Containers and are not required to be replaced until the end of the useful life of those containers or January 1, 2036, whichever is earlier.

**Grocery Store.** 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).

**Hazardous Waste.** Waste defined as hazardous by State Public Resources Section 40141 ; namely, a waste or combination of wastes which, because of its quantity, concentration, toxicity, or physical, chemical or infectious characteristics, may do either of the following: (1) cause or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed. "Hazardous Waste" includes extremely hazardous waste and acutely hazardous waste, and any other waste as may hereafter from time to time be designated as hazardous by the Environmental Protection Agency ("EPA") or other agency of the United States government, or by the California legislature or any agency of the state of California empowered by law to classify or designate waste as hazardous, extremely hazardous or acutely hazardous.

**High Diversion Organic Waste Diversion Facility.** A facility that is in compliance with the reporting requirements of 14 CCR 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.

**Individually serviced residence.** Single-family houses, each dwelling unit of a duplex, triplex, quadruplex, mobile home park, condominium or other residence facility at which wastes are stored and made available for collection by or at each individual residence unit.

**Industrial Waste.** Wastes produced in large quantities from factories, industrial plants, and mining plants.

**Inspection.** A site visit where the city or its Designee 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 article; or, as otherwise defined in 14 CCR Section 18982(a)(35).

**Large Event.** An event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event.

**Large Venue.** A permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For the purposes of this section, 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 the purposes of this article, 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.

**Light Blue Container.** A container that is part of the city’s collection service for Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, with a light blue lid and body used only for the purpose of storage and collection of Source Separated Non-Organic Recyclables. Notwithstanding the foregoing, functional containers purchased prior to January 1, 2022 that are used for the storage and collection of Source Separated Non-Organic Recyclables and that do not comply with the color requirements of 14 CCR Section 18982(a)(5) and Section 18984.1(a)(6)(B) shall be deemed to be Light Blue Containers and are not required to be replaced until the end of the useful life of those containers or January 1, 2036, whichever is earlier.

**Light Blue Side.** The side of a Split Blue Container that has a light blue lid and is used only for the purpose of storage and collection of Source Separated Non-

**Organic Recyclables.** Notwithstanding the foregoing, the functional side of a Split Blue Container purchased prior to January 1, 2022 that is used for the storage and collection of Non-Organic Recyclables and that does not comply with the color requirements of 14 CCR Section 18982(a)(5), and (6)(B) (including a side of a Split Blue Container with a blue lid, instead of a light blue lid, on the section of the container used only for the purpose of storage and collection of Source Separated Non-Organic Recyclables) shall be deemed to be the Light Blue Side of the Split Blue Container.

**Local Education Agency.** A school district, charter school, or county office of education that is not subject to the control of the City's regulations related to Solid Waste; or, as otherwise defined in 14 CCR Section 18982(a)(40).

**Multi-Family Residential Dwelling or Multi-Family.** Of, from, or pertaining to residential premises with five (5) or more dwelling units. In Multi-Family Residential Dwellings wastes from individual resident units are commingled in a common container or a group of containers. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

**Non-compostable Paper.** Paper that is coated in a plastic or metal material that will not breakdown in the composting process and other similar materials; or, as otherwise defined in 14 CCR Section 18982(a)(41).

**Non-Organic Recyclables.** Non-putrescible and non-hazardous recyclable wastes including, but not limited to, bottles, cans, metals, plastics and glass; or, as otherwise defined in 14 CCR Section 18982(a)(43) that can be placed in a Light Blue Container or the Light Blue Side of a Split Blue Container that are limited to the collection of such materials.

**Notice of Violation.** A notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties; or, as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

**Occupancy.** Individually serviced and communally serviced residences, Single-Family residences, governmental and commercial establishments, Commercial Businesses, including Multi-Family Residential Dwellings, factories and other industrial plants and any other development or premises on a parcel of land.

**Organic Waste.** Solid Waste 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).

**Paper Products.** Paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling and other similar materials; or, as otherwise defined in 14 CCR Section 18982(a)(51).

**Printing and Writing Paper.** 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 and other similar materials; or, as otherwise defined in 14 CCR Section 18982(a)(54).

**Prohibited Container Contaminants.** Unless otherwise defined in 14 CCR Section 18982(a)(55): (1) discarded materials placed in the Light Blue Container that are not identified as acceptable Source Separated Non-Organic Recyclable Materials for the Light Blue Container; (2) discarded materials placed in the Dark Blue Container that are not identified as acceptable Source Separated Dark Blue Container Organic Waste for the Dark Blue Container; (3) discarded materials placed in the Light Blue Side of the Split Blue Container that are not identified as acceptable Source Separated Non-Organic Recyclable Materials for the Light Blue Side of the Split Blue Container; (4) discarded materials placed in the Dark Blue Side of a Split Blue Container that are not identified as acceptable Source Separated Dark Blue Container Organic Waste for the Dark Blue Side of the Split Blue Container; (5) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the Green Container; (6) discarded materials placed in the Gray Container that are identified as acceptable Source Separated Recyclable Materials to be placed in the Light Blue Container, Dark Blue Container or Split Blue Container and Source Separated Green Container Organic Waste to be placed in the Green Container; and, (4) Excluded Waste placed in any container.

**Public facility.** Buildings, structures and outdoor recreation areas owned by the city and other similar structures and areas.

**Public Works Director.** Person who holds the director position within the Public Works Department of the City.

**Putrescible.** Wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, gases or other offensive conditions, and include materials such as food wastes, offal and dead animals.

**Recovery.** Any activity or process described in 14 CCR Section 18983.1(b); or, as otherwise defined in 14 CCR Section 18982(a)(49).

**Recycled-Content Paper.** Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber; or, as otherwise defined in 14 CCR Section 18982(a)(61 ).

**Recyclable Materials.** Materials, whether Source Separated or not, that if Source Separated would be considered Source Separated Dark Blue Container Organic Waste that can be placed in the Dark Blue Container or Dark Blue Side of a Split Blue Container, Non-Organic Recyclables that can be placed in the Light Blue Container or the Light Blue Side of a Split Blue Container or cardboard that can be collected in the city's Cardboard Collection Service.

**Recycling area or areas for recycling.** Space allocated for collecting and loading of Source Separated Recyclable Materials and Source Separated Organic Waste. Such areas shall have the ability to accommodate the appropriate receptacles for Source Separated Recyclable Materials and Source Separated Organic Waste. For existing residential buildings or projects between five and nine living units, "recycling areas or areas for recycling" may mean, at the discretion of the city's community development and sustainability department, curbside recycling.

**Regional or County Agency Enforcement Official.** Regional agency or county agency enforcement official, which the city may designate with responsibility for enforcing this article in conjunction or consultation with the Code Compliance Administrator.

**Restroom stall.** An enclosure providing privacy to the user of a single toilet in a public restroom.

**Restricted Areas.** As designated by the city, these are areas where, in the Public Works Director's opinion, a combination of high density, lack of space for containers or Yard Waste piles, and street width under thirty feet makes the curbside placing, maintaining and/or collection of Solid Waste, including cardboard, Gray Container Waste, Source Separated Green Container Organic Waste, Source Separated Dark Blue Container Waste or Non-Organic Recyclables, hazardous to the health and welfare of the residents.

**Route Review.** A visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination which may include mechanical Inspection methods such as the use of cameras; or, as otherwise defined in 14 CCR Section 18982(a)(65).

**SB 1383.** Senate Bill 1383 of 2016 approved by the Governor of the State on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the State Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the State Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants.

**SB 1383 Regulations.** 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 14 CCR and 27 CCR.

**Self-Hauler.** A person or entity, who, in compliance with all applicable requirements of this article, hauls Solid Waste, including Organic Waste or Recyclable Materials, he or she has generated to another person or entity; or, as otherwise defined in 14 CCR Section 18982(a)(66). Self-Hauler also includes a person or entity who back-hauls waste. 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).

**Single-Family or Single Family Residence.** Of, from, or pertaining to any residential premises with fewer than five (5) units.

**Solid Waste.** Unless otherwise defined in State Public Resources Code Section 40191, all Putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction 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 State Public Resources Code Section 40141.
- (2) Radioactive waste regulated pursuant to the 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 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 State Public Resources Code.

**Source Separated.** Materials, including commingled Recyclable Materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace; or, as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of this article, Source Separated shall include separation of materials by the Generator, property owner, property

owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source Separated materials are separated from Gray Container Waste or other Solid Waste for the purposes of collection and processing of those materials.

**Source Separated Dark Blue Container Organic Waste.** Source Separated Organic Waste that can be placed in a Dark Blue Container or the Dark Blue Side of a Split Blue Container, each of which is limited to the collection of Source Separated Dark Blue Container Organic Waste; or, as otherwise defined by 14 CCR 17402(a)(26.7) and 18982(a)(43) or specified in 14 CCR Section 18984.1 (a) and (b) or Section 18984.2 (a)(2). Unless otherwise specified by the city, Source Separated Dark Blue Container Organic Waste includes Paper Products, Printing and Writing Paper, and cardboard less than two cubic feet when flattened but excludes cardboard in excess of two cubic feet when flattened and Source Separated Green Container Organic Waste.

**Source Separated Green Container Organic Waste.** Source Separated Organic Waste that can be placed in a Green Container, including Food Waste, Food-Soiled Paper, and Yard Waste, that is limited to the collection of that Organic Waste; or as otherwise specified in 14 CCR 18984.1 (a) and (b), and excludes Non-Compostable Paper, and textiles.

**Source Separated Recyclable Materials.** Source Separated Non-Organic Recyclables and Source Separated Dark Blue Container Organic Waste.

**Special Waste.** Wastes not fitting into the above categories, including, but not limited to, dead animals, abandoned automobiles and major parts thereof, large furniture objects, tree trunks, stumps, sod, garden rubble, dirt, and major limbs exceeding eight inches in diameter.

**Split Blue Container.** A split container that is part of the city's collection service for Single-Family Generators consistent with 14 CCR Section 18984.1(a)(6)(B) with either a light blue lid on the section of the container used only for the purpose of storage and collection of Source Separated Non-Organic Recyclables and dark blue lid on the section of the container used only for the purpose of storage and collection of Source Separated Dark Blue Container Organic Waste.

Notwithstanding the foregoing, functional split containers purchased prior to January 1, 2022 that are used for the storage and collection of Source Separated Recyclable Materials and that do not comply with the color requirements of 14 CCR Section 18982(a)(5), and (6)(B) (including containers with a blue lid on the section of the container used only for the purpose of storage and collection of Source Separated Non-Organic Recyclables and a black lid on the section of the container used only for the purpose of storage and collection of Source Separated Dark Blue Container Organic Waste) shall be deemed to be Split Blue Containers and are not required to be replaced until the end of the useful life of those containers or January 1, 2036, whichever is earlier.

**State.** The State of California.

**Supermarket.** 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.** 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; or (5) Wholesale Food Vendor.

**Tier Two Commercial Edible Food Generator.** A Commercial Edible Food Generator that is one of the following: (1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet; (2) Hotel with an on-site food facility and 200 or more rooms; (3) Health facility with an on-site food facility and 100 or more beds; (4) Large Venue; (5) Large Event; (6) A state agency with a cafeteria with 250 or more seats or a total cafeteria facility size equal to or greater than 5,000 square feet; or (7) A Local Education Agency with an on-site food facility.

**Yard Waste.** Trimmings and prunings (maximum branch diameter of eight inches) from trees and shrubs, leaves, grass clippings, weeds, vines, dropped fruit from on-site trees, arising from the development, maintenance and care of residential gardens and yards.

**Uncontainerized Yard Waste Collection Service.** A collection service that collects Yard Waste that is placed in a pile for collection on the street in front of a Generator's house or place of business for collection and transport to a facility that recovers Source Separated Organic Waste, or as otherwise defined in 14 CCR Section 189852(a)(75).

**Wholesale Food Vendor.** 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).

### **32.01.020 Mandatory service.**

- (a) In addition to the requirements in sections 32.01.070 and 32.01.080, respectively, all Generators shall subscribe to collection services for Gray Container Waste, Source Separated Green Container Organic Waste, Source Separated Dark Blue Container Organic Waste, Source Separated Non-Organic



Recyclables, Cardboard Collection Services provided by the city or the city's Contract Hauler and comply with the requirements of those services as described in subsection (b) of this section unless the Generator obtains a permit or waiver pursuant to subsections (c) - (g) of this section. The City shall have the right to review the number and size of a Generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Generators shall adjust their service level for their collection services as requested by the city. Nothing in this section prohibits Generators from preventing or reducing waste generation, managing Organic Waste on site, using Uncontainerized Yard Waste Collection Service pursuant to 32.01.090, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

- (b) Participate in the City's collection services by placing designated materials in designated containers as described in Section 32.01.040 and not placing Prohibited Container Contaminants in collection containers as described in Section 32.01.065.
- (c) A Customer may petition the Public Works Director or Designee for permission to share a Green Container, Light Blue Container, Dark Blue Container, or Split Blue Container, as applicable, with an adjacent property in satisfaction of the requirement to subscribe and participate in the City's collection services as described in subsection (a) of this section.
  - (1) Such permit may be requested by the Customer and shall be issued or denied in writing by the Public Works Director or their Designee, if, in their opinion, such would be in the best interests of the city, and only if the affected Customers will continue to Source Separate all Organic Waste (including Food Waste, Food-Soiled Paper, Yard Waste, and Source Separated Dark Blue Container Organic Waste) and Non-Organic Recyclables. Such a permit may include any conditions reasonably related to the protection of the public health and welfare and is revocable by the City at any time.
  - (2) If the City obtains information at any time that a Customer that has received permission to share collection service under subsection (c) of this section is no longer sharing service, or has limited or no access to the shared service, or is no longer Source Separating their Recyclable Materials and/or Organic Waste as required, the city shall rescind the permission and direct the city's Contract Hauler to deliver to the Customer their own containers consistent with the city's collection services described in subsection (a) of this section.
- (d) Self-Haul Waiver. A Customer or Generator may petition Public Works Director for permission to self-haul the wastes generated on the Customer or Generator's premises and thereby be exempted from the mandatory requirement to subscribe and participate in the City's collection services as described in subsection (a) of this section. Such a permit may be granted by the Public Works Director or their Designee, if, in their opinion, such would be in the best interests of the city, and shall be subject to the requirements for Self-Haulers set forth in subsection (d)(1) of this section. In addition to the requirements for Self-Haulers set forth in

subsection (d)(1) of this section, such a permit may include any conditions reasonably related to the protection of the public health and welfare.

(1) Requirements for self-haulers. A Customer or Generator who is a permitted Self-Hauler shall comply with the following requirements:

- (A) The Self-Hauler shall Source Separate all Recyclable Materials and Organic Waste (materials that the City otherwise requires Generators to separate for collection in the city's organics and recycling collection program) generated on site in a manner consistent with 14 CCR Section 18984.1 or shall self-haul all Recyclable Materials and Organic Waste to a High Diversion Organic Waste Processing Facility for Recovery, as specified in 14 CCR Section 18984.3.
- (B) Self-Haulers shall haul their Recyclable Materials that have been Source Separated to a facility that recovers those materials; and haul their Organic Waste that have been Source Separated to a Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
- (C) Self-Haulers that are Commercial Businesses, including Multi-Family Residential Dwellings, shall keep a record of the amount of Recyclable Materials and Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste. This record shall be subject to Inspection by the City and submitted annually to the City no later than February 1st of each year. The records shall include the following information:
  - 1. Delivery receipts and weight tickets from the entity accepting the waste.
  - 2. The amount of material in cubic yards or tons transported by the Generator to each entity.
  - 3. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
- (D) If the City obtains information at any time that a Customer or Generator that is a permitted Self-Haul under subsection (d) of this section is not hauling Recyclable Materials and/or Organic Waste as required under subsections (d)(1)(A) and (B) of this section, the city shall rescind the self-haul permit and direct the city's Contract Hauler to deliver to the Customer or Generator their own containers consistent with the city's collection services described in subsection (a) of this section.

- (E) Subsection (d)(1)(C) does not apply to a Self-Hauler that is a Single-Family Generator.
- (e) De Minimis Waiver. The City may, at its discretion and in accordance with 14 CCR Section 18984.11, or as otherwise authorized by CalRecycle, waive a Commercial Business', including a Multi-Family Residential Dwelling's, obligation to comply with some or all of the Organic Waste requirements of article if the Commercial Business provides documentation to the City and has evidence demonstrating that:
- (1) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Green Container or the Dark Blue Container or Dark Blue Side of the Split Blue Container, as applicable, comprises less than 20 gallons per week per applicable container of the business' total waste.
  - (2) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Green Container or the Dark Blue Container or Dark Blue Side of the Split Blue Container, comprises less than 10 gallons per week per applicable container of the business' total waste.
- (f) Physical Space Waiver. The City may waive a Commercial Business' or property owner's obligation to comply with subsections (a)(1) and/or (a)(2) of this section if the City has evidence from its own staff, Contract Hauler, licensed architect, or licensed engineer demonstrating that the Commercial Business lacks adequate space for Light Blue Containers, Dark Blue Containers or Green Containers.
- (g) A Commercial Business that receives a waiver under subsection (e) or (f) of this section must notify the City if circumstances change such that the Commercial Business no longer satisfies the applicable criteria for a waiver, in which case the waiver will be rescinded.
- (h) If the City determines at any time that a Commercial Business that has received a waiver under subsection (e) or (f) of this section no longer satisfies the applicable criteria for a waiver, the City shall rescind the waiver.
- (i) Customers that have been granted a waiver under subsection (c) or (d) of this section must resubmit an application for a new waiver every year.
- (j) Commercial Businesses that have been granted a waiver under subsection (e) or (f) of this section must resubmit an application for a new waiver every five years.

### **32.01.030 Prohibited acts.**

- (a) Solid Waste shall not be burned, nor shall Solid Waste be allowed to accumulate, be buried, dumped, scattered, or placed on any property, including public property within the city, except as otherwise permitted by this Code. Nothing in this section shall prohibit using a Community Composting site pursuant to 14 CCR Section 18984.9(c) if it is not violative of basic sanitary standards or other applicable standards established by the city, county, State, or other agency having jurisdiction.

- (b) The city or the city's Contract Hauler shall have the exclusive right to gather and collect Solid Waste, including Organic Waste and Recyclable Materials, within the city. It shall be unlawful for any person, except as otherwise provided in this chapter, to gather or collect Solid Waste, including Yard Waste, Organic Waste, Recyclable Materials, within the city. Pursuant to California Public Resources Code Section 40059, the city reserves the right to issue an exclusive franchise for the handling of solid wastes.
- (c) Notwithstanding any other provisions set forth in this article to the contrary, the exclusive right shall exclude the following, or as otherwise provided in the contract with the City's Contract Hauler:
  - (1) The collection, transportation, recycling, and disposal of any Solid Waste otherwise within the scope of this article which is transported to an appropriate disposal facility by a Self-Hauler permitted pursuant to Section 31.01.020(d).
  - (2) Collection and transportation of Yard Waste by a landscape maintenance company where such removal is incidental to the services provided by the landscape maintenance company.
  - (3) The sale or donation of Recyclable Materials or Organic Waste by a Generator of those materials to any person or entity other than the city's Contract Hauler; provided, however, if the Generator is required to pay a monetary or non-monetary consideration for the collection, transportation, transfer, or processing of Recyclable Materials or Organic Waste, the fact that the Generator receives a reduction or discount in price (or in other terms of the consideration, the Generator is required to pay) shall not be considered a sale or donation.

**32.01.40 Acceptable containers and placement of waste.**

- (a) Except for permitted Self-Haulers, all Solid Waste shall be placed within acceptable containers or placed for collection consistent with an uncontainerized collection service provided by the city or the city's Contract Hauler as follows:
  - (1) Single-Family Generators shall place Source Separated Green Container Waste, including Food Waste, Food-Soiled Paper, and Yard Waste, in the Green Container; Source Separated Dark Blue Container Waste in the Dark Blue Side of the Split Blue Container; Source Separated Non-Organic Recyclables in the Light Blue Side of the Split Blue Container; and Gray Container Waste in the Gray Container.
  - (2) Commercial Businesses, including Multi-Family Residential Dwellings, shall place Source Separated Green Container Waste, including Food Waste, Food Soiled Paper, and Yard Waste, in the Green Container; Source Separated Dark Blue Container Waste in the Dark Blue Container; Source Separated Non-Organic Recyclables in the Light Blue Container; Gray Container Waste in the Gray Container; and if applicable, cardboard in the container designated for the Cardboard Collection Service.
  - (3) All customers and Generators shall flatten corrugated cardboard and place cardboard for collection as follows:

- (A) Single-Family Generators shall place corrugated cardboard that is less than two cubic feet when flattened in the Dark Blue Side of the Split Blue Container and shall place corrugated cardboard in excess of two cubic feet when flattened curbside within five feet of the curb for collection consistent with the city's Cardboard Collection Service.
  - (B) Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall place corrugated cardboard that is less than two cubic feet when flattened in the Dark Blue Container and shall place corrugated cardboard in excess of two cubic feet when flattened on the ground next to the Dark Blue Container for collection consistent with the city's Cardboard Collection Service.
  - (C) If the Commercial Business has a container used only for the collection of cardboard consistent with the city's Cardboard Collection Service, the Commercial Business shall place cardboard in such container, or if, less than two cubic feet when flattened, in the Dark Blue Container and place corrugated cardboard in excess of what can be placed in the cardboard container on the ground next to the Dark Blue Container for collection consistent with the City's Cardboard Collection Service.
  - (D) Commercial Businesses, including Multi-Family Residential Dwellings, except Commercial Businesses that are permitted Self-Haulers for corrugated cardboard, shall designate an area in or near each area where Solid Waste is collected for the collection in piles or, if applicable, a container designated for the city's Cardboard Collection Service.
- (4) Yard Waste shall be placed in on-street Yard Waste piles for Uncontainerized Yard Waste Collection Service or in the Green Container as provided in Section 32.01.090.
- (b) Except for permitted Self-Haulers, only the following containers are acceptable for the deposit of Solid Waste:
- (1) City or city's Contract Hauler supplied and approved "semiautomated" or "automated" thirty- to one hundred-gallon wheeled carts with flytight lids or city and Contract Hauler approved alternative sized carts.
  - (2) Bin-type containers, adequate in capacity and structurally designed so as to be compatible with the collection equipment used for waste collection in the city.
  - (3) Special bulk-volume, drop-box or roll-off containers of sanitary design, adequate in capacity and structurally designed so as to be compatible with the collection equipment used for waste collection in the city.
  - (4) Compaction containers, in special circumstances and at the approval of the Public Works Director or Designee.
  - (5) All waste containers supplied by the Contract Hauler shall be and remain the property of the Contract Hauler.

- (6) All containers shall meet all applicable requirements of Title 14, Division 3, Chapter 12 of the California Code of Regulations, including all color and labeling requirements of 14 CCR Sections 18984.7 and 189894.8
- (c) Nothing in this article shall be construed so as to allow the maintenance of less than one receptacle per dwelling unit, except for shared communal waste containers within a multi-family property, housing association, or other shared waste bins allowed by the city, or permitted by Section 32.01.020(c) or Section 32.01.020(d).
- (d) All containers shall, when filthy, leaking, or in a defective state, be cleaned by the Customer and repaired or replaced by the owner of the container in accordance with Article 30.02, Sections 30.02.010 and 30.02.060.
- (e) Customers shall provide the “compactor” containers specified in subsection (b)(4) of this section. The city or its Contract Hauler shall provide containers for subsections (b)(1), (2) and (3), of this section as a part of the monthly service cost. The city or its Contract Hauler may provide services to privately owned cubic yard containers meeting the specifications of this section if in good condition, but without price discount. The city or its Contract Hauler assume zero liability for any damages to privately owned containers.

### **32.01.050 Placement of containers.**

#### **(a) Individually serviced residences**

- (1) Acceptable containers for Gray Container Waste, Source Separated Green Container Waste, Source Separated Dark Blue Container Waste, and Source Separated Non-Organic Recyclables, as specified in Section 32.01.040 from individually serviced residences shall be placed in the street gutter immediately adjacent to the curb, immediately adjacent to the Generator’s property, except as provided below, but in no event on the sidewalk.
- (2) The Public Works Director or Designee may provide a permit for carts to be placed on top of the curb for service in areas where such placement would not result in obstructing the sidewalk or failure to meet city accessibility requirements, or creating any other hazard or safety concerns, and when no other placement of the carts is possible without blocking, in whole or in part, the bike lane. Such permit may be requested by the resident or Customer and shall be issued or denied in writing. If issued, such permit is revocable by the city at any time.
- (3) Carts shall have a minimum distance of three feet between them and any other object. Such placement shall occur no earlier than 5:00 p.m. on the day prior to the scheduled collection day, nor later than 6:00 a.m. on collection day. Emptied containers shall be removed from the curb or street, as applicable, by 7:00 a.m. on the day following collection.
- (4) Containers that are to be collected from other than curbside location shall be placed in an accessible location no more than seventy-five feet from the street.

- (b) **All other occupancies, including Commercial Businesses.** Acceptable containers for Gray Container Waste, Source Separated Green Container Waste, Source Separated Dark Blue Container Waste, and Source Separated Non-Organic Recyclables, as specified in Section 32.01.040 from all other occupancies shall be placed such that they are easily accessible for collection in accordance with the contract with the Contract Hauler, and in conformity with applicable zoning restrictions.
- (c) **Special waste.** Special Waste shall be placed as individually determined through an agreement between the Generator and the Contract Hauler or other entity hauling the waste.
- (d) **Covers.** Containers 6 yards or smaller in size must remain covered with a lid or other such cover which can keep out water and pests at all times. Covers may be temporarily opened only when placing Solid Waste in, removing Solid Waste, or cleaning the containers.
- (e) **Capacity.** Containers and bins shall not be filled beyond the point at which covers can be tightly secured.

**32.01.060 Ownership of wastes and recyclables.**

- (a) Gray Container Waste, Green Container Waste shall remain the property of the Generator until the material is removed from the container or collected by the city or the city's Contract Hauler.
- (b) Yard Waste shall remain the property of the Generator until the material is collected by the city or the city's Contract Hauler.
- (c) Recyclable Material, including Source Separated Dark Blue Container Organic Waste and Source Separated Non-Organic Recyclables placed in the Dark Blue Side and Light Blue Side, respectively, of a Split Blue Container used by Single-Family Generators placed at the curb shall become the property of the city or the city's Contract Hauler at the time of the placement at the curb.
- (d) Source Separated Recyclable Materials including Source Separated Dark Blue Container Organic Waste placed inside of a Dark Blue Container and Source Separated Non-Organic Recyclables placed inside of a Light Blue Container used by Generators that are Commercial Businesses or Multi-Family Residential Dwellings shall become the property of the city or the city's contract hauler at the time they are placed in the container.
- (e) Cardboard placed in a recycling area (as defined in Section 32.03.010), or stacked for collection as part of the City's Cardboard Collection Service shall become the property of the city or the city's contract hauler at the time of the placement in the recycling area or at the curb.
- (f) It is unlawful for anyone other than the city's Contract Hauler or a person designated by the Public Works Director to remove or otherwise interfere with Recyclable Materials which have been placed at the curb or in commercial containers.
- (g) Nothing in this article shall limit the right of any person to donate or sell his or her own Recyclable Materials.

**32.01.065 Customer obligation to Source Separate materials.**

- (a) All customers and Generators shall not place Prohibited Contaminants in containers and shall source separate their Solid Waste consistent with the following requirements:
  - (1) All Customers and Generators shall separate Source Separated Dark Blue Container Waste from other Solid Waste generated on the property and shall not deposit such materials in the Gray Container, Green Container, Light Blue Container or Light Blue Side of the Split Blue Container.
  - (2) All Customers and Generators shall separate Source Separated Non-Organic Recyclables from other Solid Waste generated on the property and shall not deposit such materials in the Gray Container, Green Container, Dark Blue Container or Dark Blue Side of the Split Blue Container.
  - (3) All customers and Generators shall separate Source Separated Green Container Organic Waste from other Solid Waste generated on the property and shall not deposit Source Separated Green Container Organic Waste in the Gray Container, the Dark Blue Container, the Light Blue Container or the Split Blue Container.
  - (4) All customers and Generators shall separate Gray Container Waste from other Solid Waste generated on the property and shall not deposit hazardous waste or Gray Container Waste in the Green Container, the Dark Blue Container, the Light Blue Container or the Split Blue Container.
  - (5) All customers and Generators shall separate corrugated cardboard in excess of two cubic feet when flattened from other Solid Waste generated on the property and shall not deposit cardboard corrugated cardboard in excess of two cubic feet when flattened in the Gray Container, Green Container, the Dark Blue Container, the Light Blue Container or the Split Blue Container.
- (b) Only Yard Waste shall be placed in on-street Yard Waste piles for Uncontainerized Yard Waste Collection Service. Customers and Generators shall not deposit hazardous waste or Solid Waste, other than Yard Waste, in on-street Yard Waste piles.
- (c) Only corrugated cardboard in excess of two cubic feet when flattened shall be stacked in a pile within five feet of the curb for Cardboard Collection Service. Customers and Generators shall not deposit hazardous waste or Solid Waste, other than corrugated cardboard in excess of two cubic feet when flattened, in curbside corrugated cardboard piles.

**32.01.070 Waste collection service—Individually serviced residences.**

- (a) The frequency of collection service for individually serviced residences shall be once per week.



- (b) The basic collection service to individually serviced residences shall be the collection of a Green Container, Gray Container, and Split Blue Container, each container being thirty- to one hundred-gallon cart or other size authorized by the city or city's contract hauler.
- (c) The basic service to individually serviced residences in a restricted area shall be determined by the city on a case-by-case basis.
- (d) Persons with a disability may request "assisted service." This service shall consist of the retrieval of a Gray Container, Green Container and Split Blue Container thirty- to one hundred-gallons in size, located at an accessible point no greater than seventy-five feet from the curb. The petition for assisted service shall be submitted to and approved by the City Manager or Designee. Residents may become eligible for assisted service by showing their valid assisted person parking permit or license issued by the State of California. Eligibility for assisted service shall be determined on an annual basis.
- (e) Individually serviced residences may request an additional Gray Container from the city's Contract Hauler. Any additional Gray Container issued to individually serviced residents may not exceed the size of their regularly subscribed service for the Gray Container.

**32.01.080 Waste Collection Services - Commercial Businesses and other Generators.**

- (a) The frequency of waste collection generated by Commercial Businesses, including Multi-Family Residential Dwellings, communally serviced residences shall be:
  - (1) Construction debris waste, special waste and industrial waste shall be collected at such frequency that sanitation, aesthetic, discharge to the city's stormdrain system and nuisance problems do not occur.
  - (2) Food stores and markets, restaurants and other occupancies generating substantial quantities of Putrescible waste shall have the same removed at least two times per week, and any such occupancies that are Tier One Commercial Edible Food Generator or a Tier Two Commercial Edible Food Generators shall also comply with applicable requirements of the Edible Food Recovery Program pursuant to Section 32.01.170 of this code.
  - (3) All other occupancies shall have waste removed at least once a week.
  - (4) Notwithstanding subsections (a)(1), (2), and (3), every occupancy shall subscribe to or, if a permitted Self-Hauler, shall independently provide a waste removal schedule more frequently where necessary to maintain sanitary, nuisance-free, clean and aesthetic conditions on the premises.
  - (5) Except in cases of emergency no collection shall be made on Sunday.
- (b) Construction waste disposal and recycling services are included in the exclusive franchise rights of the city except as provided for in Section 32.01.030.
- (c) Commercial Businesses, including Multi-Family Residential Dwellings, must provide or arrange for collection services consistent with this Article for employees, contractors, tenants, and customers and supply and allow access to an adequate

number, size and location of collection containers with sufficient labels or colors (conforming with (d)(1) and (d)(2) below) consistent with the City hauler's collection bins, Article 3 of Chapter 12 of Division 7 of Title 14 of the CCR; or, if self-hauling, per the Commercial Businesses' requirements to support its compliance with its self-haul program, in accordance with Section 32.01.030, for employees, contractors, tenants, and customers.

- (d) Commercial Businesses, except for Multi-Family Residential Dwellings, shall provide containers for the collection of Organic Waste and Recyclable Materials in all areas where disposal containers are provided for customers with the exception of disposal containers in restrooms. Notwithstanding the forgoing, Commercial Business shall provide containers in restrooms for the collection of paper towels if paper towels are provided for use. Such containers shall be adjacent to disposal containers and visible and easily accessible. If a Commercial Business does not generate any of the materials that would be collected in one type of container, as demonstrated through an approved de minimis waiver per section 31.01.020, then the Commercial Business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b) containers provided by the commercial business shall have either:
  - (1) A body or lid that conforms with the container colors provided through the collection service provided by the City's hauler, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A commercial business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with these color requirements prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
  - (2) Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
- (e) Commercial Businesses shall prohibit employees from placing materials in a container provided by the City's contract hauler's if the container is not designated for those materials.
- (f) Commercial Businesses shall periodically inspect recycling, organics and trash bins for contamination at least on a quarterly basis and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
- (g) All Commercial Businesses, including Multi-Family Residential Dwellings must annually provide information to employees, contractors, tenants, and customers about recycling and organics recycling requirements and about proper sorting of Organic Waste and Recyclable Materials.

- (h) Commercial Businesses, including Multi-Family Residential Dwellings, must provide the information required in subsection (g) of this section to new tenants before or within fourteen (14) days of occupation of the premises.
- (i) Commercial Businesses, including Multi-Family Residential Dwellings, must provide or arrange access for the City; the City's Designee, including the City's Contract Hauler; or the City's agent to their properties during all inspections conducted to confirm compliance with the requirements of this code.
- (j) All Commercial Businesses, including Multi-Family Residential Dwellings generating two (2) cubic yards or more of total Solid Waste per week (or other threshold defined by the State), shall require that any contract or work agreement between the owner, occupant, or operator of the Commercial Business and a gardening or landscaping service specify that the Organic Waste generated by those services be managed in compliance with Chapter 12, Part 3, Division 30 of the Public Resources Code.
- (k) Nothing in this section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- (l) Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, may receive waivers at the City's discretion pursuant to section 32.01.020 for some requirements of this section.
- (m) If a Commercial Business wants to self-haul, the Commercial Business shall meet the Self-Hauler requirements of this Code in section 32.01.020.

**32.01.090 Yard Waste management.**

- (a) **Yard Waste placed in Green containers.** Unless authorized by subsection (b), Yard Waste shall be containerized utilizing the Green container as specified in Section 32.01.040 or shall be collected with the City's Uncontainerized Yard Waste Collection Service pursuant to this section. Inorganic material (rock, dirt, gravel, concrete, etc.) or sod shall not be placed in the street for collection in any manner, including placement in Green Containers or in Yard Waste piles for pick up through the Uncontainerized Yard Waste Collection Service unless a special pick-up has been scheduled with an appropriate receptacle designated by the city's Contract Hauler for an additional charge.
- (b) **Yard Waste piles authorized to be placed in the street.**
  - (1) As authorized by this section, certain Yard Waste, as described in paragraph (2) of this subsection, may be placed or maintained in piles in the street immediately adjacent to the property from which they originated, for collection by the city or the city's Contract Hauler. Such piles shall not exceed five feet in width or five feet in height or five feet in length, the same to be so placed and maintained as not to restrict reasonable gutter drainage.
  - (2) If the Green Containers are full, only leaves and tree and shrub prunings (maximum branch diameter of eight inches) may be placed in Yard Waste

piles. All other Yard Waste, including, but not limited to grass clippings, weeds, vines, and dropped fruit from on-site fruit trees, shall be containerized utilizing the acceptable Green Container as specified in subsection (a) and Section 32.01.040 and shall not be placed in Yard Waste piles.

- (3) Yard Waste piles shall be placed on the street for pick-up no later than 6:00 a.m. on a scheduled collection day.
- (4) No Yard Waste piles shall be placed or maintained in any part of a bicycle lane.
- (5) No Yard Waste piles shall be placed or maintained in such a way as to obstruct traffic or restrict reasonable access to a fire alarm box, fire hydrant, standpipe, alley, driveway, public sidewalk, curb cut for accessibility access, stormdrain inlet, or any other public facility.
- (6) Yard Waste piles shall not be placed on street undulations, traffic-calming bulb-outs or near obstructions on the street that restrict the city or the city contract hauler's equipment from collecting Yard Waste piles.
- (7) No person shall park or let stand any vehicle or any other item on the street that blocks the city or the city contract hauler's equipment from collecting Yard Waste piles.
- (8) Due to the width of the street and/or bike lanes, there are some streets and areas where it is not possible to place Yard Waste piles as required in subsection (b) as they will obstruct the bike lane or traffic lane. On these streets and in these areas, as well as other areas designated by the city as not having Yard Waste pile service, also denoted as "restricted areas," Yard Waste shall be containerized at all times and shall not be placed in the street for pick-up. These streets and areas include, but are not limited to:
  - (A) East 8th Street from B Street to J Street;
  - (B) 5th Street from A Street to L Street;
  - (C) B Street from East 8th Street to East 14th Street
  - (D) Downtown Core area, defined as the area bounded by 5th Street, the south side of 1st Street, the west side of B Street and the Union Pacific railroad tracks; and
  - (E) the development known as "The Cannery" that is bordered by East Covell Blvd. to the south, F Street to the west and is located west of Pole Line Road

(c) **Uncontainerized Yard Waste Collection Service schedule.** Effective September 30, 2019, the following Uncontainerized Yard Waste Collection Service schedule applies:

- (1) **Fall and Winter Collection Service.** Yard Waste piles may be placed in the street for ten scheduled street pick-ups, which shall occur every other week, beginning the week of the third Monday in October. During this time, Yard Waste piles shall not be placed in the street sooner than seven days before a scheduled collection.

- (2) Spring Collection Service. Yard Waste piles may be placed in the street for one scheduled street pick-up, which shall occur the week of the first Monday in May. During this time, Yard Waste piles shall not be placed in the street sooner than seven days before the scheduled collection.
- (3) Special Pick-Up Service. If a special pick-up of Yard Waste has been scheduled with the city or its contract hauler, Yard Waste piles may be placed in the street no sooner than seven days before the special pick-up.
- (4) Change in Schedule. The city manager and the city's contract hauler may make minor modifications to the collection schedule by mutual agreement, provided that at least ten pickups occur between October and January and one pickup occurs in May, and provided that customers receive at least thirty days' prior written notice of the change.

### **32.01.120 Fees and related regulations for waste management services.**

Fees and related regulations for waste management services shall be established and may be amended from time to time, by resolution of the city council.

### **32.01.125 Enforcement.**

#### (a) General

- (1) Violation of any provision of this article shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by a Code Compliance Administrator. Enforcement Actions under this article include a citation for an infraction and imposition of a fine pursuant to subsection (a)(2) of this section, or issuance of an administrative citation and assessment of a fine pursuant to Chapter 1, Article 1.02 of this Code pursuant to subsection (a)(3) of this section.
- (2) Any person violating any section of this article who fails to correct the violation within 60 days of issuance of a Notice of Violation, shall be deemed guilty of an infraction, and upon conviction thereof, shall be punished by a fine as follows: The first violation shall be subject to a fine in the amount of one hundred (100) dollars. The second violation within a six-month period shall be subject to a fine of two hundred (200) dollars, and five hundred (500) dollars for the third and subsequent violations occurring within a one-year period.
- (3) In addition to any other remedies or penalties available, the City may enforce the terms of this article through the administrative citation procedures provided in Article 1.02 of this Code, provided the time to correct a violation under this article specified in the Notice of Violation shall be 60 days.
- (4) The remedies provided herein shall be in addition to all other remedies authorized by law and the enumeration of certain remedies in this article shall not preclude the application of any other remedies not herein enumerated.

(b) Responsible Entity for Enforcement

- (1) Enforcement pursuant to this article may be undertaken by the Code Compliance Administrator.
- (2) Enforcement may also be undertaken by a Regional or County Agency Enforcement Official, designated by the City, in consultation with Code Compliance Administrator.
  - (A) Code Compliance Administrator(s) (and Regional or County Agency Enforcement Official, if applicable) will interpret this article; determine the applicability of waivers, if violation(s) have occurred; implement Enforcement Actions; and, determine if compliance standards are met.
  - (B) The Code Compliance Administrator(s) (and Regional or County Agency Enforcement Official, if applicable) may issue Notices of Violation(s).
- (3) The Code Compliance Administrator(s) (and Regional or County Agency Enforcement Official, if using) and/or their Designee will monitor compliance with this article randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program (that may include Remote Monitoring). Section 32.01.130 establishes City's right to conduct inspections and investigations.

(c) Compliance Deadline Extension Considerations

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

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

(d) Appeals Process

Administrative citations or fines imposed under this article may be appealed pursuant to Title 1, Article 1.02.

**32.01.130 Commencement of liability for charges for new buildings.**

- (a) **Single-family residence.** Liability for charges under this article shall commence with respect to new single-family residences upon occupancy or issuance of a

temporary occupancy permit by the city building official, whichever first occurs, and prior to actual occupancy. Billing shall be monthly in advance.

- (b) **Multiple buildings including duplexes.** Liability for charges under this article shall commence with respect to new multiple buildings upon occupancy of any unit or issuance of a temporary occupancy permit for any unit by the city building official, whichever first occurs, and prior to actual occupancy. Billing shall be monthly in advance.
- (c) **Commercial Businesses.** Liabilities for charges under this article shall commence with respect to new Commercial Businesses upon occupancy or upon the issuance of a permit for temporary occupancy of any unit by the city building official, whichever first occurs, and prior to actual occupancy. Billing shall be monthly in advance.
- (d) A credit shall be allowed against subsequent billings where the city manager has permitted the customer to collect and haul away their own wastes in accordance with Section 32.01.020(d).
- (e) For Commercial Businesses and commercial, industry and communally serviced residences, services and charges therefore shall begin at the ordering of waste collection service, or upon the issuance of a permit for temporary occupancy by the city building official, whichever first occurs. The amount of waste collection service ordered may be changed monthly as necessary to reflect the need for such service.

#### **32.01.140 Billing procedure.**

- (a) For all Single-Family dwellings, duplexes, multiple-family units, mobile homes and other residential parcels, billing shall be made by the city to the owner of the parcel as on the recorded deed.
- (b) For all Commercial Businesses billing shall be mailed to the person specified by the owner of the parcel, and if not specified, then to the owner of the parcel.
- (c) In all cases not specifically provided for above, or where the billing procedure specified above proves impractical or inconvenient, as determined by the finance director, the billing by the city shall be to the person responsible for the payment of the bill, as elsewhere specified in this chapter.
- (d) For bulk waste and special waste collection service, the fees as prescribed in Section 32.01.120 shall be billed by the city or its Designee to the person ordering such waste collection service.

#### **32.01.150 Refunds.**

When any refund becomes due and owing by virtue of action of the city council or by virtue of any error made in ascertaining the charge applicable to any customer, the city's finance director is authorized to make such refund and to expend such public money from the specific fund established for the deposit of sanitation service and use charges.

#### **32.01.160 Remedies of city, penalties, etc., concerning collection of charges.**

- (a) The remedies provided herein shall be in addition to all other remedies authorized by law and the enumeration of certain remedies shall not preclude the application of any other remedies not herein enumerated.
- (b) The charge imposed by this article shall be a civil debt owing to the city from the person responsible for its payment, and the city may institute action in any court of competent jurisdiction to collect such debt, together with applicable penalties, interest, costs and other expenses.
- (c) All bills shall become due and payable on the 28th day of each calendar month and shall become delinquent thereafter, if not paid.
- (d) The basic penalty for nonpayment of the charges within the time and in the manner prescribed herein shall be ten percent.
- (e) The city shall include a statement on its bill to each property owner in substantially the following form:
  - (1) "Charges for sanitation services and facilities shall constitute a lien against the lot or parcel of land against which the charge is imposed if said charges remain delinquent for 60 days."
- (f) Pursuant to such notice, such charges shall become a lien against the lot or parcel of land against which the charges were imposed if such charges remain delinquent for a period of sixty days. The city shall cause to be recorded with the county recorder all such delinquent charges, and when so recorded such charges shall have the force, effect and priority of a judgment lien and continue for three years from the time of recording unless sooner released or otherwise discharged.

**32.01.170 Edible Food Recovery Program**

- (a) Tier One Commercial Edible Food Generators must comply with the requirements of this Section, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
- (b) Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require food facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.
- (c) Commercial Edible Food Generators shall comply with the following requirements:
  - (1) Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
  - (2) Contract with or enter into a written agreement with Food Recovery Organization(s) or Food Recovery Service(s) for the collection of Edible Food for Food Recovery or acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
  - (3) Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.



- (4) Allow the City's designated enforcement entity or designated third party enforcement entity to access the premises and review records kept pursuant to 14 CCR Section 18991.4.
- (5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
  - (A) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
  - (B) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
  - (C) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
    - 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.
- (b) Nothing in this article shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 (commencing with Section 49580) to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).
- (c) Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records:
  - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
  - (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
  - (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
  - (4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
- (d) Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement

established under 14 CCR Section 18991.3(b), shall maintain the following records:

- (1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
  - (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
  - (3) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
- (e) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Tier 1 or Tier 2 Commercial Edible Food Generators shall report to the City the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than February 15.
- (f) Food Recovery Capacity Planning. Food Recovery Services and Food Recovery Organizations operating in the City shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the City shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the City.

### **32.01.180 Requirements for haulers and facility operators**

- (a) The City's contract hauler and any other permitted or licensed haulers providing residential, Commercial, or industrial Recycling and/or Organic Waste collection services to generators within the City's boundaries shall meet the requirements of 14 CCR Division 7, Chapter 12 and the following requirements and standards as conditions of approval of a contract, agreement, or other authorization with the City to collect Organic Waste:
- (1) Through written notice to the City annually on or before February 15, identify the facilities to which they will transport Recyclable Materials and Organic Waste.
  - (2) Comply with the applicable requirements of 14 CCR, Division 7 Chapter 12, Article 3.
  - (3) Transport Source Separated Recyclable Materials and Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
  - (4) Obtain approval from the City to haul Organic Waste pursuant to 14 CCR Section 18988.1 and keep a record of the documentation of its approval by the City.
- (b) Subsection (a) of this section is not applicable to a hauler that is transporting Organic Waste, consistent with Article 1, Chapter 9, Part 2, Division 30,

commencing with Section 41950 of the California Public Resources Code, to a Community Composting site.

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

### **32.01.190 Inspections and Investigations by the City**

- (a) City representatives and/or Designee, including the City's Contract Hauler are authorized to conduct inspections and Inspections, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from Generators, or Source Separated materials to confirm compliance with this article by Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws of this article. This Section does not allow City to enter the interior of a private residential property for Inspection.
- (b) Regulated entity shall provide or arrange for access during all inspections (with the exception of residential property interiors) and shall cooperate with the City's employee or its designated entity during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this article described herein. Failure to provide or arrange for access to an entity's premises or access to records for any Inspection or investigation is a violation of this article and may result in penalties described.
- (c) Any records obtained by the City during its inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
- (d) City representatives, its Designee are authorized to conduct any inspections, or other investigations as reasonably necessary to further the goals of this article, subject to applicable laws.
- (e) The City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

### **32.01.200 Model Water Efficient Landscaping Ordinance (MWELo) Requirements**

In addition to any other requirements in this code, property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the City, who are constructing a new (Single-Family, Multi-Family, Public, Institutional, or Commercial) project with a landscape area greater than 500 square feet, or rehabilitating an existing landscape with a total landscape area greater than 2,500 square feet, shall comply with Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELo, as amended September 15, 2015, including sections related to use of Compost and mulch.

### **32.01.210 Procurement**

Direct service providers to the City and all vendors providing Paper Products and Printing and Writing Papers must comply with the City's policy regarding recovered organic waste product procurement, including Recycled-Content Paper procurement.

**SECTION 4.** Chapter 32 ("Management of Garbage, Other Wastes, Recyclables and Fees Therefore"), Article 32.03 ("Adequate Areas for Collecting Recyclable Materials") of the City of Davis Municipal Code is hereby amended in its entirety and restated to read as follows:

### **“Article 32.03 ADEQUATE AREAS FOR COLLECTING RECYCLABLE MATERIALS AND ORGANIC WASTE**

#### **32.03.010 Definitions.**

For purposes of this article, the definitions in Article 32.01 apply and in addition the following terms shall be defined as follows:

**Development project.** Any of the following:

- (1) A project for which a building permit is required for a commercial, industrial or institutional building, public facility, or residential building having five or more living units, where solid waste is collected and loaded, and any residential project where solid waste is collected and loaded in a location serving five or more living units.
- (2) The definition of development project only includes subdivisions or tracts of single-family detached homes if, within such subdivisions or tracts, there is an area where solid waste is collected and loaded in a communal location. In such instances, recycling areas as specified in this article are only required to serve the needs of the living units which utilize the solid waste collection and loading area.

**Improvements.** An addition made to property or to a facility which adds value to the property or facility, prolongs its useful life, or adapts it to new use.

Improvements should be distinguished from repairs. Repairs keep facilities in good

operating condition, do not materially add to the value of the facility, and do not substantially extend the life of the facility.

**32.03.020 General requirements.**

- (a) Any new development project for which an application for a building permit is submitted shall include adequate, accessible, and convenient areas that provide access for collecting and loading materials in all areas where disposal containers are provided.
- (b) Any existing development project for which an application for a building permit is submitted for an Improvement as defined in 32.02.010 or modifications that add thirty percent or more to the existing floor area shall include adequate, accessible and convenient areas for collecting and loading Recyclable Materials and Organic Waste materials in all areas where disposal containers are provided.

**32.03.030 Guidelines for all development projects.**

- (a) The location, size, and design of the waste collection areas shall be subject to the review and approval of the community development and sustainability department in consultation with the fire department and the public works department.
- (b) Areas for Recycling and Organic Waste shall be adequate in capacity, number, and distribution to serve the development where the project occurs and collect all the Recyclable Materials and Organic Waste generated onsite.
- (c) Dimensions of the recycling areas shall accommodate receptacles sufficient to meet the recycling and Organic Waste collection needs of the development project.
- (d) An adequate number of bins or containers to allow for the collection and loading of Recyclable Materials and Organic Waste generated by the development should be located within or adjacent to each of the waste collection of development projects.
- (e) Any Recycling Areas and Organic Waste areas shall be located so they are at least as accessible and convenient as the locations where trash is collected and loaded.
- (f) Recycling Areas and Organic Waste areas should be designed to be architecturally compatible with nearby structures and with the existing topography and vegetation in accordance with city standards and shall comply with all applicable federal, state or local laws.
- (g) Recycling Areas or Organic Waste areas or the bins or containers placed therein must provide protection against adverse environmental conditions which might render the collected materials unmarketable.
- (h) The city recommends, but does not require, that applicants consider security to prevent the theft of recycling materials by unauthorized persons, while allowing authorized persons access for disposal of materials.

**32.03.040 Additional guidelines for multifamily development projects.**

- (a) Multifamily complexes must site at minimum two recycling carts and one Organic Waste receptacle within, or next to, each trash enclosure.
- (b) Any project which proposes to site fewer than three carts per enclosure shall submit written explanation as to the basis for requesting an exemption. The community development and sustainability department in consultation with the public works department shall make the determination of whether or not the exemption should be granted.

**32.03.050 CalGreen Requirements.**

In addition to any other requirements of this chapter, the following requirements also apply:

- (a) For projects covered by the California Green Building Standards Code, 24 CCR, Part 11, the applicants must, as a condition of the City's permit approval, comply with the following:
  - (1) Where five (5) or more Multi-Family dwelling units are constructed on a building site, provide readily accessible areas that serve occupants of all buildings on the site and are identified for the storage and collection of Dark Blue Container, Light Blue Container, Split Blue Container, and Green Container materials, consistent with the collection program offered by the City, or comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended July 1, 2019 and effective January 1, 2020.
  - (2) Where new commercial construction or additions will result in more than 30% of the floor area, provide readily accessible areas identified for the storage and collection of Dark Blue Container, Light Blue Container, Split Blue Container, and Green Container materials, consistent with the collection program offered by the City, or shall comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended July 1, 2019 and effective January 1, 2020.
- (b) For Organic Waste commingled with Construction and demolition debris, the requirements of 24 CCR Sections 4.408.1 and 5.408.1, as amended July 1, 2019 and effective January 1, 2020 shall be complied with."

**32.03.060 Enforcement.**

Enforcement of this article shall be pursuant to Section 32.01.125 of this code.

**SECTION 5. CEQA.** The City Council finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Sections 15061(b)(3) and 15308 on the grounds that it can be seen with certainty that the

enhanced solid waste regulations, as provided for in this Ordinance will not have a significant effect on the environment and that the new requirements, which strengthen requirements for the handling of solid waste, represent actions by a regulatory agency (the City) for the protection of the environment.

SECTION 6. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 7. Effective Date. This Ordinance shall be in full force and effect thirty (30) days from and after the date of its final passage and adoption.

SECTION 8. Certification. The City Clerk shall certify to the adoption of this Ordinance and shall post or publish this Ordinance as required by law.

INTRODUCED on the 16th day of November, 2021 and PASSED AND ADOPTED this day of \_\_\_\_\_ 2021 by the following vote:

AYES:

NOES:

---

Gloria Partida  
Mayor

ATTEST:

---

Zoe S. Mirabile, CMC  
City Clerk

**ATT 2 - Changes to Chapter 32: MANAGEMENT OF GARBAGE, OTHER WASTES, RECYCLABLES, AND FEES THEREFORE** in Redline

The title of Chapter 32 (“Management of Garbage, Other Wastes, Recyclables and Fees Therefor”), of the City of Davis Municipal Code is hereby amended to read as follows: **Chapter 32. MANAGEMENT OF SOLID WASTE**

**Article 32.01 IN GENERAL**

**32.01.010 Definitions.**

~~For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:~~

~~For the purposes of this article, the following words, terms, phrases, and their derivations have the meanings given herein. Terms not defined in this section and defined elsewhere in this Code shall have the same meanings herein unless the context otherwise requires. In the event of a conflict between a definition in this Code and a definition in 14 CCR Section 18982, the definitions in Section 18982 shall control for the purposes of this article. Additionally, for the purposes of this article, the definitions in 14 CCR Section 18982 shall control for terms used in this article and not defined in this Code. When consistent with the context, words used in the present tense include the future tense, and words in the singular number include the plural number. Unless otherwise specified herein, references to a statute or regulation means the statute or regulation, as amended, supplemented, superseded and replaced from time to time.~~

~~**Business and commercial waste.** Solid waste comprised of combustible and noncombustible packaging materials, waste paper, fabrication wastes, discarded parts from repair operations and similar waste materials, excluding garbage waste, that are produced by stores, shops and businesses in the course of their operation.~~

~~**CalRecycle.** The California Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on the City (and others).~~

~~**California Code of Regulations or CCR.** The State of California Code of Regulations. CCR references in this article are preceded with a number that refers to the relevant title of the CCR (e.g., “14 CCR” refers to Title 14 of the CCR).~~

~~**Cardboard Collection Service.** A collection service that collects corrugated cardboard that is greater than two cubic feet in size when flattened and stacked in a pile within five feet of the curb or on the ground next to the Dark Blue Container or Split Blue Container for collection by the City’s Contract Hauler. Corrugated cardboard of any size placed in a container used only for the purpose of collection of cardboard by the City’s Contract Hauler.~~

~~**Code Compliance Administrator.** The city employee or agent of the city, including the City’s Designee with the authority to enforce any provision of this article, or as otherwise defined in Section 1.02.020 of this code.~~



**Commercial Business or Commercial.** 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 the purposes of implementing this article.

**Commercial Edible Food Generator.** A Tier One or a Tier Two Commercial Edible Food Generator as defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).

**Compliance Review.** A review of records by the City to determine compliance with this article.

**Communally serviced residence.** Apartments, quadruplexes, condominiums, mobile home parks and other resident occupancies at which wastes from individual resident units are commingled in a common container or a group of containers.

**Community Composting.** 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).

**Compost.** 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; or, as otherwise defined in 14 CCR Section 17896.2(a)(4).

**Compostable Plastics.** Plastic materials that meet the ASTM D6400 standard for compostability; or, as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).

**Container Contamination or Contaminated Container.** A container, regardless of color, that contains Prohibited Container Contaminants; or, as otherwise defined in 14 CCR Section 18982(a)(55).

**Construction and demolition debris** includes:

- (1) Discarded materials generally considered to be not water soluble and nonhazardous in nature, including, but not limited to, metals, glass, brick, concrete, asphalt material, pipe, gypsum, wallboard, and/or lumber, generated as part of a construction, demolition or renovation project; of a structure and/or landscaping, and including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing,

**ATT 2 - Changes to Chapter 32: MANAGEMENT OF GARBAGE, OTHER WASTES, RECYCLABLES, AND FEES THEREFORE** in Redline

- landscaping and development operations for a construction or demolition project;
- (2) Clean cardboard, paper, plastic, wood, and metal scraps resulting from any construction or demolition project;
  - (3) Other nonhazardous wastes that are generated at construction or demolition projects provided such amounts are consistent with best management practices of the industry.

**Contract hauler Hauler.** The entity under contract with the city to haul ~~solid waste~~ Solid Waste in ~~Davis- the city.~~

**Customer.** Any person or entity that the city or Contract Hauler bills for ~~solid waste~~ Solid Waste services provided by the ~~city's contract hauler~~ Contract Hauler.

~~**Divertible materials.** Any solid waste that is accepted for recycling and/or yard refuse or organic refuse collected by the city's contract hauler for composting.~~

~~**Garbage waste.** Refuse wastes, including rubbish, that are not accepted for recycling, yard refuse and organic refuse collection, excluding hazardous waste and special waste.~~

**Dark Blue Container.** A container that is part of the city's collection service for Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, with a dark blue lid and body and used only for the purpose of storage and collection of Source Separated Dark Blue Container Organic Waste; or, as otherwise defined in 14 CCR Section 18982(a)(5). Notwithstanding the foregoing, functional containers purchased prior to January 1, 2022 that are used for the storage and collection of Source Separated Dark Blue Container Organic Waste and that do not comply with the color requirements of 14 CCR Section 18982(a)(5) and Section 18984.1(a)(6)(B) shall be deemed to be Dark Blue Containers and are not required to be replaced until the end of the useful life of those containers or January 1, 2036, whichever is earlier.

**Dark Blue Side.** The side of a Split Blue Container that has a dark blue lid and is used only for the purpose of storage and collection of Source Separated Dark Blue Container Organic Waste. Notwithstanding the foregoing, a functional side of a Split Blue Container purchased prior to January 1, 2022 that is used for the storage and collection of Source Separated Dark Blue Container Organic Waste and that does not comply with the color requirements of 14 CCR Section 18982(a)(5), and (6)(B) (including a side of a Split Blue Container with a black lid, instead of a dark blue lid, on the section of the container used only for the purpose of storage and collection of Source Separated Dark Blue Container Organic Waste) shall be deemed to be the Dark Blue Side of the Split Blue Container.

**ATT 2 - Changes to Chapter 32: MANAGEMENT OF GARBAGE, OTHER WASTES, RECYCLABLES, AND FEES THEREFORE** in Redline

**Designee.** An entity that the city contracts with or otherwise arranges to carry out any of the city's responsibilities of this article as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, including the city's Contract Hauler, a private entity, or a combination of those entities.

**Edible Food.** Food intended for human consumption; or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this article 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 article requires or authorizes the recovery of edible food that does not meet the food safety requirements of the California Retail Food Code.

**Enforcement Action.** An action of the city to address non-compliance with this article including, but not limited to, issuing administrative citations, citations for an infraction, fines, penalties, or using other remedies; or, as otherwise defined in 14 CCR Section 18982(a)(19).

**Excluded Waste.** Hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the city and its Generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions; waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the Code Compliance Administrator's or its Designee's, reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the city, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the State Public Resources Code.

**Food Distributor.** A commercial business that distributes food to entities including, but not limited to, Supermarkets and grocery stores.

**Food Facility.** A Food Facility as defined in Section 113789 of the State Health and Safety Code.

**Food Recovery.** Actions to collect and distribute Edible Food for human consumption which otherwise would be disposed

**Food Recovery Organization.** An entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities including, but not limited to: (1) A food bank as defined in Section 113783 of the

**ATT 2 - Changes to Chapter 32: MANAGEMENT OF GARBAGE, OTHER WASTES, RECYCLABLES, AND FEES THEREFORE** in Redline

State Health and Safety Code; (2) A nonprofit charitable organization as defined in Section 113841 of the State Health and Safety code; and, (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the State Health and Safety Code. A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this article and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

**Food Recovery Service.** 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 Edible Food Recovery.

**Food Scraps.** All food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps. Acceptable Food Scraps may be added to or removed from this list from time to time by the City.

**Food service provider.** 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.

**Food-Soiled Paper.** Compostable paper material that has come in contact with food or liquid, such as, but not limited to, paper towels, compostable paper plates, paper coffee cups, napkins, and pizza boxes. Acceptable Food-Soiled Paper may be added to or removed from this list from time to time by the City.

**Food Waste.** Food Scraps, Food-Soiled Paper, and Compostable Plastics.

**Generator.** A person or entity that is responsible for the initial creation of Solid Waste, and with respect to Organic Waste, 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).

**Gray Container.** A container that is part of the city's collection service for all Generators and used only for the purpose of storage and collection of Gray Container Waste; or, as otherwise defined in 14 CCR Section 18982(a)(28). Notwithstanding the foregoing, functional containers purchased prior to January 1, 2022 that are used for the storage and collection of Gray Container Waste and that do not comply with the color requirements of 14 CCR Section 18982(a)(28), shall be deemed to be Gray Containers and are not required to be replaced until the end of the useful life of those containers or January 1, 2036, whichever is earlier.

**Gray Container Waste.** Solid Waste that is collected in a Gray Container that is part of the city's container collection service for all Generators that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Sections 18984.1(a) and (b); or, as otherwise defined in 14 CCR Section 17402(a)(6.5).

**Green Container.** A container that is part of the city's collection service for all Generators and used only for the purpose of storage and collection of Source Separated Green Container Organic Waste; or as otherwise defined in 14 CCR Section 18982(a)(29). Notwithstanding the foregoing, functional containers purchased prior to January 1, 2022 that are used for the storage and collection of Source Separated Green Container Organic Waste and that do not comply with the color requirements of 14 CCR Section 18982(a)(29) shall be deemed to be Green Containers and are not required to be replaced until the end of the useful life of those containers or January 1, 2036, whichever is earlier.

**Grocery Store.** 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).

**Hazardous Waste.** Waste defined as hazardous by ~~Public Resources Code~~ State Public Resources Section 40141 ~~as it now exists or may subsequently be amended~~; namely, a waste or combination of wastes which, because of its quantity, concentration, toxicity, or physical, chemical or infectious characteristics, may do either of the following: (1) cause or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed. "Hazardous ~~waste~~ Waste" includes extremely hazardous waste and acutely hazardous waste, and any other waste as may hereafter from time to time be designated as hazardous by the Environmental Protection Agency ("EPA") or other agency of the United States government, or by the California legislature or any agency of the state of California empowered by law to classify or designate waste as hazardous, extremely hazardous or acutely hazardous.

~~**Household waste.** Packaging material, discarded clothing, furniture, small appliances, garbage waste, toys and other waste material generated in the course of residential living. Ashes and excrement (disposable diapers, cat litter, and dog droppings) are considered a household waste when placed inside a plastic liner within the garbage container.~~

**High Diversion Organic Waste Diversion Facility.** A facility that is in compliance with the reporting requirements of 14 CCR 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."



**ATT 2 - Changes to Chapter 32: MANAGEMENT OF GARBAGE, OTHER WASTES, RECYCLABLES, AND FEES THEREFORE** in Redline

**Individually serviced residence.** Single-family houses, each dwelling unit of a duplex, triplex, quadruplex, mobile home park, condominium or other residence facility at which wastes are stored and made available for collection by or at each individual residence unit.

**Industrial waste ~~Waste~~.** Wastes produced in large quantities from factories, industrial plants, and mining plants.

~~**Non-divertible materials.** Any solid waste that is not accepted for recycling, or yard refuse or organic refuse collected by the city's contract hauler that cannot be composted or recycled.~~

~~**Inspection.** A site visit where the city or its Designee 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 article; or, as otherwise defined in 14 CCR Section 18982(a)(35).~~

~~**Large Event.** An event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event.~~

~~**Large Venue.** A permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For the purposes of this section, 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 the purposes of this article, 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.~~

~~**Light Blue Container.** A container that is part of the city's collection service for Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, with a light blue lid and body used only for the purpose of storage and collection of Source Separated Non-Organic Recyclables. Notwithstanding the foregoing, functional containers purchased prior to January 1, 2022 that are used for the storage and collection of Source Separated Non-Organic Recyclables and that do not comply with the color requirements of 14 CCR Section 18982(a)(5) and Section 18984.1(a)(6)(B) shall be deemed to be Light Blue Containers and are not required to be replaced until the end of the useful life of those containers or January 1, 2036, whichever is earlier.~~

**Light Blue Side.** The side of a Split Blue Container that has a light blue lid and is used only for the purpose of storage and collection of Source Separated Non-Organic Recyclables. Notwithstanding the foregoing, the functional side of a Split Blue Container purchased prior to January 1, 2022 that is used for the storage and collection of Non-Organic Recyclables and that does not comply with the color requirements of 14 CCR Section 18982(a)(5), and (6)(B) (including a side of a Split Blue Container with a blue lid, instead of a light blue lid, on the section of the container used only for the purpose of storage and collection of Source Separated Non-Organic Recyclables) shall be deemed to be the Light Blue Side of the Split Blue Container.

**Local Education Agency.** A school district, charter school, or county office of education that is not subject to the control of the City's regulations related to Solid Waste; or, as otherwise defined in 14 CCR Section 18982(a)(40).

**Multi-Family Residential Dwelling or Multi-Family.** Of, from, or pertaining to residential premises with five (5) or more dwelling units. In Multi-Family Residential Dwellings wastes from individual resident units are commingled in a common container or a group of containers. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

**Non-compostable Paper.** Paper that is coated in a plastic or metal material that will not breakdown in the composting process and other similar materials; or, as otherwise defined in 14 CCR Section 18982(a)(41).

**Non-Organic Recyclables.** Non-putrescible and non-hazardous recyclable wastes including, but not limited to, bottles, cans, metals, plastics and glass; or, as otherwise defined in 14 CCR Section 18982(a)(43) that can be placed in a Light Blue Container or the Light Blue Side of a Split Blue Container that are limited to the collection of such materials.

**Notice of Violation.** A notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties; or, as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

**Occupancy.** Individually serviced and communally serviced residences, Single-Family residences, governmental, ~~business~~ and commercial establishments, Commercial Businesses, including Multi-Family Residential Dwellings, factories and other industrial plants and any other development or premises on a parcel of land.

**Organic refuse.** ~~Yard refuse, and at such a time as the city and the city's contract hauler agree, food scraps, including fruit, vegetables, pasta, bread, rice, meat, dairy, coffee grinds and filters, tea bags, paper plates, paper towels, paper napkins and any other materials authorized by the city for collection with containerized yard refuse.~~

**Organic Waste.** Solid Waste 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).

**Paper Products.** Paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling and other similar materials; or, as otherwise defined in 14 CCR Section 18982(a)(51).

**Printing and Writing Paper.** 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 and other similar materials; or, as otherwise defined in 14 CCR Section 18982(a)(54).

**Prohibited Container Contaminants.** Unless otherwise defined in 14 CCR Section 18982(a)(55): (1) discarded materials placed in the Light Blue Container that are not identified as acceptable Source Separated Non-Organic Recyclable Materials for the Light Blue Container; (2) discarded materials placed in the Dark Blue Container that are not identified as acceptable Source Separated Dark Blue Container Organic Waste for the Dark Blue Container; (3) discarded materials placed in the Light Blue Side of the Split Blue Container that are not identified as acceptable Source Separated Non-Organic Recyclable Materials for the Light Blue Side of the Split Blue Container; (4) discarded materials placed in the Dark Blue Side of a Split Blue Container that are not identified as acceptable Source Separated Dark Blue Container Organic Waste for the Dark Blue Side of the Split Blue Container; (5) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the Green Container; (6) discarded materials placed in the Gray Container that are identified as acceptable Source Separated Recyclable Materials to be placed in the Light Blue Container, Dark Blue Container or Split Blue Container and Source Separated Green Container Organic Waste to be placed in the Green Container; and, (4) Excluded Waste placed in any container.

**Public facility.** Buildings, structures and outdoor recreation areas owned by the city and other similar structures and areas.

**Public Works Director.** Person who holds the director position within the Public Works Department of the City.

**Putrescible waste.** Wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, gases or



**ATT 2 - Changes to Chapter 32: MANAGEMENT OF GARBAGE, OTHER WASTES, RECYCLABLES, AND FEES THEREFORE** in Redline

other offensive conditions, and include materials such as food wastes, offal and dead animals.

**Recovery.** Any activity or process described in 14 CCR Section 18983.1(b); or, as otherwise defined in 14 CCR Section 18982(a)(49).

**Recycled-Content Paper.** Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber; or, as otherwise defined in 14 CCR Section 18982(a)(61 ).

**Recyclable Materials.** Materials, whether Source Separated or not, that if Source Separated would be considered Source Separated Dark Blue Container Organic Waste that can be placed in the Dark Blue Container or Dark Blue Side of a Split Blue Container, Non-Organic Recyclables that can be placed in the Light Blue Container or the Light Blue Side of a Split Blue Container or cardboard that can be collected in the city's Cardboard Collection Service.

**Recycling area or areas for recycling Recyclables.** Magazines, newspapers, and other paper that is not contaminated by garbage or other waste material, cardboard, cans, food and beverage container glass, plastic containers, and other material collected or accepted as part of the city recycling program. Space allocated for collecting and loading of Source Separated Recyclable Materials and Source Separated Organic Waste. Such areas shall have the ability to accommodate the appropriate receptacles for Source Separated Recyclable Materials and Source Separated Organic Waste. For existing residential buildings or projects between five and nine living units, "recycling areas or areas for recycling" may mean, at the discretion of the city's community development and sustainability department, curbside recycling.

**Refuse.** Synonymous with "solid waste," refuse includes garbage, recyclables, organic refuse, yard refuse and rubbish.

**Regional or County Agency Enforcement Official.** Regional agency or county agency enforcement official, which the city may designate with responsibility for enforcing this article in conjunction or consultation with the Code Compliance Administrator.

**Restroom stall.** An enclosure providing privacy to the user of a single toilet in a public restroom.

**Restricted areas Areas.** As designated by the city, these are areas where, in the city's Public Works Director's opinion, a combination of high density, lack of space for containers or yard refuse Yard Waste piles, and street width under thirty feet makes the curbside placing, maintaining and/or collection of garbage, waste, organic refuse, and/or recyclables Solid Waste, including cardboard, Gray

Container Waste, Source Separated Green Container Organic Waste, Source Separated Dark Blue Container Waste or Non-Organic Recyclables, hazardous to the health and welfare of the residents.

~~**Rubbish.** Solid waste that is not putrescible waste, including, but not limited to, shrubbery, yard trimmings, clippings, wood, paper, packing materials, crockery, pasteboard, discarded clothing, rugs, straw, rubber, metal, plastic, and construction waste and debris.~~

**Route Review.** A visual inspection of containers along a Hauler Route for the purpose of determining Container Contamination which may include mechanical inspection methods such as the use of cameras; or, as otherwise defined in 14 CCR Section 18982(a)(65).

**SB 1383.** Senate Bill 1383 of 2016 approved by the Governor of the State on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the State Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the State Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants.

**SB 1383 Regulations.** 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 14 CCR and 27 CCR.

**Self-Hauler.** A person or entity, who, in compliance with all applicable requirements of this article, hauls Solid Waste, including Organic Waste or Recyclable Materials, he or she has generated to another person or entity; or, as otherwise defined in 14 CCR Section 18982(a)(66). Self-Hauler also includes a person or entity who back-hauls waste. 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).

**Single-Family or Single Family Residence.** Of, from, or pertaining to any residential premises with fewer than five (5) units.

~~**Solid waste.** Synonymous with "refuse," solid waste includes garbage waste, recyclables, organics refuse, yard refuse and rubbish.~~

**Solid Waste.** Unless otherwise defined in State Public Resources Code Section 40191, all Putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed

**ATT 2 - Changes to Chapter 32: MANAGEMENT OF GARBAGE, OTHER WASTES, RECYCLABLES, AND FEES THEREFORE** in Redline

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 State Public Resources Code Section 40141.
- (2) Radioactive waste regulated pursuant to the 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 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 State Public Resources Code.

**Source Separated.** Materials, including commingled Recyclable Materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace; or, as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of this article, Source Separated shall include separation of materials by the Generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source Separated materials are separated from Gray Container Waste or other Solid Waste for the purposes of collection and processing of those materials.

**Source Separated Dark Blue Container Organic Waste.** Source Separated Organic Waste that can be placed in a Dark Blue Container or the Dark Blue Side of a Split Blue Container, each of which is limited to the collection of Source Separated Dark Blue Container Organic Waste; or, as otherwise defined by 14 CCR 17402(a)(26.7) and 18982(a)(43) or specified in 14 CCR Section 18984.1 (a) and (b) or Section 18984.2 (a)(2). Unless otherwise specified by the city, Source Separated Dark Blue Container Organic Waste includes Paper Products, Printing and Writing Paper, and cardboard less than two cubic feet when flattened but excludes cardboard in excess of two cubic feet when flattened and Source Separated Green Container Organic Waste.

**Source Separated Green Container Organic Waste.** Source Separated Organic Waste that can be placed in a Green Container, including Food Waste, Food-Soiled Paper, and Yard Waste, that is limited to the collection of that Organic Waste; or as otherwise specified in 14 CCR 18984.1 (a) and (b), and excludes Non-Compostable Paper, and textiles.

**Source Separated Recyclable Materials. Source Separated Non-Organic Recyclables and Source Separated Dark Blue Container Organic Waste.**

**Special waste Waste.** Wastes not fitting into the above categories, including, but not limited to, dead animals, abandoned automobiles and major parts thereof, large furniture objects, tree trunks, stumps, sod, garden rubble, dirt, and major limbs exceeding eight inches in diameter.

**Split Blue Container.** A split container that is part of the city's collection service for Single-Family Generators consistent with 14 CCR Section 18984.1(a)(6)(B) with either a light blue lid on the section of the container used only for the purpose of storage and collection of Source Separated Non-Organic Recyclables and dark blue lid on the section of the container used only for the purpose of storage and collection of Source Separated Dark Blue Container Organic Waste.

Notwithstanding the foregoing, functional split containers purchased prior to January 1, 2022 that are used for the storage and collection of Source Separated Recyclable Materials and that do not comply with the color requirements of 14 CCR Section 18982(a)(5), and (6)(B) (including containers with a blue lid on the section of the container used only for the purpose of storage and collection of Source Separated Non-Organic Recyclables and a black lid on the section of the container used only for the purpose of storage and collection of Source Separated Dark Blue Container Organic Waste) shall be deemed to be Split Blue Containers and are not required to be replaced until the end of the useful life of those containers or January 1, 2036, whichever is earlier.

**State.** The State of California.

**Supermarket.** 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.** 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; or (5) Wholesale Food Vendor.

**Tier Two Commercial Edible Food Generator.** A Commercial Edible Food Generator that is one of the following: (1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet; (2) Hotel with an on-site food facility and 200 or more rooms; (3) Health facility with an on-site food facility and 100 or more beds; (4) Large Venue; (5) Large Event; (6) A state agency with a cafeteria with 250 or more seats or a total cafeteria facility size equal to or greater than 5,000 square feet; or (7) A Local Education Agency with an on-site food facility.

**Uncontainerized Yard Waste Collection Service.** A collection service that collects Yard Waste that is placed in a pile for collection on the street in front of a Generator's house or place of business for collection and transport to a facility that recovers Source Separated Organic Waste, or as otherwise defined in 14 CCR Section 189852(a)(75).

**Wholesale Food Vendor.** 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).

**Yard refuse Waste.** Trimmings and prunings (maximum branch diameter of eight inches) from trees and shrubs, leaves, grass clippings, weeds, vines, dropped fruit from on-site trees, arising from the development, maintenance and care of residential gardens and yards.

~~When the word "waste" or "waste matter" is used, it refers to any or all of the above. (Ord. 955 § 2; Ord. 967 § 2; Ord. 1254 § 1; Ord. 1524 § 1; Ord. 2054 § 1, 2001; Ord. 2173 § 1, 2005; Ord. 2447 § 2, 2015)~~

### **32.01.020 Mandatory service.**

~~(a) Except as permitted in Sections~~

~~(a) In addition to the requirements in sections 32.01.070 and 32.01.080, each occupancy shall subscribe to waste collection service as provided by the city or the city's contract hauler. respectively, all Generators shall subscribe to collection services for Gray Container Waste, Source Separated Green Container Organic Waste, Source Separated Dark Blue Container Organic Waste, Source Separated Non-Organic Recyclables, Cardboard Collection Services provided by the city or the city's Contract Hauler and comply with the requirements of those services as described in subsection (b) of this section unless the Generator obtains a permit or waiver pursuant to subsections (c) - (g) of this section. The City shall have the right to review the number and size of a Generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Generators shall adjust their service level for their collection services as requested by the city. Nothing in this section prohibits Generators from preventing or reducing waste generation, managing Organic Waste on site, using Uncontainerized Yard Waste Collection Service pursuant to 32.01.090, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).~~

~~(b) Participate in the City's collection services by placing designated materials in designated containers as described in Section 32.01.040 and not placing~~



Prohibited Container Contaminants in collection containers as described in Section 32.01.065.

- (c) ~~A customer~~ Customer may petition the ~~city manager~~ Public Works Director or Designee for permission to ~~collect~~ share a Green Container, Light Blue Container, Dark Blue Container, or Split Blue Container, as applicable, with an adjacent property in satisfaction of the requirement to subscribe and haul-away participate in the wastes generated on the premises. City's collection services as described in subsection (a) of this section.
- (1) ~~Such a permit may be granted~~ requested by the Customer and shall be issued or denied in writing by the city manager Public Works Director or their Designee, if, in his or her their opinion, such would be in the best interests of the city-, and only if the affected Customers will continue to Source Separate all Organic Waste (including Food Waste, Food-Soiled Paper, Yard Waste, and Source Separated Dark Blue Container Organic Waste) and Non-Organic Recyclables. Such a permit may ~~be used subject to include~~ any conditions reasonably related to the protection of the public health and welfare, and shall be is revocable by the City at any time.
- (2) If the City obtains information at any time that a Customer that has received permission to share collection service under subsection (c) of this section is no longer sharing service, or has limited or no access to the shared service, or is no longer Source Separating their Recyclable Materials and/or Organic Waste as required, the city shall rescind the permission and direct the city's Contract Hauler to deliver to the Customer their own containers consistent with the city's collection services described in subsection (a) of this section.
- (d) Self-Haul Waiver. A Customer or Generator may petition Public Works Director for a period not to exceed one year. Permit permission to self-haul the wastes generated on the Customer or Generator's premises and thereby be exempted from the mandatory requirement to subscribe and participate in the City's collection services as described in subsection (a) of this section. Such a permit may be granted by the Public Works Director or their Designee, if, in their opinion, such would be in the best interests of the city, and shall be subject to the requirements will include proof that waste will be properly disposed of at an authorized facility. for Self-Haulers set forth in subsection (d)(1) of this section. In addition to the requirements for Self-Haulers set forth in subsection (d)(1) of this section, such a permit may include any conditions reasonably related to the protection of the public health and welfare.
- (1) Requirements for self-haulers. A Customer or Generator who is a permitted Self-Hauler shall comply with the following requirements:
- (A) The Self-Hauler shall Source Separate all Recyclable Materials and Organic Waste (materials that the City otherwise requires Generators to separate for collection in the city's organics and recycling collection program) generated on site in a manner consistent with 14 CCR Section 18984.1 or shall self-haul all Recyclable Materials and Organic Waste to a High Diversion

**ATT 2 - Changes to Chapter 32: MANAGEMENT OF GARBAGE, OTHER WASTES, RECYCLABLES, AND FEES THEREFORE** in Redline

- Organic Waste Processing Facility for Recovery, as specified in 14 CCR Section 18984.3.
- (B) Self-Haulers shall haul their Recyclable Materials that have been Source Separated to a facility that recovers those materials; and haul their Organic Waste that have been Source Separated to a Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
- (C) Self-Haulers that are Commercial Businesses, including Multi-Family Residential Dwellings, shall keep a record of the amount of Recyclable Materials and Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste. This record shall be subject to Inspection by the City and submitted annually to the City no later than February 1st of each year. The records shall include the following information:
1. Delivery receipts and weight tickets from the entity accepting the waste.
  2. The amount of material in cubic yards or tons transported by the Generator to each entity.
  3. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
- (D) If the City obtains information at any time that a Customer or Generator that is a permitted Self-Haul under subsection (d) of this section is not hauling Recyclable Materials and/or Organic Waste as required under subsections (d)(1)(A) and (B) of this section, the city shall rescind the self-haul permit and direct the city's Contract Hauler to deliver to the Customer or Generator their own containers consistent with the city's collection services described in subsection (a) of this section.
- (E) Subsection (d)(1)(C) does not apply to a Self-Hauler that is a Single-Family Generator.
- (e) De Minimis Waiver. The City may, at its discretion and in accordance with 14 CCR Section 18984.11, or as otherwise authorized facility. (Ord. 955-§ by CalRecycle, waive a Commercial Business', including a Multi-Family Residential Dwelling's, obligation to comply with some or all of the Organic Waste requirements of article if the Commercial Business provides documentation or the City and has evidence demonstrating that:
- (1) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Green Container or the Dark Blue Container or Dark Blue Side of the Split Blue

**ATT 2 - Changes to Chapter 32: MANAGEMENT OF GARBAGE, OTHER WASTES, RECYCLABLES, AND FEES THEREFORE** in Redline

- Container, as applicable, comprises less than 20 gallons per week per applicable container of the business' total waste.
- (2) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Green Container or the Dark Blue Container or Dark Blue Side of the Split Blue Container, comprises less than 10 gallons per week per applicable container of the business' total waste.
- (f) Physical Space Waiver. The City may waive a Commercial Business' or property owner's obligation to comply with subsections (a)(1) and/or (a)(2; Ord. 967 § 2; Ord. 2054 § 1, 2001; Ord. 2173 § 1, 2005; Ord. 2447 § 2, 2015)) of this section if the City has evidence from its own staff, Contract Hauler, licensed architect, or licensed engineer demonstrating that the Commercial Business lacks adequate space for Light Blue Containers, Dark Blue Containers or Green Containers.
- (g) A Commercial Business that receives a waiver under subsection (e) or (f) of this section must notify the City if circumstances change such that the Commercial Business no longer satisfies the applicable criteria for a waiver, in which case the waiver will be rescinded.
- (h) If the City determines at any time that a Commercial Business that has received a waiver under subsection (e) or (f) of this section no longer satisfies the applicable criteria for a waiver, the City shall rescind the waiver.
- (i) Customers that have been granted a waiver under subsection (c) or (d) of this section must resubmit an application for a new waiver every year.
- (j) Commercial Businesses that have been granted a waiver under subsection (e) or (f) of this section must resubmit an application for a new waiver every five years.

**32.01.030 Prohibited acts.**

- ~~(a) Garbage or other waste matter~~
- (a) Solid Waste shall not be burned, nor shall ~~garbage, waste materials, yard refuse or rubbish~~ Solid Waste be allowed to accumulate, be buried, dumped, scattered, or placed on any property, including public property within the city, except as otherwise permitted by this Code ~~or other ordinances.~~ Nothing in this section shall prohibit ~~composting using a Community Composting site pursuant to 14 CCR Section 18984.9(c)~~ if it is not violative of basic sanitary standards or other applicable standards established by the city, county, ~~state~~ State, or other agency having jurisdiction.
- (b) The city or the city's ~~contract hauler~~ Contract Hauler shall have the exclusive right to gather and collect ~~garbage, yard refuse, organic refuse, recyclables,~~ Solid Waste, including Organic Waste and ~~other solid waste~~ Recyclable Materials, within the city. It shall be unlawful for any person, except as otherwise provided in this chapter, to gather or collect ~~garbage, yard refuse, organic refuse, recyclables or other solid wastes~~ Solid Waste, including Yard Waste, Organic Waste, Recyclable Materials, within the city. Pursuant to California Public Resources Code Section 40059, the city reserves the right to issue an exclusive franchise for the handling of solid wastes.



(c) Notwithstanding any other provisions set forth in this ~~chapter article~~ to the contrary, the exclusive right shall exclude the following, or as otherwise provided in the contract with the City's Contract Hauler:

- (1) The collection, transportation, recycling, and disposal of any ~~solid waste~~ Solid Waste otherwise within the scope of this ~~chapter article~~ which is transported to an appropriate disposal facility by ~~an officer or full-time permanent employee of the commercial, construction, or industrial enterprise that generated the solid waste (but not including any independent contractor, non-employee agent, or representative, or other contractor of such enterprise~~ a Self-Hauler permitted pursuant to Section 31.01.020(d).
- (2) Collection and transportation of ~~yard materials~~ Yard Waste by a landscape maintenance company where such removal is incidental to the services provided by the landscape maintenance company.
- (3) The sale or donation of ~~recyclables~~ Recyclable Materials or ~~organic refuse~~ Organic Waste by ~~the person or entity that generated such material (the "generator")~~ a Generator of those materials to any person or entity other than the city's ~~contract hauler~~ Contract Hauler; provided, however, if the ~~generator~~ Generator is required to pay a monetary or non-monetary consideration for the collection, transportation, transfer, or processing of ~~recyclables~~ Recyclable Materials or ~~organic refuse~~ Organic Waste, the fact that the ~~generator~~ Generator receives a reduction or discount in price (or in other terms of the consideration, the ~~generator~~ Generator is required to pay) shall not be considered a sale or donation. (~~Ord. 955 § 2; Ord. 967 § 2; Ord. 2054 § 1, 2001; Ord. 2173 § 1, 2005; Ord. 2447 § 2, 2015~~)

**32.01.40 Acceptable waste containers Acceptable containers and placement of waste.**

(a) ~~All waste, except as otherwise provided, Except for permitted Self-Haulers, all Solid Waste~~ shall be placed within acceptable containers or placed for collection consistent with an uncontainerized collection service provided by the city or the city's Contract Hauler as follows:

- (1) ~~(b) — Only Single-Family Generators shall place Source Separated Green Container Waste, including Food Waste, Food-Soiled Paper, and Yard Waste, in the Green Container; Source Separated Dark Blue Container Waste in the Dark Blue Side of the Split Blue Container; Source Separated Non-Organic Recyclables in the Light Blue Side of the Split Blue Container; and Gray Container Waste in the Gray Container.~~
- (2) Commercial Businesses, including Multi-Family Residential Dwellings, shall place Source Separated Green Container Waste, including Food Waste, Food Soiled Paper, and Yard Waste, in the Green Container; Source Separated Dark Blue Container Waste in the Dark Blue Container; Source Separated Non-Organic Recyclables in the Light Blue Container; Gray Container Waste in the Gray Container; and if applicable, cardboard in the container designated for the Cardboard Collection Service.

- (3) All customers and Generators shall flatten corrugated cardboard and place cardboard for collection as follows:
- (A) Single-Family Generators shall place corrugated cardboard that is less than two cubic feet when flattened in the Dark Blue Side of the Split Blue Container and shall place corrugated cardboard in excess of two cubic feet when flattened curbside within five feet of the curb for collection consistent with the city's Cardboard Collection Service.
  - (B) Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall place corrugated cardboard that is less than two cubic feet when flattened in the Dark Blue Container and shall place corrugated cardboard in excess of two cubic feet when flattened on the ground next to the Dark Blue Container for collection consistent with the city's Cardboard Collection Service.
  - (C) If the Commercial Business has a container used only for the collection of cardboard consistent with the city's Cardboard Collection Service, the Commercial Business shall place cardboard in such container, or if, less than two cubic feet when flattened, in the Dark Blue Container and place corrugated cardboard in excess of what can be placed in the cardboard container on the ground next to the Dark Blue Container for collection consistent with the City's Cardboard Collection Service.
  - (D) Commercial Businesses, including Multi-Family Residential Dwellings, except Commercial Businesses that are permitted Self-Haulers for corrugated cardboard, shall designate an area in or near each area where Solid Waste is collected for the collection in piles or, if applicable, a container designated for the city's Cardboard Collection Service.
- (4) Yard Waste shall be placed in on-street Yard Waste piles for Uncontainerized Yard Waste Collection Service or in the Green Container as provided in Section 32.01.090.
- (b) Except for permitted Self-Haulers, only the following containers are acceptable for the deposit of ~~solid waste~~: Solid Waste:
- (1) City or city's ~~contract hauler~~ Contract Hauler supplied and approved "semiautomated" or "automated" thirty- to one hundred-gallon wheeled carts with flytight lids or city and ~~contract hauler~~ Contract Hauler approved alternative sized carts.
  - (2) Bin-type containers, adequate in capacity and structurally designed so as to be compatible with the collection equipment used for waste collection in the city.
  - (3) ~~Compaction containers, special~~ Special bulk-volume, drop-box or roll-off containers of sanitary design, adequate in capacity and structurally designed so as to be compatible with the collection equipment used for waste collection in the city.
  - (4) Compaction containers, in special circumstances and at the approval of the Public Works Director or Designee.

**ATT 2 - Changes to Chapter 32: MANAGEMENT OF GARBAGE, OTHER WASTES, RECYCLABLES, AND FEES THEREFORE** in Redline

- (5) All waste containers supplied by the ~~contract hauler~~ Contract Hauler shall be and remain the property of the ~~contract hauler~~ Contract Hauler.
- (6) ~~(c)~~—All containers shall meet all applicable requirements of Title 14, Division 3, Chapter 12 of the California Code of Regulations, including all color and labeling requirements of 14 CCR Sections 18984.7 and 189894.8
- (c) Nothing in this ~~chapter article~~ shall be construed so as to allow the maintenance of less than one receptacle per dwelling unit, except for shared communal waste containers within a multi-family property, housing association, or other shared waste bins allowed by the city, or permitted by Section 32.01.020(~~bc~~) or Section 32.01.020(d).
- (d) All containers shall, when filthy, leaking, or in a defective state, be cleaned by the ~~customer~~ Customer and repaired or replaced by the owner of the container in accordance with Article 30.02, Sections 30.02.010 and 30.02.060.
- (e) Customers shall provide the “compactor” containers specified in subsection (b)(~~34~~) of this section. The city or its ~~contract hauler~~ Contract Hauler shall provide containers for subsections (b)(1), (2) and (3), (~~excepting compactor containers~~) of this section as a part of the monthly service cost. The city or its ~~contract hauler~~ will Contract Hauler may provide services to privately owned cubic yard containers meeting the specifications of this section if in good condition, but without price discount. (~~Ord. 955 § 2; Ord. 967 § 2; Ord. 1179, Exh. A; Ord. 1519 § 1; Ord. 1524 § 2; Ord. 2054 § 1, 2001; Ord. 2173 § 1, 2005; Ord. 2447 § 2, 2015~~) The city or its Contract Hauler assume zero liability for any damages to privately owned containers.

**32.01.050 Placement of containers.**

**(a) Individually serviced residences**

- (1) Acceptable ~~waste~~ containers of garbage, recyclables, yard refuse for Gray Container Waste, Source Separated Green Container Waste, Source Separated Dark Blue Container Waste, and/or organics refuse Source Separated Non-Organic Recyclables, as specified in Section 32.01.040 ~~in thirty- to one hundred-gallon carts~~ from individually serviced residences shall be placed in the street gutter immediately adjacent to the curb, immediately adjacent to ~~occupants~~ the Generator's property, except as provided below, but in no event on the sidewalk.
- (2) The ~~public works director~~ Public Works Director or ~~designee~~ Designee may provide a permit for carts to be placed on top of the curb for service in areas where such placement would not result in obstructing the sidewalk or failure to meet city accessibility requirements, or creating any other hazard or safety concerns, and when no other placement of the carts is possible without blocking, in whole or in part, the bike lane. Such permit may be requested by the resident or ~~customer~~ Customer and shall be issued or denied in writing. If issued, such permit is revocable by the city at any time.

**ATT 2 - Changes to Chapter 32: MANAGEMENT OF GARBAGE, OTHER WASTES, RECYCLABLES, AND FEES THEREFORE** in Redline

- (3) Carts shall have a minimum distance of three feet between them and any other object. Such placement shall occur no earlier than 5:00 p.m. on the day prior to the scheduled collection day, nor later than 6:00 a.m. on collection day. Emptied containers shall be removed from the curb or street, as applicable, by 7:00 a.m. on the day following collection.
- (4) Containers that are to be collected from other than curbside location shall be placed in an accessible location no more than seventy-five feet from the street.
- (b) **All other occupancies.** ~~Carts, bins, bulk waste, including Commercial Businesses.~~ Acceptable containers and other vessels used for waste storage by Gray Container Waste, Source Separated Green Container Waste, Source Separated Dark Blue Container Waste, and Source Separated Non-Organic Recyclables, as specified in Section 32.01.040 from all other occupancies shall be placed such that they are easily accessible for collection in accordance with the contract with the Contract Hauler, and in conformity with applicable zoning restrictions.
- (c) **Special waste.** Special ~~waste~~ Waste shall be placed as individually determined through an agreement between ~~waste generator~~ the Generator and ~~waste collector.~~ (Ord. 1300 § 2; Ord. 2054 § 1, 2001; Ord. 2173 § 1, 2005; Ord. 2447 § 2, 2015) the Contract Hauler or other entity hauling the waste.
- (d) **Covers.** Containers 6 yards or smaller in size must remain covered with lid or other such cover which can keep out water and pests at all times. Covers may be temporarily opened only when placing Solid Waste in, removing Solid Waste, or cleaning the containers.
- (e) **Capacity.** Containers and bins shall not be filled beyond the point at which covers can be tightly secured.

**32.01.060 Ownership of wastes and recyclables—Infractions.**

- (a) ~~Garbage, organic refuse and containerized solid~~ Gray Container Waste, Green Container Waste shall remain the property of the ~~generator~~ Generator until the material is removed from the container or collected by the city or the city's ~~contract hauler~~ Contract Hauler.
- (b) Yard ~~refuse waste~~ Waste shall remain the property of the ~~generator~~ Generator until the material is collected by the city or the city's ~~contract hauler~~ Contract Hauler.
- (c) ~~Recyclables in city or contractor-provided individually-serviced residence containers~~ Recyclable Material, including Source Separated Dark Blue Container Organic Waste and Source Separated Non-Organic Recyclables placed in the Dark Blue Side and Light Blue Side, respectively, of a Split Blue Container used by Single-Family Generators placed at the curb shall become the property of the city or the city's ~~contract hauler~~ Contract Hauler at the time of the placement at the curb.
- (d) ~~Recyclables placed inside of commercial containers~~ Source Separated Recyclable Materials including Source Separated Dark Blue Container Organic Waste placed inside of a Dark Blue Container and Source Separated Non-

Organic Recyclables placed inside of a Light Blue Container used by Generators that are Commercial Businesses or Multi-Family Residential Dwellings shall become the property of the city or the city's contract hauler at the time they are placed in the container.

- (e) Cardboard placed in a recycling area (as defined in Section 32.03.010), or stacked for collection as part of the City's Cardboard Collection Service shall become the property of the city or the city's contract hauler at the time of the placement in the recycling area or at the curb.
- ~~(f) Cardboard placed at the curb shall become the property of the city or the city's contract hauler at the time of the placement at the curb.~~
- (f) ~~(g)~~ It is unlawful for anyone other than the city's ~~contract hauler~~ Contract Hauler or a person designated by the ~~public works director~~ Public Works Director to remove or otherwise interfere with ~~recyclable materials~~ Recyclable Materials which have been placed at the curb or in commercial containers. ~~Any and each violation hereof from one or more recycling collection locations shall constitute a separate and distinct offense punishable as provided in this section. Any person or entity violating this article shall be guilty of an infraction and shall be subject to a fine in the amount of one hundred dollars for the first violation, two hundred dollars for the second violation, and five hundred dollars for the third and subsequent violations occurring within a one-year period.~~
- (g) ~~(h)~~ Nothing in this ~~chapter~~ article shall limit the right of any person to donate, or sell ~~or otherwise dispose of his or her~~ their own ~~recyclable materials~~ Recyclable Materials.
- ~~(i) It is unlawful for any generator to place hazardous waste in solid waste or recycling containers, and any hazardous waste so placed shall remain the property of the generator. (Ord. 955 § 2; Ord. 967 § 2; Ord. 1524 § 3; Ord. 2054 § 1, 2001; Ord. 2173 § 1; Ord. 2431 § 2, 2014; Ord. 2447 § 2, 2015)~~

### 32.01.065 Customer obligation relating to separation of divertible to Source Separate materials.

- (a) ~~Divertible materials shall be separated from non-divertible materials. All Customers and Generators shall not place Prohibited Contaminants in containers and shall source separate their Solid Waste consistent with the following requirements:~~
  - (1) All ~~Ceustomers, businesses and tenants~~ and Generators shall separate ~~recyclables~~ Source Separated Dark Blue Container Waste from other ~~refuse~~ Solid Waste generated on the property and shall not deposit ~~recyclables~~ such materials in ~~either the trash~~ Gray Container, Green Container, Light Blue Container or ~~organics cart or bin.~~ Light Blue Side of the Split Blue Container.
  - (2) All ~~Ceustomers, businesses and tenants~~ Generators shall separate ~~organics~~ Source Separated Non-Organic Recyclables from other ~~refuse~~ Solid Waste generated on the property and shall not deposit ~~organics in either the trash or recycling cart or bin.~~ such materials in the Gray



**ATT 2 - Changes to Chapter 32: MANAGEMENT OF GARBAGE, OTHER WASTES, RECYCLABLES, AND FEES THEREFORE** in Redline

Container, Green Container, Dark Blue Container or Dark Blue Side of the Split Blue Container.

- (3) All Customers and Generators shall separate Source Separated Green Container Organic Waste from other Solid Waste generated on the property and shall not deposit Source Separated Green Container Organic Waste in the Gray Container, the Dark Blue Container, the Light Blue Container or the Split Blue Container.
- (4) All Customers and Generators shall separate Gray Container Waste from other Solid Waste generated on the property and shall not deposit hazardous waste or Gray Container Waste in the Green Container, the Dark Blue Container, the Light Blue Container or the Split Blue Container.
- (5) ~~(3)~~ All ~~Ceustomers, businesses and tenants~~ Generators shall separate garbage waste corrugated cardboard in excess of two cubic feet when flattened from other refuse Solid Waste generated on the property and shall not deposit garbage waste or hazardous waste in either the organics or recycling cart or bin cardboard corrugated cardboard in excess of two cubic feet when flattened in the Gray Container, Green Container, the Dark Blue Container, the Light Blue Container or the Split Blue Container.
- ~~(4) Only that yard refuse and other organic refuse materials permitted by the city shall be placed in city organics refuse containers.~~
- ~~(5) Only recyclables permitted by the city shall be placed in city recycling carts or bins.~~
- ~~(b) In addition to any other remedies that the city may have for violation of this section, an administrative citation may be issued for any violation of this section pursuant to Davis Municipal Code Chapter 1, Article 1.02. (Ord. 2447 § 2, 2015)~~
- (b) Only Yard Waste shall be placed in on-street Yard Waste piles for Uncontainerized Yard Waste Collection Service. Customers and Generators shall not deposit hazardous waste or Solid Waste, other than Yard Waste, in on-street Yard Waste piles.
- (c) Only corrugated cardboard in excess of two cubic feet when flattened shall be stacked in a pile within five feet of the curb for Cardboard Collection Service. Customers and Generators shall not deposit hazardous waste or Solid Waste, other than corrugated cardboard in excess of two cubic feet when flattened, in curbside corrugated cardboard piles.

**32.01.070 Garbage Waste collection service—Individually serviced residences.**

- (a) The frequency of garbage collection service for individually serviced residences shall be once per week.
- (b) The basic garbage collection service to individually serviced residences ~~not in a restricted area~~ shall be the collection of ~~one~~, a Green Container, Gray Container, and Split Blue Container, each container being thirty- to one hundred-gallon cart or other size authorized by the city or city's ~~contract hauler~~ Contract Hauler, ~~of premises-generated household wastes.~~

**ATT 2 - Changes to Chapter 32: MANAGEMENT OF GARBAGE, OTHER WASTES, RECYCLABLES, AND FEES THEREFORE** in Redline

- (c) The basic service to individually serviced residences in a restricted area shall be determined by the city on a case-by-case basis.
- (d) ~~(d) Physically disabled residents~~Persons with a disability may request “~~disabled assisted~~” service.” This ~~disabled~~ service shall consist of the retrieval of ~~one, a Gray Container, Green Container and Split Blue Container~~ thirty- to one hundred-gallon cart gallons in size, located at an accessible point no greater than seventy-five feet from the curb. The petition for ~~disabled assisted~~ service shall be submitted to and approved by the ~~city manager~~ City Manager or ~~designee~~ Designee. Residents may become eligible for ~~disabled assisted~~ service by showing their valid ~~disabled assisted~~ person parking permit or license issued by the State of California. Eligibility for ~~disabled assisted~~ service shall be determined on an annual basis.
- ~~(e) Special wastes shall be placed for collection as individually determined through an agreement between the waste generator and the waste collector.~~
- (e) ~~(f)~~ Individually serviced residences may request an additional ~~garbage cart~~ Gray Container from the city’s ~~contract hauler~~. Contract Hauler. Any additional ~~garbage cart(s)~~ Gray Container issued to individually serviced residents may not exceed the size of their regularly subscribed service ~~garbage cart~~. (~~Ord. 955 § 2; Ord. 967 § 2; Ord. 1254 § 2; Ord. 1477 § 1; Ord. 1519 § 2; Ord. 2054 § 1, 2001; Ord. 2173 § 1; Ord. 2390 § 42, 2012; Ord. 2447 § 2, 2015; Ord. 2562 §§ 5, 6, 2019~~) for the Gray Container.

**32.01.080 Commercial and industrial waste management. Waste Collection Services - Commercial Businesses and other Generators.**

- (a) The frequency of waste collection generated by ~~businesses~~ Commercial Businesses, including Multi-Family Residential Dwellings, and communally serviced residences, ~~industrial occupancies, and other generators~~ shall be:
- (1) Construction debris waste, special waste and industrial waste shall be collected at such frequency that sanitation, aesthetic, discharge to the city’s stormdrain system and nuisance problems do not occur.
  - (2) Food stores and markets, restaurants and other occupancies generating substantial quantities of ~~putrescible~~ Putrescible waste shall have the same removed at least two times per week, and any such occupancies that are Tier One Commercial Edible Food Generator or a Tier Two Commercial Edible Food Generators shall also comply with applicable requirements of the Edible Food Recovery Program pursuant to Section 32.01.170 of this code.
  - (3) All other occupancies shall have waste removed at least once a week.
  - (4) Notwithstanding subsections (a)(1), (2), and (3), every occupancy shall subscribe to or, if a permitted Self-Hauler, shall independently provide a waste removal schedule more frequently where necessary to maintain sanitary, nuisance-free, clean and aesthetic conditions on the premises.
  - (5) Except in cases of emergency no collection shall be made on Sunday.

**ATT 2 - Changes to Chapter 32: MANAGEMENT OF GARBAGE, OTHER WASTES, RECYCLABLES, AND FEES THEREFORE** in Redline

- ~~(b)~~ Construction waste disposal and recycling services are included in the exclusive franchise rights of the city except as provided for in Section 32.01.030(b). ~~(Ord. 955 § 2; Ord. 967 § 2; Ord. 2054 § 1, 2001; Ord. 2173 § 1; Ord. 2447 § 2, 2015).~~
- (c) Commercial Businesses, including Multi-Family Residential Dwellings, must provide or arrange for collection services consistent with this Article for employees, contractors, tenants, and customers and supply and allow access to an adequate number, size and location of collection containers with sufficient labels or colors (conforming with (d)(1) and (d)(2) below) consistent with the City hauler's collection bins, Article 3 of Chapter 12 of Division 7 of Title 14 of the CCR; or, if self-hauling, per the Commercial Businesses' requirements to support its compliance with its self-haul program, in accordance with Section 32.01.030, for employees, contractors, tenants, and customers.
- (d) Commercial Businesses, except for Multi-Family Residential Dwellings, shall provide containers for the collection of Organic Waste and Recyclable Materials in all areas where disposal containers are provided for customers with the exception of disposal containers in restrooms. Notwithstanding the forgoing, Commercial Business shall provide containers in restrooms for the collection of paper towels if paper towels are provided for use. Such containers shall be adjacent to disposal containers and visible and easily accessible. If a Commercial Business does not generate any of the materials that would be collected in one type of container, as demonstrated through an approved de minimis waiver per section 31.01.020, then the Commercial Business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b) containers provided by the commercial business shall have either:
- (1) A body or lid that conforms with the container colors provided through the collection service provided by the City's hauler, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A commercial business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with these color requirements prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
  - (2) Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
- (e) Commercial Businesses shall prohibit employees from placing materials in a container provided by the City's contract hauler's if the container is not designated for those materials.
- (f) Commercial Businesses shall periodically inspect recycling, organics and trash bins for contamination at least on a quarterly basis and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).



**ATT 2 - Changes to Chapter 32: MANAGEMENT OF GARBAGE, OTHER WASTES, RECYCLABLES, AND FEES THEREFORE** in Redline

- (g) All Commercial Businesses, including Multi-Family Residential Dwellings must annually provide information to employees, contractors, tenants, and customers about recycling and organics recycling requirements and about proper sorting of Organic Waste and Recyclable Materials.
- (h) Commercial Businesses, including Multi-Family Residential Dwellings, must provide the information required in subsection (g) of this section to new tenants before or within fourteen (14) days of occupation of the premises.
- (i) Commercial Businesses, including Multi-Family Residential Dwellings, must provide or arrange access for the City; the City's Designee, including the City's Contract Hauler; or the City's agent to their properties during all inspections conducted to confirm compliance with the requirements of this code.
- (j) All Commercial Businesses, including Multi-Family Residential Dwellings generating two (2) cubic yards or more of total Solid Waste per week (or other threshold defined by the State), shall require that any contract or work agreement between the owner, occupant, or operator of the Commercial Business and a gardening or landscaping service specify that the Organic Waste generated by those services be managed in compliance with Chapter 12, Part 3, Division 30 of the Public Resources Code.
- (k) Nothing in this section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- (l) Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, may receive waivers at the City's discretion pursuant to section 32.01.020 for some requirements of this section.
- (m) If a Commercial Business wants to self-haul, the Commercial Business shall meet the Self-Hauler requirements of this Code in section 32.01.020.

**32.01.090 Yard ~~refuse~~ Waste management.**

- (a) **Yard ~~refuse~~ Waste placed in ~~organic refuse~~ Green containers.** Unless authorized by subsection (b), ~~yard refuse~~ Yard Waste shall be containerized utilizing the ~~acceptable organics refuse~~ Green container as specified in Section 32.01.040 or ~~subsection (c).~~ shall be collected with the City's Uncontainerized Yard Waste Collection Service pursuant to this section. Inorganic material (rock, dirt, gravel, concrete, etc.) or sod shall not be placed in the street for collection in any manner, including placement in ~~organics refuse containers or in yard refuse piles~~ Green Containers or in Yard Waste piles for pick up through the Uncontainerized Yard Waste Collection Service unless a special pick-up has been scheduled with an appropriate receptacle designated by the city's ~~contract hauler~~ Contract Hauler for an additional charge.
- (b) **Yard ~~refuse~~ Waste piles authorized to be placed in the street.**
  - (1) As authorized by this section, certain ~~yard refuse waste~~ Yard Waste, as described in paragraph (2) of this subsection, may be placed or maintained in piles in the street immediately adjacent to the property from which they originated, for collection by the city or the city's ~~contract hauler~~

**ATT 2 - Changes to Chapter 32: MANAGEMENT OF GARBAGE, OTHER WASTES, RECYCLABLES, AND FEES THEREFORE** in Redline

- ~~from customers subscribed for yard refuse collection service. Contract Hauler.~~ Such piles shall not exceed five feet in width or five feet in height or five feet in length, the same to be so placed and maintained as not to restrict reasonable gutter drainage.
- (2) If the ~~organics refuse containers~~ Green Containers are full, only leaves and tree and shrub prunings (maximum branch diameter of eight inches) may be placed in ~~yard refuse~~ Yard Waste piles. All other ~~yard refuse~~ Yard Waste, including, but not limited to grass clippings, weeds, vines, and dropped fruit from on-site fruit trees, shall be containerized utilizing the acceptable ~~organics refuse containers~~ Green Container as specified in subsection (a) and Section 32.01.040 and shall not be placed in ~~yard refuse~~ Yard Waste piles.
  - (3) ~~Yard refuse~~ Waste piles shall be placed on the street for pick-up no later than 6:00 a.m. on a scheduled collection day.
  - (4) No ~~yard refuse~~ Yard Waste piles shall be placed or maintained in any part of a bicycle lane.
  - (5) No ~~yard refuse~~ Yard Waste piles shall be placed or maintained in such a way as to obstruct traffic or restrict reasonable access to a fire alarm box, fire hydrant, standpipe, alley, driveway, public sidewalk, curb cut for accessibility access, stormdrain inlet, or any other public facility.
  - (6) ~~Yard refuse~~ Waste piles shall not be placed on street undulations, traffic-calming bulb-outs or near obstructions on the street that restrict the city or the city contract hauler's equipment from collecting ~~yard refuse~~ Yard Waste piles.
  - (7) No person shall park or let stand any vehicle or any other item on the street that blocks the city or the city contract hauler's equipment from collecting ~~yard refuse~~ Yard Waste piles.
  - (8) Due to the width of the street and/or bike lanes, there are some streets and areas where it is not possible to place ~~yard refuse~~ Yard Waste piles as required in subsection (b) as they will obstruct the bike lane or traffic lane. On these streets and in these areas, as well as other areas designated by the city as not having Yard Waste pile service, also denoted as "restricted areas," ~~yard refuse~~ Yard Waste shall be containerized at all times and shall not be placed in the street for pick-up. These streets and areas include, but are not limited to:
    - (A) East 8th Street from B Street to J Street;
    - (B) 5th Street from A Street to L Street;
    - (C) B Street from East 8th Street to East 14th Street-
    - (D) ~~(9) Yard refuse piles shall not be placed in the~~ Downtown Core area, defined as the area bounded by 5th Street, the south side of 1st Street, the west side of B Street and the Union Pacific railroad tracks-; and
    - (E) The development known as "The Cannery" that is bordered by East Covell Blvd. to the south, F Street to the west and is located west of Pole Line Road

**ATT 2 - Changes to Chapter 32: MANAGEMENT OF GARBAGE, OTHER WASTES, RECYCLABLES, AND FEES THEREFORE** in Redline

~~(c) — On September 30, 2019 this subsection shall expire and be superseded by subsection (d) of this section. Until September 30, 2019, upon a customer's receipt of a city authorized organics refuse container, the following shall apply:~~

~~(1) Monthly Yard Refuse Pile Service. Yard refuse piles may be placed in the street for scheduled monthly street pick-up, which shall be set to occur the week of the first Monday of each month. During this time, yard refuse piles shall not be placed in the street sooner than five days before a scheduled collection.~~

~~(2) Leaf Drop Season Weekly Yard Refuse Pile Service. Beginning the third Monday in October, during the designated leaf drop season (mid-October through mid-December), yard refuse piles may be placed in the street for collection. During this time, yard refuse piles shall not be placed in the street sooner than seven days before a scheduled collection.~~

~~(3) Yard refuse piles may be placed in the street if prior arrangements have been made with the city or its contract hauler for a special pick-up.~~

~~(4) Leaves may not be placed in yard refuse piles in the street unless the organics refuse container is already full.~~

(c) ~~(d) —~~ **Yard refuse collection Uncontainerized Yard Waste Collection Service schedule.** Effective September 30, 2019, the following ~~yard refuse pile collection~~ **Uncontainerized Yard Waste Collection Service** schedule applies:

(1) Fall and Winter Collection Service. Yard ~~refuse~~ **Waste** piles may be placed in the street for ten scheduled street pick-ups, which shall occur every other week, beginning the week of the third Monday in October. During this time, ~~yard refuse~~ **Yard Waste** piles shall not be placed in the street sooner than seven days before a scheduled collection.

(2) Spring Collection Service. Yard ~~refuse~~ **Waste** piles may be placed in the street for one scheduled street pick-up, which shall occur the week of the first Monday in May. During this time, ~~yard refuse~~ **Yard Waste** piles shall not be placed in the street sooner than seven days before the scheduled collection.

(3) Special Pick-Up Service. If a special pick-up of ~~yard refuse~~ **Yard Waste** has been scheduled with the city or its contract hauler, ~~yard refuse~~ **Yard Waste** piles may be placed in the street no sooner than seven days before the special pick-up.

(4) Change in Schedule. The city manager and the city's contract hauler may make minor modifications to the collection schedule by mutual agreement, provided that at least ten pickups occur between October and January and one pickup occurs in May, and provided that customers receive at least thirty days' prior written notice of the change.

~~(e) — Penalties. In addition to any other remedies that the city may have for violation of this section, an administrative citation may be issued for any violation of this section pursuant to Davis Municipal Code Chapter 1, Article 1.02. (Ord. 955 § 2; Ord. 967 § 2; Ord. 1254 § 3; Ord. 1524 §§ 4, 5; Ord. 2054 § 1, 2001; Ord. 2173 § 1; Ord. 2447 § 2, 2015; Ord. 2562 § 7, 2019)~~

**32.01.100 Recyclables collection.**

~~(a) Individually serviced residences shall containerize recyclable waste in contractor provided sixty-four gallon carts and place the cart in the street gutter, adjacent to the residents property, but in no event on the sidewalk, on the day of the week that garbage is collected. Carts shall have a minimum distance of three feet between them and any other object. Paper shall be placed in the portion of the cart designated for such. All other recyclables, tin cans including bimetal topped cans, food container glass, accepted plastic containers and aluminum cans, shall be placed in the portion of the cart designated for such. Corrugated cardboard must be flattened for collection. Flattened cardboard that is less than two cubic feet must be placed in the cart along with the newspaper. Corrugated cardboard in excess of two cubic feet must be flattened and placed curbside within five feet of the curb for collection~~

~~(b) Communally serviced residences shall place recyclables within receptacles provided by the city or the city's authorized agent near the garbage area of the communally serviced residence. (Ord. 955 § 2; Ord. 967 § 2; Ord. 2054 § 1, 2001; Ord. 2173 § 2)~~

**32.01.110 Recycling collection sites for existing communally serviced residences.**

~~(a) **Recycling collection sites required.** As of the effective date of the ordinance codified in this section, existing communally serviced residences, as defined in Section 32.01.010 of this chapter, consisting of ten or more units, shall make recycling carts available for use by tenants and shall be required to provide and maintain space on-site for recycling carts. The city's waste removal entity shall supply the recycling carts. Existing complexes with nine or fewer units are exempt from the requirements of this section, but are required to designate curbside locations and instruct new tenants on the use of curbside recycling services.~~

~~(b) **Recycling collection site plans.** The owner or owner's agent of each communally serviced residence shall submit a recycling collection site plan (hereinafter "plan" to the public works department for providing space for recycling carts. To the extent possible, the plans must comply with the goal of siting three recycling carts within, or next to, each trash enclosure. A minimum of three carts must be sited at each complex. Existing trees or other significant landscaping features (grass is not considered a significant landscaping feature) and space currently designated for automobile or bicycle parking shall not be eliminated or reduced in size to accommodate recycling carts. Any plan that proposes to site fewer than three carts per trash enclosure shall submit written explanation as to the basis for requesting exemption from the goal. Such plan shall be submitted on a form prescribed by the city.~~

~~(c) **Exemption from site plan and architectural approval.** Recycling collection site plans conforming to subsection (b) shall not be subject to the requirements of Chapter 40, Article 40.31 of this Code, site plan and architectural approval, unless~~

~~the plan indicates the elimination or relocation of any existing tree(s), or the elimination or reduction in size of any significant landscaping feature or space currently designated for automobile or bicycle parking.~~

~~(d) — **Action by public works director.** The city recognizes the existence of hardships based upon the unique features inherent in each applicant's complex that may interfere with the goal of siting three recycling carts at each trash enclosure. As such, the public works department will work with each applicant and the city's waste removal entity to formulate an acceptable plan that allows for flexibility in the number of carts sited and their location(s). The city's primary goal is to institute an accessible recycling collection program at each complex while minimizing undue hardships for the owner(s). The public works director shall approve the plan if the director is satisfied that the plan conforms to the requirements and intent of this section and that any additional conditions or requirements stipulated by the director and deemed necessary in the public interest have been or will be met.~~

~~(e) — **Notification of action taken.** The applicant shall be notified in writing of the action taken by the public works director. An approved plan must be fully implemented within six months after approval date. Applicants must resubmit revised plans within one month after a plan is denied.~~

~~(f) — **Building permits must be accompanied by recycling enclosure retrofit plans.** Issuance of a building permit for an existing communally serviced residence shall be conditioned upon provision of a recycling enclosure(s) that conforms to the standards set by the city for new development or an approved plan to accommodate recycling carts.~~

~~(g) — **Appeals.** Any determination of the public works director may be appealed to the planning commission. Appeals shall be initiated only upon written request for a hearing before the planning commission. Such appeal shall specify with reasonable certainty the portion or portions of the public works director's determinations which the applicant feels to be in error. Such appeal shall be accompanied by a fee set by resolution by the city council. In the absence of such request being filed within fifteen days after the determination of the public works director, such determination is final.~~

~~(h) — **Education.** At the time a lease or rental agreement is signed, the manager or homeowner's association representative, or other appropriate agent of the owner or owners of each communally serviced residence that is subject to this section shall: (1) inform all new tenants of the availability of and requirements for recycling, the location of the recycling collection site(s), and the materials that may be recycled; and (2) provide all new tenants with a flyer describing the city's recycling program. The flyers shall be provided to the managers and homeowner's associations by the city.~~

~~(i) — **Violations.** In addition to any other remedies that the city may have, any violation of this section may be deemed a nuisance and be punishable in accordance with Chapter 23 of this Code. (Ord. 1543 § 1; Ord. 2054 § 1, 2001; Ord. 2173 § 1; Ord. 2447 § 2, 2015)~~



**32.01.120 Fees and related regulations for waste management services.**

Fees and related regulations for waste management services shall be established and may be amended from time to time, by resolution of the city council. (~~Ord. 955 § 2, Ord. 967 § 1; Ord. 1055 § 1; Ord. 1091 § 1, Ord. 1179, Exh. A; Ord. 1300 § 1; Ord. 2054 § 1, 2001; Ord. 2173 § 1~~)

**32.01.125 Penalties Enforcement.**

(a) General

(1) Violation of any provision of this article shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by a Code Compliance Administrator. Enforcement Actions under this article include a citation for an infraction and imposition of a fine pursuant to subsection (a)(2) of this section, or issuance of an administrative citation and assessment of a fine pursuant to Chapter 1, Article 1.02 of this Code pursuant to subsection (a)(3) of this section.

(2) Any person violating any section of this article is who fails to correct the violation within 60 days of issuance of a Notice of Violation, shall be deemed guilty of an infraction, and upon conviction thereof, shall be punished by a fine as follows: The first violation shall be subject to a fine in the amount of fifty one hundred (100) dollars. The second violation within a six-month period shall be subject to a fine of seventy-five two hundred (200) dollars, and one five hundred (500) dollars for the third and subsequent violations occurring within a one-year period.

~~(b) The remedies provided herein shall be in addition to all any other remedies authorized by law and or penalties available, the enumeration City may enforce the terms of certain remedies in this article shall not preclude the application of any other remedies not herein enumerated.~~

(3) ~~(c) In addition, an through the administrative citation including associated fines may be issued for any violation of this article pursuant to Davis Municipal Code Chapter 1, Article 1.02. (Ord. 2447 § 2, 2015) procedures provided in Article 1.02 of this Code, provided the time to correct a violation under this article specified in the Notice of Violation shall be 60 days.~~

(4) The remedies provided herein shall be in addition to all other remedies authorized by law and the enumeration of certain remedies in this article shall not preclude the application of any other remedies not herein enumerated.

(b) Responsible Entity for Enforcement

(1) Enforcement pursuant to this article may be undertaken by the Code Compliance Administrator.

- (2) Enforcement may also be undertaken by a Regional or County Agency Enforcement Official, designated by the City, in consultation with Code Compliance Administrator.
- (A) Code Compliance Administrator(s) (and Regional or County Agency Enforcement Official, if applicable) will interpret this article; determine the applicability of waivers, if violation(s) have occurred; implement Enforcement Actions; and, determine if compliance standards are met.
- (B) The Code Compliance Administrator(s) (and Regional or County Agency Enforcement Official, if applicable) may issue Notices of Violation(s).
- (3) The Code Compliance Administrator(s) (and Regional or County Agency Enforcement Official, if using) and/or their Designee will monitor compliance with this article randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program (that may include Remote Monitoring). Section 32.01.130 establishes City's right to conduct inspections and investigations.
- (c) Compliance Deadline Extension Considerations  
The City may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with this section if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:
- (1) Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
- (2) Delays in obtaining discretionary permits or other government agency approvals; or,
- (3) Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the City is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.
- (d) Appeals Process  
Administrative citations or fines imposed under this article may be appealed pursuant to Title 1, Article 1.02.

**32.01.130 Commencement of liability for charges for new buildings.**

- (a) **Single-family residence.** Liability for charges under this article shall commence with respect to new single-family residences upon occupancy or issuance of a temporary occupancy permit by the city building official, whichever first occurs, and prior to actual occupancy. Billing shall be monthly in advance.
- (b) **Multiple buildings including duplexes.** Liability for charges under this article shall commence with respect to new multiple buildings upon occupancy of any unit or issuance of a temporary occupancy permit for any unit by the city building official, whichever first occurs, and prior to actual occupancy. Billing shall be monthly in advance.
- (c) **Commercial and industrial buildings- Businesses.** Liabilities for charges under this article shall commence with respect to new ~~commercial and industrial~~

**ATT 2 - Changes to Chapter 32: MANAGEMENT OF GARBAGE, OTHER WASTES, RECYCLABLES, AND FEES THEREFORE** in Redline

~~buildings~~ Commercial Businesses upon occupancy or upon the issuance of a permit for temporary occupancy of any unit by the city building official, whichever first occurs, and prior to actual occupancy. Billing shall be monthly in advance.

(d) A credit shall be allowed against subsequent billings where the city manager has permitted the customer to collect and haul away their own wastes in accordance with Section ~~32.01.070 or 32.01.080(b).~~ 32.01.020(d).

(e) ~~For business~~ For Commercial Businesses and commercial, industry and communally serviced residences, services and charges therefore shall begin at the ordering of waste collection service, or upon the issuance of a permit for temporary occupancy by the city building official, whichever first occurs. The amount of waste collection service ordered may be changed monthly as necessary to reflect the need for such service. (~~Ord. 955 § 2; Ord. 967 § 2; Ord. 1055. § 3, 4; Ord. 1519 § 3; Ord. 2054 § 1, 2001; Ord. 2173 § 1; Ord. 2447 § 2, 2015~~)

**32.01.140 Billing procedure.**

(a) For all ~~single-family~~ Single-Family dwellings, duplexes, multiple-family units, mobile homes and other residential parcels, billing shall be made by the city to the owner of the parcel as on the recorded deed.

(b) For all ~~commercial or industrial parcels,~~ Commercial Businesses billing shall be mailed to the person specified by the owner of the parcel, and if not specified, then to the owner of the parcel.

(c) In all cases not specifically provided for above, or where the billing procedure specified above proves impractical or inconvenient, as determined by the finance director, the billing by the city shall be to the person responsible for the payment of the bill, as elsewhere specified in this chapter.

(d) For bulk waste and special waste collection service, the fees as prescribed in Section 32.01.120 shall be billed by the city or its ~~duly authorized agent~~ Designee to the person ordering such waste collection service. (~~Ord. 955 § 2; Ord. 967 § 2; Ord. 1055 §§ 3, 4; Ord. 1519 §§ 3, 4; Ord. 2054 § 1, 2001; Ord. 2173 § 1, 2005~~)

**32.01.150 Refunds.**

When any refund becomes due and owing by virtue of action of the city council or by virtue of any error made in ascertaining the charge applicable to any customer, the city's finance director is authorized to make such refund and to expend such public money from the specific fund established for the deposit of sanitation service and use charges. (~~Ord. 1055 § 5; Ord. 2054 § 1, 2001; Ord. 2173 § 1, 2005~~)

**32.01.160 Remedies of city, penalties, etc., concerning collection of charges.**

(a) The remedies provided herein shall be in addition to all other remedies authorized by law and the enumeration of certain remedies shall not preclude the application of any other remedies not herein enumerated.

(b) The charge imposed by this article shall be a civil debt owing to the city from the person responsible for its payment, and the city may institute action in any court



**ATT 2 - Changes to Chapter 32: MANAGEMENT OF GARBAGE, OTHER WASTES, RECYCLABLES, AND FEES THEREFORE** in Redline

of competent jurisdiction to collect such debt, together with applicable penalties, interest, costs and other expenses.

- (c) All bills shall become due and payable on the 28th day of each calendar month and shall become delinquent thereafter, if not paid.
- (d) The basic penalty for nonpayment of the charges within the time and in the manner prescribed herein shall be ten percent.
- (e) The city shall include a statement on its bill to each property owner in substantially the following form:
  - (1) "Charges for sanitation services and facilities shall constitute a lien against the lot or parcel of land against which the charge is imposed if said charges remain delinquent for 60 days."
- (f) Pursuant to such notice, such charges shall become a lien against the lot or parcel of land against which the charges were imposed if such charges remain delinquent for a period of sixty days. The city shall cause to be recorded with the county recorder all such delinquent charges, and when so recorded such charges shall have the force, effect and priority of a judgment lien and continue for three years from the time of recording unless sooner released or otherwise discharged. (~~Ord. 1055 § 5; Ord. 1519 § 5; Ord. 2054 § 1, 2001; Ord. 2173 § 1; Ord. 2560 § 2, 2019~~)

**32.01.170 Edible Food Recovery Program**

- (a) Tier One Commercial Edible Food Generators must comply with the requirements of this Section, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
- (b) Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require food facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.
- (c) Commercial Edible Food Generators shall comply with the following requirements:
  - (1) Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
  - (2) Contract with or enter into a written agreement with Food Recovery Organization(s) or Food Recovery Service(s) for the collection of Edible Food for Food Recovery or acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
  - (3) Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
  - (4) Allow the City's designated enforcement entity or designated third party enforcement entity to access the premises and review records kept pursuant to 14 CCR Section 18991.4.
  - (5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

**ATT 2 - Changes to Chapter 32: MANAGEMENT OF GARBAGE, OTHER WASTES, RECYCLABLES, AND FEES THEREFORE** in Redline

- (A) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
- (B) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
- (C) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
  - 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.
- (b) Nothing in this article shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 (commencing with Section 49580) to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).
- (c) Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records:
  - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
  - (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
  - (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
  - (4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
- (d) Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records:
  - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
  - (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.

- (3) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
- (e) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Tier 1 or Tier 2 Commercial Edible Food Generators shall report to the City the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than February 15.
- (f) Food Recovery Capacity Planning. Food Recovery Services and Food Recovery Organizations operating in the City shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the City shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the City.

### **32.01.180 Requirements for haulers and facility operators**

- (a) The City's contract hauler and any other permitted or licensed haulers providing residential, Commercial, or industrial Recycling and/or Organic Waste collection services to generators within the City's boundaries shall meet the requirements of 14 CCR Division 7, Chapter 12 and the following requirements and standards as conditions of approval of a contract, agreement, or other authorization with the City to collect Organic Waste:
  - (1) Through written notice to the City annually on or before February 15, identify the facilities to which they will transport Recyclable Materials and Organic Waste.
  - (2) Comply with the applicable requirements of 14 CCR, Division 7 Chapter 12, Article 3.
  - (3) Transport Source Separated Recyclable Materials and Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
  - (4) Obtain approval from the City to haul Organic Waste pursuant to 14 CCR Section 18988.1 and keep a record of the documentation of its approval by the City.
- (b) Subsection (a) of this section is not applicable to a hauler that is transporting Organic Waste, consistent with Article 1, Chapter 9, Part 2, Division 30, commencing with Section 41950 of the California Public Resources Code, to a Community Composting site.
- (c) Requirements for facility operators and Community Composting operations
  - (1) Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon the City's request, provide

information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the City shall respond within 60 days.

- (2) Community Composting operators, upon the City's request, shall provide information to the City to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the City shall respond within 60 days.

### **32.01.190 Inspections and Investigations by the City**

- (a) City representatives and/or Designee, including the City's Contract Hauler are authorized to conduct inspections and Inspections, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from Generators, or Source Separated materials to confirm compliance with this article by Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws of this article. This Section does not allow City to enter the interior of a private residential property for Inspection.
- (b) Regulated entity shall provide or arrange for access during all inspections (with the exception of residential property interiors) and shall cooperate with the City's employee or its designated entity during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this article described herein. Failure to provide or arrange for access to an entity's premises or access to records for any Inspection or investigation is a violation of this article and may result in penalties described.
- (c) Any records obtained by the City during its inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
- (d) City representatives, its Designee are authorized to conduct any inspections, or other investigations as reasonably necessary to further the goals of this article, subject to applicable laws.
- (e) The City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

### **32.01.200 Model Water Efficient Landscaping Ordinance (MWEL0) Requirements**

In addition to any other requirements in this code, property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the City, who are constructing a new (Single-Family, Multi-Family, Public, Institutional, or Commercial) project with a landscape area

greater than 500 square feet, or rehabilitating an existing landscape with a total landscape area greater than 2,500 square feet, shall comply with Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWEL0, as amended September 15, 2015, including sections related to use of Compost and mulch.

### **32.01.210 Procurement**

Direct service providers to the City and all vendors providing Paper Products and Printing and Writing Papers must comply with the City's policy regarding recovered organic waste product procurement, including Recycled-Content Paper procurement.

## **Article 32.03 ADEQUATE AREAS FOR COLLECTING RECYCLABLE MATERIALS**

### **32.03.010 Definitions.**

For purposes of this article, ~~the following terms shall be defined as follows:~~

**Development project** ~~means any of the following:~~

- ~~(1) — A project for which a building permit is required for a commercial, industrial or institutional building, public facility, or residential building having five or more living units, where solid waste is collected and loaded, and any residential project where solid waste is collected and loaded in a location serving five or more living units.~~
- ~~(2) — The definition of development project only includes subdivisions or tracts of single-family detached homes if, within such subdivisions or tracts, there is an area where solid waste is collected and loaded in a communal location. In such instances, recycling areas as specified in this ordinance are only required to serve the needs of the living units which utilize the solid waste collection and loading area.~~

**Improvements** ~~means an addition made to property or to a facility which adds value to the property or facility, prolongs its useful life, or adapts it to new use. Improvements should be distinguished from repairs. Repairs keep facilities in good operating condition, do not materially add to the value of the facility, and do not substantially extend the life of the facility.~~

**Public facility** ~~includes, but is not limited to, buildings, structures and outdoor recreation areas owned by the city.~~

**Recycling area or areas for recycling** ~~means space allocated for collecting and loading of recyclable materials and organics refuse. Such areas shall have the ability to accommodate the appropriate receptacles for recyclable materials. For existing residential buildings or projects between five and nine living units, "recycling areas or areas for recycling" may mean, at the discretion of the community development and sustainability department, curbside recycling. (Ord. 1765 § 1; Ord. 2562 § 2, 2019)~~

### **32.03.020 General requirements.**



**ATT 2 - Changes to Chapter 32: MANAGEMENT OF GARBAGE, OTHER WASTES, RECYCLABLES, AND FEES THEREFORE** in Redline

~~(a) — Any new development project for which an application for a building permit is submitted on or after September 1, 1994, shall include adequate, accessible, and convenient areas for collecting and loading recyclable materials.~~

~~(b) — Any existing development project for which an application for a building permit is submitted on or after September 1, 1994, for modifications that add thirty percent or more to the existing floor area shall include adequate, accessible and convenient areas for collecting and loading recyclable materials. (Ord. 1765 § 1)~~

**32.03.030 Guidelines for all development projects.**

~~(a) — The location, size, and design of the recycling areas shall be subject to the review and approval of the community development and sustainability department in consultation with the fire department and the public works department.~~

~~(b) — Areas for recycling shall be adequate in capacity, number, and distribution to serve the development where the project occurs.~~

~~(c) — Dimensions of the recycling areas shall accommodate receptacles sufficient to meet the recycling needs of the development project.~~

~~(d) — An adequate number of bins or containers to allow for the collection and loading of recyclable materials generated by the development should be located within the recycling areas of development projects.~~

~~(e) — Any recycling areas shall be located so they are at least as accessible and convenient as the locations where solid waste is collected and loaded. Whenever feasible, areas for collecting and loading recyclable materials should be within or adjacent to the trash collection areas.~~

~~(f) — Recycling areas should be designed to be architecturally compatible with nearby structures and with the existing topography and vegetation in accordance with city standards and shall comply with all applicable federal, state or local laws.~~

~~(g) — Recycling areas or the bins or containers placed therein must provide protection against adverse environmental conditions which might render the collected materials unmarketable.~~

~~(h) — The city recommends, but does not require, that applicants consider security to prevent the theft of recycling materials by unauthorized persons, while allowing authorized persons access for disposal of materials. (Ord. 1765 § 1)~~

**32.03.040 Additional guidelines for multifamily development projects.**

~~(a) — Multifamily complexes must site at minimum two recycling carts and one organics refuse cart within, or next to, each trash enclosure.~~

~~(b) — Any project which proposes to site fewer than three carts per enclosure shall submit written explanation as to the basis for requesting an exemption. The community development and sustainability department in consultation with the public works department shall make the determination of whether or not the exemption should be granted. (Ord. 1765 § 1; Ord. 2562 § 3, 2019)~~

**32.03.050 Education.**

- ~~(a) Each container for recyclable material shall identify which materials are acceptable for that container.~~
- ~~(b) At the time a lease or rental agreement is signed, the manager or homeowner's association representative, or other appropriate agent of the owner or owners of each communally serviced residence or multitenant commercial complex that is subject to this section shall:~~
- ~~(1) Inform all new tenants of the availability of recycling, the location of the recycling collection site(s), and the materials that may be recycled; and~~
  - ~~(2) Provide all new tenants with a flyer describing the city's recycling program. The flyers shall be provided by the city.~~
- ~~(c) Each container for organic refuse material shall identify which materials are acceptable for that container. (Ord. 1765 § 1; Ord. 2562 § 4, 2019)~~

**Article 32.03 ADEQUATE AREAS FOR COLLECTING RECYCLABLE MATERIALS AND ORGANIC WASTE**

**32.03.010 Definitions.**

For purposes of this article, the definitions in Article 32.01 apply and in addition the following terms shall be defined as follows:

**Development project.** Any of the following:

- (1) A project for which a building permit is required for a commercial, industrial or institutional building, public facility, or residential building having five or more living units, where solid waste is collected and loaded, and any residential project where solid waste is collected and loaded in a location serving five or more living units.
- (2) The definition of development project only includes subdivisions or tracts of single-family detached homes if, within such subdivisions or tracts, there is an area where solid waste is collected and loaded in a communal location. In such instances, recycling areas as specified in this article are only required to serve the needs of the living units which utilize the solid waste collection and loading area.

**Improvements.** An addition made to property or to a facility which adds value to the property or facility, prolongs its useful life, or adapts it to new use. Improvements should be distinguished from repairs. Repairs keep facilities in good operating condition, do not materially add to the value of the facility, and do not substantially extend the life of the facility.

**32.03.020 General requirements.**

- (a) Any new development project for which an application for a building permit is submitted shall include adequate, accessible, and convenient areas that provide access for collecting and loading materials in all areas where disposal containers are provided.
- (b) Any existing development project for which an application for a building permit is submitted for an Improvement as defined in 32.02.010 or modifications that add thirty percent or more to the existing floor area shall include adequate, accessible and convenient areas for collecting and loading Recyclable Materials and Organic Waste materials in all areas where disposal containers are provided.

**32.03.030 Guidelines for all development projects.**

- (a) The location, size, and design of the waste collection areas shall be subject to the review and approval of the community development and sustainability department in consultation with the fire department and the public works department.
- (b) Areas for Recycling and Organic Waste shall be adequate in capacity, number, and distribution to serve the development where the project occurs and collect all the Recyclable Materials and Organic Waste generated onsite.
- (c) Dimensions of the recycling areas shall accommodate receptacles sufficient to meet the recycling and Organic Waste collection needs of the development project.
- (d) An adequate number of bins or containers to allow for the collection and loading of Recyclable Materials and Organic Waste generated by the development should be located within or adjacent to each of the waste collection of development projects.
- (e) Any Recycling Areas and Organic Waste areas shall be located so they are at least as accessible and convenient as the locations where trash is collected and loaded.
- (f) Recycling Areas and Organic Waste areas should be designed to be architecturally compatible with nearby structures and with the existing topography and vegetation in accordance with city standards and shall comply with all applicable federal, state or local laws.
- (g) Recycling Areas or Organic Waste areas or the bins or containers placed therein must provide protection against adverse environmental conditions which might render the collected materials unmarketable.
- (h) The city recommends, but does not require, that applicants consider security to prevent the theft of recycling materials by unauthorized persons, while allowing authorized persons access for disposal of materials.

**32.03.040 Additional guidelines for multifamily development projects.**

- (a) Multifamily complexes must site at minimum two recycling carts and one Organic Waste receptacle within, or next to, each trash enclosure.



- (b) Any project which proposes to site fewer than three carts per enclosure shall submit written explanation as to the basis for requesting an exemption. The community development and sustainability department in consultation with the public works department shall make the determination of whether or not the exemption should be granted.

### **32.03.050 CalGreen Requirements.**

In addition to any other requirements of this chapter, the following requirements also apply:

- (a) For projects covered by the California Green Building Standards Code, 24 CCR, Part 11, the applicants must, as a condition of the City's permit approval, comply with the following:

- (1) Where five (5) or more Multi-Family dwelling units are constructed on a building site, provide readily accessible areas that serve occupants of all buildings on the site and are identified for the storage and collection of Dark Blue Container, Light Blue Container, Split Blue Container, and Green Container materials, consistent with the collection program offered by the City, or comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended July 1, 2019 and effective January 1, 2020.
- (2) Where new commercial construction or additions will result in more than 30% of the floor area, provide readily accessible areas identified for the storage and collection of Dark Blue Container, Light Blue Container, Split Blue Container, and Green Container materials, consistent with the collection program offered by the City, or shall comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended July 1, 2019 and effective January 1, 2020.

- (b) For Organic Waste commingled with Construction and demolition debris, the requirements of 24 CCR Sections 4.408.1 and 5.408.1, as amended July 1, 2019 and effective January 1, 2020 shall be complied with.

### **32.03.060 Enforcement.**

Enforcement of this article shall be pursuant to Section 32.01.125 of this code.

## Article 15.02 PURCHASES

### 15.02.070 Purchase of recycled products.

The City shall comply with 14 CCR Sections 18993.3 and 18993.4 and Public Contract Code, Chapter 3.5. Recycled Product Procurement Mandates Pertaining to Local Governments Division 2. Part 3. Chapter 3.5, Sections 22150 - 22154.

(a) **Definitions.**

(1) **Recycled product.** Goods or materials that meet the requirements identified in Public Contract Code Section 12209, including any good or material that has been reused or refurbished without substantial alteration of its original form and paper products, and printing and writing paper. Any product which is at least partially composed of recovered materials.

(2) **Recovered material.** Material and byproducts which have been recovered or diverted from the solid waste stream, but such term does not include those materials and byproducts generated from, and commonly reused within, an original process (such as mill broke). This term includes material defined as postconsumer material.

(3) **Postconsumer material.** Postconsumer materials are those recovered materials which have served their intended uses and have been separated and diverted from the solid waste stream for the purposes of collection and recycling. These do not include manufacturing wastes.

(4) **Mill broke.** Trimmings of paper machine rolls.

(b) **Procurement program for purchase of recycled products.**

(1) Preference. The city shall purchase recycled products whenever sufficient quantities are readily available and meet the city's specifications. The city shall purchase recycled products that contain the highest percentage of recovered materials, and are produced to the greatest extent with postconsumer materials.

All city departments shall establish purchasing practices which maximize the purchase of materials, goods and supplies that are produced from recovered materials, and/or may be recycled or reused when discarded.

(2) Promotion. To promote the use of products made from recovered materials, the city, to the extent practicable, shall label applicable products to indicate that they are recycled products.

The city shall cooperate with neighboring agencies in an effort to develop a comprehensive, consistent and effective procurement effort intended to stimulate the market for recycled products.

(3) Certification of Recovered Material Content. The city shall require the seller to certify in writing on a form prescribed by the city, that the recycled product sold to the city contains the minimum percentage of recovered materials set forth in the city's product specification and shall also specify the percentage of postconsumer materials contained in the product.

(4) Annual Status Report. City staff shall prepare and deliver to the city council an annual status report documenting the types, quantities and dollar amounts of recycled products purchased in the previous year, any additions or revisions to the previous year's specifications, and document those instances whereby an exemption, as listed in subsection (e) of this section, was used to purchase something other than the specified recycled product. The report shall also contain the status of the city's efforts to develop markets for recycled products including efforts to establish cooperative procurement programs with other agencies.

(c) **Product specifications.**

(1) The city shall review and revise product specifications so as to conform to the following guidelines:

(A) Specifications shall not require the use of products made from virgin materials.

(B) Specifications shall not exclude the use of recycled products.

(C) Specifications shall, whenever possible, clearly identify both the expected performance standard(s) for each particular product, and the specific intended use.

(D) Performance standards must be reasonable and not so stringent as to purposely exclude recycled products.

(E) A minimum percentage of recovered material content shall be incorporated into each specification when it is known that there are sufficient and readily available supplies of a particular recycled product able to meet the city's specifications.

(F) A minimum percentage of postconsumer material content shall be incorporated in each specification when it is known that there are sufficient and readily available supplies of a particular recycled product able to meet the city's specifications.

(2) Monitoring and Revising Specifications. City staff shall continually monitor the availability of recycled products so as to create new specifications and revise existing product specifications to reflect the availability of newly marketed products and increases in recovered material content (specifically, increases in the postconsumer material content).

(d) **Equipment and machinery purchases.** The city shall purchase, whenever feasible, equipment and machinery that is compatible with the city's applicable recycled products specifications.

(e) **Exemptions.**

(1) If the city finds it is unable to purchase a sufficient supply of a particular specified recycled product, the city may purchase a nonrecycled product until such time as a sufficient supply of the recycled product becomes available.

(2) No product shall be purchased that will negatively impact the health and safety of employees and citizens.

(3) A nonrecycled product may be substituted for the specified recycled product whenever:

(A) A particular piece of equipment or operation is unable to function properly with the material specified. In these instances, the preferred substitute product shall be a recycled product containing the highest percentage of recovered material and postconsumer material that allows the particular piece of equipment or operation to function. The substitution of a nonrecycled product shall be used as the last resort;

(B) In cases of operational emergency, the city may purchase products from the nearest capable vendor when the specified recycled product cannot be purchased by the time needed.

(4) If the purchase of a recycled product would significantly impact a department's adopted budget, the department shall document the impact and submit the issue to council for policy direction.

(f) **City consultant contracts.** All city contracts for consultant work, requiring the submittal of paper document(s) to the city, shall specify that the submitted document must be produced on recycled paper, when practicable, conforming to the city's specifications. All such documents shall be required to have the front cover labeled in such a way as to identify that the document was produced on recycled paper. Where practicable, the pages of all such documents shall be produced double-sided.

(g) **Public works contracts.** This section shall not apply to public works contracts required to be awarded to the lowest responsible bidder under state law. (Ord. 1565 § 1)



CalRecycle

SB 1383 Implementation Tools

Model Mandatory Organic Waste Disposal  
Reduction Ordinance

**DATE**

**Revised 1/25/2021**

Prepared by  
HF&H Consultants, LLC  
in conjunction with  
Debra Kaufman Consulting





---

Insert Date

- 2 -

Jurisdiction Name/Contractor Name

Franchise Agreement

## **DISCLAIMER**

---

This Model Tool is for informational and example purposes only. It should not merely be duplicated without consideration of an individual jurisdiction's particular needs or circumstances. It is not intended to cover each and every situation, nor can it anticipate specific needs. In developing this Model Tool, CalRecycle and its consultants (HF&H Consultants in conjunction with Debra Kaufman Consulting) have attempted to ensure that the language herein aligns with the SB 1383 regulations; however, in the event of any conflict, the language in the regulations shall prevail over language in the Model Tool and determination of regulatory intent and interpretation should be appropriately guided by the regulatory language and the official rulemaking record of which this Model Tool is not a component. CalRecycle and its consultants make no representation that use of this Model Tool will ensure compliance with regulatory requirements. This Model Tool does not constitute legal advice. Jurisdictions are encouraged to seek legal counsel appropriate to their particular circumstances regarding compliance with regulatory requirements.

SB 1383 regulations do not dictate that jurisdictions use this Model Ordinance or other ordinance to establish an enforceable mechanism to regulate entities compliance with SB 1383 requirements and standards. Jurisdictions may use an ordinance or other enforceable mechanisms as appropriate pursuant to SB 1383 regulations (14 CCR Section 18981.2(a)).

## **ACKNOWLEDGEMENTS**

This Model Mandatory Organic Waste Disposal Reduction Ordinance was prepared in partnership with CalRecycle, HF&H Consultants, and Debra Kaufman Consulting, with review and input from a Resource Group of experts in a variety of fields and geographic areas of the State. We would like to thank key members of the CalRecycle team and Resource Group members who contributed to this Model Mandatory Organic Waste Disposal Reduction Ordinance as follows:

### **Resource Group**

Kim Braun, City of Culver City  
Suk Chong, Los Angeles County  
Sandra Fox, Special Counsel, City of Fremont  
Ray Grothaus, Republic Services  
Katie Hansen, California Restaurant Association  
Veronica Pardo, California Refuse and Recycling Council  
Eric Potashner, Recology  
Jerry Schuber, City of Fresno  
Kelly Schoonmaker, StopWaste (Alameda County Waste Management Authority)  
Larry Sweetser, Rural Counties Environmental Services JPA  
Michael Wonsidler, County of San Diego

### **CalRecycle**

Catherine Blair, Environmental Program Manager  
Elliot Block, Chief Counsel  
Hank Brady, SB 1383 Manager  
Harlee Branch, Assistant Chief Counsel  
Tamar Dyson, Senior Staff Counsel  
Christina Files, Information Officer (Specialist)  
Alan Ilusorio, Senior Environmental Scientist (Supervisory)  
Trisha Moore, Senior Environmental Scientist (Specialist)  
Cara Morgan, Environmental Program Manager  
Leticia Murphy, Office Technician  
Ashlee Yee, Senior Environmental Scientist (Specialist)



*This page intentionally left blank*

# GUIDANCE TABLE OF CONTENTS

<b>INTRODUCTION.....</b>	<b>1</b>
<b>IMPORTANT CONSIDERATIONS.....</b>	<b>2</b>
<b>CUSTOMIZATION CONSIDERATIONS.....</b>	<b>4</b>
1. Guidance and Option Notes .....	4
2. Standard Compliance or Performance-Based Compliance Approach.....	4
3. Type of Jurisdiction .....	5
4. Waivers and Exemptions.....	5
5. Collection Method.....	6
6. Delegation of Responsibilities & Enforcement.....	6
7. Alignment of Defined Terms .....	7
8. Document Structure .....	8
<b>ADDITIONAL TIPS FOR USING THE MODEL .....</b>	<b>9</b>
<b>ADDITIONAL CALRECYCLE RESOURCES.....</b>	<b>9</b>

# MODEL ORDINANCE TABLE OF CONTENTS

<b>SECTION 1. PURPOSE AND FINDINGS.....</b>	<b>1</b>
<b>SECTION 2. TITLE OF ORDINANCE.....</b>	<b>2</b>
<b>SECTION 3. DEFINITIONS.....</b>	<b>2</b>
<b>SECTION 4. REQUIREMENTS FOR SINGLE-FAMILY GENERATORS (STANDARD COMPLIANCE APPROACH) .....</b>	<b>17</b>
<b>SECTION 5. REQUIREMENTS FOR SINGLE-FAMILY GENERATORS (PERFORMANCE-BASED COMPLIANCE APPROACH).....</b>	<b>18</b>
<b>SECTION 6. REQUIREMENTS FOR COMMERCIAL BUSINESSES (STANDARD-COMPLIANCE APPROACH) .....</b>	<b>20</b>
<b>SECTION 7. REQUIREMENTS FOR COMMERCIAL BUSINESSES (PERFORMANCE-BASED COMPLIANCE APPROACH).....</b>	<b>24</b>
<b>SECTION 8. WAIVERS FOR GENERATORS.....</b>	<b>28</b>
<b>SECTION 9. REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD GENERATORS .....</b>	<b>31</b>
<b>SECTION 10. REQUIREMENTS FOR FOOD RECOVERY ORGANIZATIONS AND SERVICES, JURISDICTIONS, AND REGIONAL AGENCIES .....</b>	<b>33</b>

**SECTION 11. REQUIREMENTS FOR HAULERS AND FACILITY OPERATORS ..... 36**  
**SECTION 12. SELF-HAULER REQUIREMENTS ..... 38**  
**SECTION 13. COMPLIANCE WITH CALGREEN RECYCLING REQUIREMENTS .... 39**  
**SECTION 14. MODEL WATER EFFICIENT LANDSCAPING ORDINANCE  
REQUIREMENTS ..... 42**  
**SECTION 15. PROCUREMENT REQUIREMENTS FOR JURISDICTION  
DEPARTMENTS, DIRECT SERVICE PROVIDERS, AND VENDORS..... 44**  
**SECTION 16. INSPECTIONS AND INVESTIGATIONS BY JURISDICTION ..... 46**  
**SECTION 17. ENFORCEMENT..... 48**  
**SECTION 18. EFFECTIVE DATE ..... 55**

# **GUIDANCE ON THE MODEL MANDATORY ORGANIC WASTE DISPOSAL REDUCTION ORDINANCE**

The California Department of Resources Recycling and Recovery (CalRecycle) oversees a variety of programs and policy initiatives to reduce the amount of solid waste sent to landfills and promote recycling in California, including organic waste recycling under SB 1383. SB 1383, as enacted in 2017 (Lara, Chapter 395, Statutes of 2016), establishes statewide targets to reduce the statewide disposal of organic waste by 50 percent by 2020 and 75 percent by 2025; and requires that not less than 20 percent of edible food that is currently disposed be recovered for human consumption by 2025. For the purposes of this document, “SB 1383 regulations” or “SB 1383 regulatory” requirements refer to the Short-Lived Climate Pollutants (SLCP): Organic Waste Reductions regulations developed by CalRecycle and adopted in 2020 that created Chapter 12 of Title 14, Division 7 of the California Code of Regulations (CCR), and amended portions of regulations of Title 14 CCR and Title 27 CCR. The SB 1383 regulations set forth a variety of programmatic and policy-related requirements for jurisdictions, generators, and other entities to support the Statewide goals of SB 1383.

To support jurisdictions and other regulated entities with implementing programs and policies to reach compliance with SB 1383 regulations, CalRecycle offers four Model Implementation Tools including a Model Franchise Agreement, Model Mandatory Organic Waste Disposal Reduction Ordinance, Model Recovered Organic Waste Product Procurement Policy, and Model Food Recovery Agreement. These tools are available for jurisdictions to use and customize to meet their unique needs.

## **INTRODUCTION**

---

This Guidance supports the use of the Model Mandatory Organic Waste Disposal Reduction Ordinance (Model). The Model was created recognizing that jurisdictions throughout the State are required by SB 1383 regulations to adopt an ordinance or other similarly enforceable mechanism by January 1, 2022, to mandate that organic waste generators, haulers, and other entities subject to the requirements of SB 1383 regulations and subject to the jurisdiction’s authority, comply with SB 1383 regulatory requirements. The Model supports establishment of enforceable SB 1383-related requirements for organic waste generators, haulers, and other entities subject to the jurisdiction’s authority. It also provides a tool for jurisdictions to regulate those entities’ compliance with SB 1383 regulations. Some jurisdictions may choose to adopt such an ordinance or amend an existing ordinance earlier than January 1, 2022. While a jurisdiction may designate a public or private entity to fulfill some of its SB 1383 regulatory responsibilities via contracts or written agreements, the jurisdiction itself remains responsible for its SB 1383 compliance and enforcing other entities’ compliance with the SB 1383 regulatory items

contained in the ordinance. Under SB 1383 regulations, the jurisdiction is also not allowed to delegate the authority to impose civil penalties to a private entity.

Note: SB 1383 regulations do not dictate that jurisdictions use this Model Ordinance or other ordinance to establish an enforceable mechanism to regulate entities' compliance with SB 1383 regulatory requirements and standards. Jurisdictions may use an ordinance or other enforceable mechanisms as appropriate, pursuant to SB 1383 regulations (14 CCR Section 18981.2(a)).

The Model includes and addresses the SB 1383 regulatory requirements that jurisdictions need to enforce on other entities, including requirements for generators to participate in organic waste collection programs or self-haul organic waste to processing; multi-family and business owners and property managers to support organic waste disposal reduction; commercial edible food generators to recover edible food through contracts or written agreements with food recovery organizations and services; and more. There are other SB 1383 regulatory requirements placed on the jurisdictions that are not included in this Model that may be enforced by CalRecycle on the jurisdiction (and others) including certain recordkeeping, contamination monitoring, procurement, and outreach requirements. These other jurisdictional requirements of SB 1383 regulations may need to be addressed in the jurisdiction's ordinance or separately from their ordinance via incorporation into jurisdiction's other internal policies, guidance, municipal code, and/or other planning documents and guidelines.

Jurisdictions should consult with their legal counsel to determine the best avenue for incorporating these other requirements into their relevant policies, codes, and practices. For example, procurement requirements specified in 14 CCR, Division 7, Chapter 12, Article 12 are presented in the Model Procurement Policy; however, some jurisdictions may determine that some or all of the procurement requirements should be addressed in their ordinance. In such case, the ordinance shall be expanded beyond the scope provided herein to incorporate additional procurement requirements.

The Model has been developed to provide an easy-to-use and highly customizable template for creating an ordinance. The guidance provided herein highlights important considerations to keep in mind when using the Model; customization strategies to adapt the Model to fit jurisdictions' unique conditions, and includes tips and list of additional resources. The jurisdiction may use this model ordinance in its entirety or use only relevant parts of the ordinance.

## **IMPORTANT CONSIDERATIONS**

---

- **New Ordinance or Amendment of Existing Ordinance.** The Model is designed to be highly customizable for jurisdictions, providing options to address a range of program and policy choices. It can be used by jurisdictions drafting a new ordinance and those amending an existing ordinance. If jurisdictions are amending an existing ordinance, example provisions from the Model can be integrated into their existing ordinance. Jurisdictions should be mindful of the fact that this Model is intended to

focus on SB 1383 regulatory requirements. A jurisdiction may choose to integrate additional provisions into its ordinance to: (i) provide more clarification on how regulated entities are expected to comply; (ii) expand beyond the SB 1383 regulatory requirements; and/or (iii) include other solid waste handling and diversion requirements.

- **SB 1383 Regulatory Requirements.** Each jurisdiction is responsible for understanding and achieving compliance with SB 1383 regulations. Use of the Model Ordinance does not exempt a jurisdiction from complying with all SB 1383 regulatory requirements. The Model Ordinance includes example language that supports compliance with some, but not all SB 1383 regulatory requirements. The Model Ordinance is designed to enable the jurisdiction to require and enforce provisions that SB 1383 regulations require jurisdictions to require and enforce. It does not include the requirements on the jurisdiction itself, which CalRecycle will be enforcing on the jurisdiction, including recordkeeping, contamination monitoring, recovered organic waste product procurement target attainment, and outreach and education. It is advised that jurisdictions thoroughly review the SB 1383 regulations and take necessary actions to ensure full compliance.

In instances where language from the SB 1383 regulations are incorporated into the Model Ordinance, [the language is shown in blue font](#). The SB 1383 regulation-specific content in blue font follows closely with SB 1383 regulatory language; however, in many cases, the wording of SB 1383 regulatory requirements was adapted to fit the context of the Model Ordinance, conform with defined terms, or be framed with sufficient detail for the Model Ordinance. Additional information on SB 1383 regulations is embedded in many of the guidance notes.

Black font identifies language that is not specific to SB 1383 regulations. In most cases, it relates to the requirements of SB 1383 regulations and has been included to provide the context to understand how SB 1383 regulation-related provisions can be integrated into an ordinance. In other cases, it presents example language to provide the framework of a typical ordinance and guidance notes generally indicate that it is example language that is not required by SB 1383 regulations.

- **Involve Legal Counsel.** Any ordinance that results from use of the Model shall not be considered to have undergone legal counsel review. Each jurisdiction is responsible for involving its legal counsel to perform legal review and approval processes typically required by the jurisdiction for approval of such ordinances.
- **Engage with Affected Entities** When adopting a new or amended ordinance, it is advised that the review and adoption process involve engagement with the regulated entities, which will help with the implementation process as they will be more aware of the upcoming requirements. For example, engagement with organic waste generators, haulers, food recovery organizations, and food recovery services may help jurisdictions to obtain useful input from these stakeholders.

- **Example Language Only.** The provisions in the Model Ordinance are examples of how some SB 1383 regulatory requirements may be integrated and worded in an ordinance. Jurisdictions are not required to use this exact language. The language does, however, reflect the requirements that jurisdictions are required to place on others. All language should be considered in the context of the specific requirements contained in the SB 1383 regulations and the jurisdictions' unique conditions.

## **CUSTOMIZATION CONSIDERATIONS**

---

The Model Ordinance is designed to be customizable for a diverse range of jurisdictions, while providing flexibility for each jurisdiction using the Model to reflect their needs. For example, the Model includes a range of options for collection programs (three-, three-plus, two-, and one-container programs; split carts; uncontainerized collection; etc.).

Each jurisdiction will want to capture its local systems and unique approach to its organics collection program and services. As such, jurisdictions are advised to consider the following general items when crafting their ordinance. More specific guidance is included in the Model.

### **1. GUIDANCE AND OPTION NOTES**

Guidance notes are integrated into the Model Ordinance to explain how specific sections and provisions of the Model can be customized for a jurisdiction's needs. **General guidance notes are highlighted green.** **Notes in blue identify various options or areas where specific information is to be inserted or selected.**

The Model Ordinance addresses common variations of programs and service options; however, addressing all jurisdictional scenarios was not practical. Given this, some jurisdictions may need to customize some sections of the Model to reflect their conditions by drawing on example provisions in the Model as a starting point. This may be especially true for rural, low-population, or high-elevation jurisdictions that may qualify under SB 1383 regulations for waivers or exemptions from specific requirements (subject to CalRecycle approval of such waivers).

### **2. STANDARD COMPLIANCE OR PERFORMANCE-BASED COMPLIANCE APPROACH**

The terms "Standard Compliance Approach" and "Performance-Based Compliance Approach" are used throughout the Model Ordinance in some section titles, guidance notes, and customization notes. For the purpose of the Model, "Standard Compliance Approach" means the method for complying with the SB 1383 regulations through implementation of organic waste collection programs and policies in accordance with 14 CCR Division 7, Chapter 12, Article 3 and associated requirements. Generally, all provisions in the SB 1383 regulations, other than 14 CCR, Division 7, Chapter 12, Article

17, apply to the Standard-Compliance Approach, unless the Performance-Based Compliance Approach is specifically referenced. For the purpose of the Model, “Performance-Based Compliance Approach” means the “performance-based source separated collection service” that meets the requirements of 14 CCR Division 7, Chapter 12, Article 17, or as otherwise defined by 14 CCR Section 18982(a)(52.5), and all associated requirements.

The compliance approach chosen will affect the provisions and structure of a jurisdiction’s ordinance. Some sections in the Model Ordinance are specific to jurisdictions using the Standard Compliance Approach and Performance-Based Compliance Approach and are labeled accordingly. Jurisdictions should use only the sections relevant to their compliance approach and delete the other sections. If section labeling does not identify either of these approaches, the section is applicable to jurisdictions using either type of approach.

For jurisdictions that are adopting a Performance-Based Compliance Approach, jurisdictions should consider the requirements from which they are exempt pursuant to SB 1383 regulations (14 CCR Section 18998.2). Some jurisdictions may decide it is prudent to include these requirements in their ordinance with a mechanism that allows the provisions to be triggered automatically, within a specified time frame, in the event the jurisdiction does not meet the requirements of the Performance-Based Compliance Approach and such compliance exceptions are no longer valid. Other jurisdictions may choose not to include provisions related to the compliance exceptions and amend their ordinance in the future if the jurisdiction does not meet the requirements of the Performance-Based Compliance Approach. The Model Ordinance reflects the later approach.

### **3. TYPE OF JURISDICTION**

Some SB 1383 regulatory requirements differ based on the type of jurisdiction (e.g., city, county, regional agency, special district that provides solid waste collection services, etc.). Jurisdictions should choose the customization options that best match the requirements of their jurisdiction type. Ordinance provisions that differ based on the jurisdiction type will be identified in the guidance notes of the Model Ordinance. Note that the Model does not address the full framework a regional agency or special district will need to capture for its relationship with its member agencies. These types of jurisdictions will need to make modifications to the ordinance depending on their specific requirements.

### **4. WAIVERS AND EXEMPTIONS**

SB 1383 regulations allow jurisdictions to grant waivers to some generators for de minimis volumes, physical space limitations, and less-than-weekly collection frequency, although these waivers are not required. Jurisdictions are advised to review SB 1383 regulations (14 CCR Section 18984.11) on allowable generator waivers and decide whether or not to



include one or more of these generator waivers in their ordinance. The Model Ordinance includes sample language should a jurisdiction decide to include de minimis, physical space, and/or less-than-weekly collection frequency waivers for generators that meet specified requirements.

SB 1383 regulations (14 CCR Section 18984.12) also provide for CalRecycle to grant waivers and exemptions to jurisdictions and some or all of its generators for compliance with some or all of the organic waste collection requirements of SB 1383 regulations (14 CCR Division 7, Chapter 12, Article 3) when the jurisdictions meet low-population, rural area, or high-elevation criteria. Jurisdictions are advised to review the relevant SB 1383 regulations to assess their eligibility for jurisdiction waivers and exemptions and decide whether they plan to apply for a low population or high elevation waiver or a rural exemption. The Model Ordinance does not include language for low population and high elevation waivers and rural exemptions, as the Model Ordinance is focused on requirements on generators and those regulated by the jurisdiction. These types of waivers are granted by CalRecycle to the jurisdiction. Jurisdictions may need to modify their ordinance language depending upon whether they plan to apply for and are granted these specific waivers from CalRecycle.

While waivers for low-population areas and high-elevation areas waive some SB 1383 regulatory requirements for generators and jurisdictions, AB 341 and AB 1826 requirements apply for jurisdictions and for multi-family and commercial generators that are covered by AB 341 and AB 1826 and located in these areas. As a result, jurisdictions with these waivers may need to amend their ordinances to require generators that are covered by AB 341 and AB 1826 to comply with those requirements, to address waivers allowed under AB 341 and AB 1826, and to align with the jurisdiction's AB 341 commercial recycling program and AB 1826 organic waste recycling programs.

## **5. COLLECTION METHOD**

The manner in which a jurisdiction arranges for organic waste collection services to be provided to generators will impact the necessary provisions of their ordinance. General guidance and options are presented in the Model Ordinance to give jurisdictions insight on which language to select and adapt for their collection program conditions.

## **6. DELEGATION OF RESPONSIBILITIES & ENFORCEMENT**

Users of the Model Ordinance are also advised to consider which enforcement requirements of the SB 1383 regulations will remain the responsibility of the jurisdiction or whether they will be delegated to another jurisdiction, including regional agencies. For example, some jurisdictions may choose to conduct inspections and enforcement themselves and others may enter an agreement with another jurisdiction to conduct such inspections and enforcement on their behalf (such as a regional agency or County Environmental Health Department). Jurisdictions should consider whether it is sharing responsibility for enforcement with any other jurisdictions when considering what language to include.

Example language to reflect a shared enforcement methodology is presented in the Model Ordinance as an option. It is important to note that regardless of how a jurisdiction chooses to handle enforcement, the jurisdiction itself remains responsible for enforcement, and could be subject to penalties based on non-enforcement, according to SB 1383 regulations. It is also important to understand that SB 1383 regulations prohibit a jurisdiction from delegating its authority to impose civil penalties, or to maintain an action to impose civil penalties, to a private entity. Jurisdictions should change the enforcement language in the Model Ordinance to be consistent with their own administrative procedures on enforcement actions; the enforcement process and timeline outlined in SB 1383 regulations; and California Government Code Section 53069.4.

## **7. ALIGNMENT OF DEFINED TERMS**

The Model Ordinance includes dozens of defined terms, many of which were obtained from SB 1383 regulatory definitions and some from example ordinances and franchise agreements. The nuances of defined terms and their relationship to one another can have a significant impact on the meaning of the provisions of the ordinance. For this reason, jurisdictions are advised to carefully review the definitions they are using in existing ordinances, franchises, processing agreements, and municipal code, as well as the definitions in SB 1383 regulations, and modify existing definitions, delete non-applicable definitions, and integrate new ones where needed. It is likely that some of the definitions in the Model can be used without modification, while others will need to be tailored to the jurisdiction's unique conditions, collection program, and contractual arrangements. For example, if a jurisdiction is considering use of an anaerobic digestion facility that only accepts clean food scraps, the jurisdiction may want to exclude food-soiled paper in the definition of food scraps, or create an additional subdivision of the definition.

Additionally, the Model refers to containers by their colors (gray, green, blue, and brown) as done in the SB 1383 regulations. Users may need to add, remove, or change colors of containers in the definitions to match the container lid and body color options selected for their program, pursuant to the container color requirements and compliance dates in Article 3 of the SB 1383 regulations. Additionally, definitions are included that would work for each type of organics collection system: three, three-plus, two-, and one-container, and the allowable permutations thereof. Once the jurisdiction determines their collection system(s), they should retain the definitions that are most appropriate for their collection program and delete the others. Guidance notes in the Model provide direction on the instances in which some definitions are applicable or non-applicable.

The following figure identifies the defined terms used in the Model Ordinance to describe the various material streams associated with each color container. This is provided for convenience to orient the user to the terminology, which, in some cases, is likely to be different than their current terminology.

### Defined Terms Used in Model Ordinance

Container Color	Terminology of Material Streams
Blue Containers	<ul style="list-style-type: none"> <li>• Source separated recyclable materials</li> <li>• Non-organic recyclables - glass, metal, plastic, etc.</li> <li>• Source separated blue container organic waste (SSBCOW) – organic recyclables such as fibers and cardboard</li> </ul>
Green containers	<ul style="list-style-type: none"> <li>• Source separated Green Container organic waste (SSGCOW)</li> </ul>
Gray containers	<ul style="list-style-type: none"> <li>• Gray container waste (three- and three-plus container systems that do not allow organic waste, such as food waste, in the gray container)</li> <li>• Mixed waste organic collection stream or mixed waste (two- and one-container systems and three- and three-plus-container systems that allow organic waste, such as food waste, in the gray container)</li> </ul>

*Note: Organic waste is a defined term that serves as an umbrella for all organics including SSBCOW, SSGCOW, textiles, carpet, etc. Organic wastes are collected in a combination of containers depending on the collection system and therefore not separately identified in the table above.*

Not all of the definitions contained within the SB 1383 regulations have been included in the ordinance. It is advised that the jurisdiction review all of the SB 1383 regulatory definitions and determine whether it would be beneficial to add any additional terms. While the user may also modify or create their own definitions, the jurisdiction must ensure that all SB 1383 regulatory requirements are met. For example, material streams can be defined, renamed, or further subdivided, or the jurisdiction may wish to refer to the containers by material stream type rather than color; however, the ordinance must include requirements to assure that all organic waste specified in SB 1383 regulations for collection is collected and processed or managed in a compliant manner.

In addition, jurisdictions will need to amend the definitions in their municipal/county code to align with updated definitions in their ordinance and franchise agreement. Jurisdictions should attempt to coordinate definitions used in the ordinance, their franchise agreement, and their municipal/county code sections related to solid waste collection and recycling.

## 8. DOCUMENT STRUCTURE

The Model Ordinance is structured to include sections on definitions and requirements on: single-family and multi-family generators, commercial businesses, self-haulers, commercial edible food generators, food recovery organizations and services, vendors of paper products, and sections on waivers, compliance with CALGreen and MWELo,

inspections, and enforcement. Where applicable, separate sections are included for those using the standard compliance approach vs. the performance-based compliance approach.

## **ADDITIONAL TIPS FOR USING THE MODEL**

---

1. **Modify Language.** Adjust the Model language to fit the jurisdiction’s specific needs. For example, a jurisdiction using only a three-container system will need to delete all provisions related to three-plus, two-, and one-container systems.
2. **Change Jurisdiction.** The term “jurisdiction” is used throughout this Model Ordinance; however, the entity responsible for adopting this Ordinance will need to change “jurisdiction” throughout the document to the appropriate term, which may be City, County, City and County, Special District that provides solid waste handling services, Joint Powers Authority, Regional Agency, etc.
3. **Delete Guidance Notes and Unused Options.** Green highlighting identifies guidance notes presented in the Model for reference only, which are to be removed by the user when preparing its final Ordinance. In cases where the Model offers multiple options, blue highlighting identifies optional provisions and areas where customization is advised. Options and customization items that are not selected are to be deleted and section numbers must be modified accordingly.
4. **Blend Existing Provisions with Model Provisions.** When using the Model Ordinance, users may want to select provisions from both the Model Ordinance and their existing ordinance(s) to create an ordinance that best suits its needs.
5. **Style and Design.** The use of multiple font colors and highlighting to differentiate content in the Model Ordinance, as described above, is not required in any final document produced, and the colors should be eliminated or made consistent with the user’s standard document styles. The Model Ordinance has been designed in accordance with CalRecycle’s accessibility guidelines. SB 1383 regulations do not require specific styles or design to be used for ordinances, and the final document style is at each jurisdiction’s discretion.

## **ADDITIONAL CALRECYCLE RESOURCES**

---

1. SB 1383 General Information: <https://www.calrecycle.ca.gov/organics/slcp>
2. SB 1383 Regulations: <https://www2.calrecycle.ca.gov/Docs/Web/118371> (for an accessible version, please use this link: <https://www2.calrecycle.ca.gov/Docs/Web/118368>)

3. SB 1383 Model Implementation Tools:  
<https://www.calrecycle.ca.gov/organics/slcp/education>

This webpage includes the following Model Tools:

- Model Franchise Agreement
- Model Mandatory Organic Waste Disposal Reduction Ordinance
- Model Recovered Organic Waste Product Procurement Policy
- Model Food Recovery Agreement

4. Other Recovered Organic Waste Product Procurement Resources

- Calculator for Annual Recovered Organic Waste Product Procurement:  
<https://www2.calrecycle.ca.gov/Docs/Web/118521>

5. SB 1383 Case Studies: <https://www.calrecycle.ca.gov/organics/slcp/education>

Eight case studies are available including two each on franchise agreements, mandatory organic waste disposal reduction ordinances, recovered organic waste product procurement, and food recovery programs and policies.

6. Other Relevant SB 1383 CalRecycle Reports

- SB 1383 Local Services Rates Analysis:  
<https://www2.calrecycle.ca.gov/Publications/Details/1698>
- SB 1383 Infrastructure and Market Analysis:  
<https://www2.calrecycle.ca.gov/Publications/Details/1652>

7. Relevant Regulations Referenced in the Model Policy:

- Title 14 of California Code of Regulations, Division 7, Department of Resources Recycling and Recovery:  
[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IFF17BBCC72F5412C8FEEF78290C1526E&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IFF17BBCC72F5412C8FEEF78290C1526E&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))
- Title 27 of California Code of Regulations, Division 2, Environmental Protection, Solid Waste (27 CCR Division 2):  
<https://www.calrecycle.ca.gov/laws/regulations/title27>
- Model Water Efficient Landscape Ordinance, Title 23, Division 2, Chapter 2.7 of California Code of Regulations:  
<https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I55B69DB0D45A11DEA95CA4428EC25FA0&transitionType=Default&contextData=%28sc.Default%29>

- Public Contract Code (including recycled-content paper requirements):  
[https://leginfo.legislature.ca.gov/faces/codes\\_displayexpandedbranch.xhtml?tocCode=PCC&division=2.&title=&part=2.&chapter=&article=&goUp=Y](https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=PCC&division=2.&title=&part=2.&chapter=&article=&goUp=Y)
- Public Resources Code:  
[http://leginfo.legislature.ca.gov/faces/codes\\_displayexpandedbranch.xhtml?lawCode=PRC&division=30.&title=&part=1.&chapter=2.&article=&goUp=Y](http://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?lawCode=PRC&division=30.&title=&part=1.&chapter=2.&article=&goUp=Y)
- Code of Federal Regulations, Title 16 (including relevant definitions):  
<https://www.govinfo.gov/app/details/CFR-2013-title16-vol1/CFR-2013-title16-vol1-sec260-12/context>

*This page intentionally left blank*

1 **MODEL MANDATORY ORGANIC WASTE**  
2 **DISPOSAL REDUCTION ORDINANCE**

---

3 **SECTION 1. PURPOSE AND FINDINGS**

4 The Jurisdiction finds and declares:

5 (a) State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste  
6 Management Act of 1989 (California Public Resources Code Section 40000, et  
7 seq., as amended, supplemented, superseded, and replaced from time to time),  
8 requires cities and counties to reduce, reuse, and recycle (including composting)  
9 Solid Waste generated in their Jurisdictions to the maximum extent feasible before  
10 any incineration or landfill disposal of waste, to conserve water, energy, and other  
11 natural resources, and to protect the environment.

12 (b) State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the  
13 State of California on October 5, 2011, which amended Sections 41730, 41731,  
14 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections  
15 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section  
16 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of,  
17 the Public Resources Code, as amended, supplemented, superseded and  
18 replaced from time to time), places requirements on businesses and Multi-Family  
19 property owners that generate a specified threshold amount of Solid Waste to  
20 arrange for recycling services and requires Jurisdictions to implement a Mandatory  
21 Commercial Recycling program.

22 (c) State organics recycling law, Assembly Bill 1826 of 2014 (approved by the  
23 Governor of the State of California on September 28, 2014, which added Chapter  
24 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public  
25 Resources Code, relating to Solid Waste, as amended, supplemented,  
26 superseded, and replaced from time to time), requires businesses and Multi-Family  
27 property owners that generate a specified threshold amount of Solid Waste,  
28 Recycling, and Organic Waste per week to arrange for recycling services for that  
29 waste, requires Jurisdictions to implement a recycling program to divert Organic  
30 Waste from businesses subject to the law, and requires Jurisdictions to to  
31 implement a Mandatory Commercial Organics Recycling program. Guidance:  
32 Rural Jurisdictions that are exempt from AB 1826 may not need the preceding  
33 statement.

34 (d) SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires  
35 CalRecycle to develop regulations to reduce organics in landfills as a source of  
36 methane. The regulations place requirements on multiple entities including  
37 Jurisdictions, residential households, Commercial Businesses and business  
38 owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food



39 Recovery Organizations, and Food Recovery Services to support achievement of  
40 Statewide Organic Waste disposal reduction targets.

41 (e) SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires  
42 Jurisdictions to adopt and enforce an ordinance or enforceable mechanism to  
43 implement relevant provisions of SB 1383 Regulations. This ordinance will also  
44 help reduce food insecurity by requiring Commercial Edible Food Generators to  
45 arrange to have the maximum amount of their Edible Food, that would otherwise  
46 be disposed, be recovered for human consumption.

47 (f) Requirements in this ordinance are consistent with other adopted goals and  
48 policies of the Jurisdiction including: \_\_\_\_\_ (Jurisdiction to insert  
49 description). Guidance: At Jurisdiction’s option, Jurisdictions may want to include  
50 this subsection (f) to add Jurisdiction-specific diversion goals or policies here such  
51 as a 75% diversion or zero waste goal, C&D recovery ordinance, greenhouse gas  
52 reduction goals, local climate action plan, etc.

## 53 SECTION 2. TITLE OF ORDINANCE

54 This chapter shall be entitled “Mandatory Organic Waste Disposal Reduction Ordinance”.

55 Guidance: This is a suggested title for the ordinance. Jurisdictions may choose a different  
56 name for the ordinance.

## 57 SECTION 3. DEFINITIONS

58 Guidance: Most of the following definitions are excerpted from the SB 1383 Regulations  
59 (14 CCR Section 18982) with SB 1383 Regulation-specific text noted in green font. There  
60 are additional definitions in the SB 1383 Regulations that are not included here.  
61 Jurisdiction may want to review that list of definitions in 14 CCR Section 18982 to  
62 determine whether it wants to add any additional definitions to its ordinance. Jurisdiction  
63 may also choose to delete definitions not appropriate for its system and/or to include  
64 additional definitions that are appropriate for its system and ordinance.

65 (a) “Blue Container” has the same meaning as in 14 CCR Section 18982.2(a)(5) and  
66 shall be used for the purpose of storage and collection of Source Separated  
67 Recyclable Materials or Source Separated Blue Container Organic Waste.  
68 Guidance: For three-container, three-plus-container, and two-container blue/gray  
69 systems, include this “Blue Container” definition. For two-container green/gray  
70 systems and one-container systems, delete this definition.

71 (b) “CalRecycle” means California's Department of Resources Recycling and  
72 Recovery, which is the Department designated with responsibility for developing,  
73 implementing, and enforcing SB 1383 Regulations on Jurisdictions (and others).

- 74 (c) “California Code of Regulations” or “CCR” means the State of California Code of  
75 Regulations. CCR references in this ordinance are preceded with a number that  
76 refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).
- 77 (d) “Commercial Business” or “Commercial” means a firm, partnership, proprietorship,  
78 joint-stock company, corporation, or association, whether for-profit or nonprofit,  
79 strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise  
80 defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that  
81 consists of fewer than five (5) units is not a Commercial Business for purposes of  
82 implementing this ordinance.
- 83 (e) “Commercial Edible Food Generator” includes a Tier One or a Tier Two  
84 Commercial Edible Food Generator as defined in Sections 3(rrr) and 3(sss) of this  
85 ordinance or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74).  
86 For the purposes of this definition, Food Recovery Organizations and Food  
87 Recovery Services are not Commercial Edible Food Generators pursuant to 14  
88 CCR Section 18982(a)(7).
- 89 (f) “Compliance Review” means a review of records by a Jurisdiction to determine  
90 compliance with this ordinance.
- 91 (g) “Community Composting” means any activity that composts green material,  
92 agricultural material, food material, and vegetative food material, alone or in  
93 combination, and the total amount of feedstock and Compost on-site at any one  
94 time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR  
95 Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- 96 (h) “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), which  
97 stated, as of the effective date of this ordinance, that “Compost” means the product  
98 resulting from the controlled biological decomposition of organic Solid Wastes that  
99 are Source Separated from the municipal Solid Waste stream, or which are  
100 separated at a centralized facility.
- 101 (i) “Compostable Plastics” or “Compostable Plastic” means plastic materials that  
102 meet the ASTM D6400 standard for compostability, or as otherwise described in  
103 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).
- 104 (j) “Container Contamination” or “Contaminated Container” means a container,  
105 regardless of color, that contains Prohibited Container Contaminants, or as  
106 otherwise defined in 14 CCR Section 18982(a)(55).
- 107 (k) “C&D” means construction and demolition debris.
- 108 (l) “Designated Source Separated Organic Waste Facility”, as defined in 14 CCR  
109 Section 18982(14.5), means a Solid Waste facility that accepts a Source  
110 Separated Organic Waste collection stream as defined in 14 CCR Section  
111 17402(a)(26.6) and complies with one of the following:

112 (1) The facility is a “transfer/processor,” as defined in 14 CCR Section  
113 18815.2(a)(62), that is in compliance with the reporting requirements of 14  
114 CCR Section 18815.5(d), and meets or exceeds an annual average Source  
115 Separated organic content Recovery rate of 50 percent between January 1,  
116 2022 and December 31, 2024 and 75 percent on and after January 1, 2025  
117 as calculated pursuant to 14 CCR Section 18815.5(f) for Organic Waste  
118 received from the Source Separated Organic Waste collection stream.

119 (A) If a transfer/processor has an annual average Source Separated  
120 organic content Recovery rate lower than the rate required in  
121 Paragraph 1 of this definition for two (2) consecutive reporting  
122 periods, or three (3) reporting periods within three (3) years, the  
123 facility shall not qualify as a “Designated Source Separated Organic  
124 Waste Facility”.

125 (2) The facility is a “composting operation” or “composting facility” as defined in  
126 14 CCR Section 18815.2(a)(13), that pursuant to the reports submitted  
127 under 14 CCR Section 18815.7 demonstrates that the percent of the  
128 material removed for landfill disposal that is Organic Waste is less than the  
129 percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3),  
130 whichever is applicable, and, if applicable, complies with the digestate  
131 handling requirements specified in 14 CCR Section 17896.5. **Guidance:**  
132 **Note that the definition of composting operation includes in-vessel digestion**  
133 **as regulated in 14 CCR Section 17896.**

134 (A) If the percent of the material removed for landfill disposal that is  
135 Organic Waste is more than the percent specified in 14 CCR Section  
136 17409.5.8(c)(2) or 17409.5.8(c)(3), for two (2) consecutive reporting  
137 periods, or three (3) reporting periods within three (3) years, the  
138 facility shall not qualify as a “Designated Source Separated Organic  
139 Waste Facility.” For the purposes of this ordinance, the reporting  
140 periods shall be consistent with those defined in 14 CCR Section  
141 18815.2(a)(49). **Guidance: The reporting periods identified in the**  
142 **above Section 3(l)(2)(A) are consistent with reporting that facilities**  
143 **must submit to CalRecycle under RDRS regulations and not**  
144 **reporting to be submitted under this ordinance.**

145 **Guidance: This definition is only needed when the Jurisdiction is using the**  
146 **Performance-Based Compliance Approach; delete this definition if using the**  
147 **Standard Compliance Approach.**

148 (m) “Designee” means an entity that a Jurisdiction contracts with or otherwise arranges  
149 to carry out any of the Jurisdiction’s responsibilities of this ordinance as authorized  
150 in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a  
151 private entity, or a combination of those entities.

152 (n) “Edible Food” means food intended for human consumption, or as otherwise  
153 defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as  
154 otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid  
155 Waste if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR,  
156 Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that  
157 does not meet the food safety requirements of the California Retail Food Code.

158 (o) “Enforcement Action” means an action of the Jurisdiction to address non-  
159 compliance with this ordinance including, but not limited to, issuing administrative  
160 citations, fines, penalties, or using other remedies.

161 (p) “Excluded Waste” means hazardous substance, hazardous waste, infectious  
162 waste, designated waste, volatile, corrosive, medical waste, infectious, regulated  
163 radioactive waste, and toxic substances or material that facility operator(s), which  
164 receive materials from the Jurisdiction and its generators, reasonably believe(s)  
165 would, as a result of or upon acceptance, transfer, processing, or disposal, be a  
166 violation of local, State, or Federal law, regulation, or ordinance, including: land  
167 use restrictions or conditions, waste that cannot be disposed of in Class III landfills  
168 or accepted at the facility by permit conditions, waste that in Jurisdictions, or its  
169 Designee’s reasonable opinion would present a significant risk to human health or  
170 the environment, cause a nuisance or otherwise create or expose Jurisdiction, or  
171 its Designee, to potential liability; but not including de minimis volumes or  
172 concentrations of waste of a type and amount normally found in Single-Family or  
173 Multi-Family Solid Waste after implementation of programs for the safe collection,  
174 processing, recycling, treatment, and disposal of batteries and paint in compliance  
175 with Sections 41500 and 41802 of the California Public Resources Code. Excluded  
176 Waste does not include used motor oil and filters, household batteries, universal  
177 wastes, and/or latex paint when such materials are defined as allowable materials  
178 for collection through the Jurisdiction’s collection programs and the generator or  
179 customer has properly placed the materials for collection pursuant to instructions  
180 provided by Jurisdiction or its Designee for collection services.

181 Guidance: Jurisdictions should modify the above Excluded Waste definition based  
182 on the specific types of accepted or prohibited materials in their program. For  
183 example, the final sentence of this definition is an example of a customization  
184 option that a Jurisdiction might include if the Jurisdiction has a special collection or  
185 recycling program for items like motor oil and filters, household batteries, or other  
186 such items as applicable.

187 (q) “Food Distributor” means a company that distributes food to entities including, but  
188 not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14  
189 CCR Section 18982(a)(22).

190 (r) “Food Facility” has the same meaning as in Section 113789 of the Health and  
191 Safety Code.

192 (s) “Food Recovery” means actions to collect and distribute food for human  
193 consumption that otherwise would be disposed, or as otherwise defined in 14 CCR  
194 Section 18982(a)(24).

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

200 (1) A food bank as defined in Section 113783 of the Health and Safety Code;

201 (2) A nonprofit charitable organization as defined in Section 113841 of the  
202 Health and Safety code; and,

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

205 A Food Recovery Organization is not a Commercial Edible Food Generator for the  
206 purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12  
207 pursuant to 14 CCR Section 18982(a)(7).

208 If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization  
209 differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall  
210 apply to this ordinance.

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

217 (v) “Food Scraps” means all food such as, but not limited to, fruits, vegetables, meat,  
218 poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and  
219 eggshells. Food Scraps excludes fats, oils, and grease when such materials are  
220 Source Separated from other Food Scraps. Guidance: Jurisdictions should modify  
221 the above definition of Food Scraps to be consistent with their specific list of  
222 accepted Food Scraps. For example, Jurisdictions that accept fats, oils, and  
223 grease in their collection program should modify the final sentence of this definition  
224 accordingly.

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



229 (x) "Food-Soiled Paper" is compostable paper material that has come in contact with  
230 food or liquid, such as, but not limited to, compostable paper plates, paper coffee  
231 cups, napkins, pizza boxes, and milk cartons.

232 (y) "Food Waste" means Food Scraps, Food-Soiled Paper, and Compostable Plastics.

233 Guidance: Jurisdictions should modify the above definition of Food Waste  
234 according to the materials accepted in their program. For example, some programs  
235 do not accept Food-Soiled Paper in their collection programs based on the  
236 processing technologies used. In that case, Jurisdictions should modify this  
237 definition to remove or restrict Food-Soiled Paper if desired. It should be noted;  
238 however, that Jurisdictions are still required to handle Food-Soiled Paper in a  
239 manner that results in landfill disposal reduction pursuant to 14 CCR Section  
240 18983.1. However, if the Food-Soiled Paper is not included in Food Waste or Food  
241 Scraps collection, the Jurisdiction is still responsible for providing a method of  
242 properly handling and processing all Organic Waste that are required by SB 1383  
243 Regulations to be handled in a manner that results in landfill disposal reduction in  
244 accordance with 14 CCR Section 18983.1.

245 Jurisdictions may choose to include Compostable Plastics in their definition of  
246 Food Waste if such materials are accepted in their program. If the Jurisdiction does  
247 not allow Compostable Plastics to be collected with Food Waste, delete  
248 "Compostable Plastics" from the Food Waste definition.

249 (z) "Gray Container" has the same meaning as in 14 CCR Section 18982.2(a)(28) and  
250 shall be used for the purpose of storage and collection of Gray Container Waste.  
251 Guidance: For two- and one-container systems and three- and three-plus-  
252 container systems that allow Organic Waste, such as Food Waste, for collection in  
253 the Gray Container, replace "Gray Container Waste" with "Mixed Waste" in this  
254 sentence.

255 (aa) "Gray Container Waste" means Solid Waste that is collected in a Gray Container  
256 that is part of a three-container Organic Waste collection service that prohibits the  
257 placement of Organic Waste in the Gray Container as specified in 14 CCR  
258 Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section  
259 17402(a)(6.5). Guidance: This definition is only needed for Jurisdictions using  
260 three- or three-plus-container systems that prohibit Organic Waste, such as Food  
261 Waste, to be collected in the Gray Container. For Jurisdictions using a two- or one-  
262 container system, or a three- or three-plus-container system that allows Organic  
263 Waste, such as Food Waste, for collection in the Gray Container, delete this  
264 definition and instead include only the definition of "Mixed Waste" below.

265 (bb) "Green Container" has the same meaning as in 14 CCR Section 18982.2(a)(29)  
266 and shall be used for the purpose of storage and collection of Source Separated  
267 Green Container Organic Waste. Guidance: For three-container, three-plus-  
268 container, and two-container green/gray systems, include this "Green Container"

- 269 definition. For two-container blue/gray systems and one-container systems, delete  
270 this definition.
- 271 (cc) “Grocery Store” means a store primarily engaged in the retail sale of canned food;  
272 dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area  
273 that is not separately owned within the store where the food is prepared and  
274 served, including a bakery, deli, and meat and seafood departments, or as  
275 otherwise defined in 14 CCR Section 18982(a)(30).
- 276 (dd) “Hauler Route” means the designated itinerary or sequence of stops for each  
277 segment of the Jurisdiction’s collection service area, or as otherwise defined in 14  
278 CCR Section 18982(a)(31.5). Guidance: The SB 1383 Regulations do not specify  
279 the time unit or frequency of a “Hauler Route.” Jurisdictions may wish to modify  
280 this definition to specify whether a route is daily, weekly, etc., for the purposes of  
281 the ordinance.
- 282 (ee) “High Diversion Organic Waste Processing Facility” means a facility that is in  
283 compliance with the reporting requirements of 14 CCR Section 18815.5(d) and  
284 meets or exceeds an annual average Mixed Waste organic content Recovery rate  
285 of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent  
286 after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for  
287 Organic Waste received from the “Mixed waste organic collection stream” as  
288 defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR  
289 Section 18982(a)(33).
- 290 (ff) “Inspection” means a site visit where a Jurisdiction reviews records, containers,  
291 and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste  
292 or Edible Food handling to determine if the entity is complying with requirements  
293 set forth in this ordinance, or as otherwise defined in 14 CCR Section  
294 18982(a)(35).
- 295 (gg) “Jurisdiction” Guidance: No definition has been included for Jurisdiction. Users of  
296 the Model Ordinance are instructed to replace Jurisdiction throughout the Model  
297 with the term appropriate to their organization (e.g., City, County, Special District  
298 that provides solid waste collection services, Agency, etc.).
- 299 (hh) “Jurisdiction Enforcement Official” means the city manager, county administrative  
300 official, chief operating officer, executive director, or other executive in charge or  
301 their authorized Designee(s) who is/are partially or whole responsible for enforcing  
302 the ordinance. See also “Regional or County Agency Enforcement Official”.  
303 Guidance: If the Jurisdiction chooses a different enforcement model, then it should  
304 change or delete this definition. Other approaches may be enforcement by  
305 committee, task force, or elected body, should such entities be designated by the  
306 Jurisdiction with those responsibilities. Enforcement does not have to be limited  
307 to one person; however, the Jurisdiction may not delete its authority to impose any  
308 civil penalties that are required by the SB 1383 Regulations to a private entity  
309 pursuant to 14 CCR Section 18981.2(d).

- 310 (ii) “Large Event” means an event, including, but not limited to, a sporting event or a  
 311 flea market, that charges an admission price, or is operated by a local agency, and  
 312 serves an average of more than 2,000 individuals per day of operation of the event,  
 313 at a location that includes, but is not limited to, a public, nonprofit, or privately  
 314 owned park, parking lot, golf course, street system, or other open space when  
 315 being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs  
 316 from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to  
 317 this ordinance.
- 318 (jj) “Large Venue” means a permanent venue facility that annually seats or serves an  
 319 average of more than 2,000 individuals within the grounds of the facility per day of  
 320 operation of the venue facility. For purposes of this ordinance and implementation  
 321 of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a  
 322 public, nonprofit, or privately owned or operated stadium, amphitheater, arena,  
 323 hall, amusement park, conference or civic center, zoo, aquarium, airport,  
 324 racetrack, horse track, performing arts center, fairground, museum, theater, or  
 325 other public attraction facility. For purposes of this ordinance and implementation  
 326 of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that  
 327 includes more than one Large Venue that is contiguous with other Large Venues  
 328 in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39)  
 329 differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall  
 330 apply to this ordinance.
- 331 (kk) “Local Education Agency” means a school district, charter school, or county office  
 332 of education that is not subject to the control of city or county regulations related  
 333 to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- 334 (ll) “Mixed Waste Organic Collection Stream” or “Mixed Waste” means Organic Waste  
 335 collected in a container that is required by 14 CCR Sections 18984.1, 18984.2 or  
 336 18984.3 to be taken to a High Diversion Organic Waste Processing Facility or as  
 337 otherwise defined in 14 CCR Section 17402(a)(11.5). Guidance: This definition is  
 338 only to be used by Jurisdictions using two- or one-container systems or three- or  
 339 three-plus-container systems that allow Organic Waste, such as Food Waste, for  
 340 collection in the Gray Container. In these cases, materials in the Gray Containers  
 341 are to be processed at a High Diversion Organic Waste Processing Facility. Delete  
 342 if using a three- or three-plus container system that does not allow Organic Waste  
 343 to be collected in the Gray Containers.
- 344 (mm) “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining  
 345 to residential premises with five (5) or more dwelling units. Multi-Family premises  
 346 do not include hotels, motels, or other transient occupancy facilities, which are  
 347 considered Commercial Businesses. Guidance: Under the SB 1383 Regulations  
 348 and in this Model Ordinance, Multi-Family Residential Dwellings with five (5) or  
 349 more units are included under the definition of a Commercial Business per 14 CCR  
 350 Section 18982(a)(6).



351 (nn) "MWELo" refers to the Model Water Efficient Landscape Ordinance (MWELo), 23  
352 CCR, Division 2, Chapter 2.7.

353 (oo) "Non-Compostable Paper" includes but is not limited to paper that is coated in a  
354 plastic material that will not breakdown in the composting process, or as otherwise  
355 defined in 14 CCR Section 18982(a)(41). Guidance: In the definition of Non-  
356 Compostable Paper, Jurisdictions may wish to provide additional detail on the  
357 materials and coatings that their processing facility is able to accept. However, the  
358 Jurisdiction is still responsible for properly handling and processing all Organic  
359 Waste required by the SB 1383 Regulations to be handled in a manner that results  
360 in landfill disposal reduction in accordance with 14 CCR Section 18983.1.

361 (pp) "Non-Local Entity" means the following entities that are not subject to the  
362 Jurisdiction's enforcement authority, or as otherwise defined in 14 CCR Section  
363 18982(a)(42):

364 Guidance: Jurisdiction should include one or more of the items below as  
365 appropriate for Jurisdiction, and delete non-applicable items.

366 (1) Special district(s) located within the boundaries of the Jurisdiction, including  
367 \_\_\_\_\_ (insert names of special districts).

368 (2) Federal facilities, including military installations, located within the  
369 boundaries of the Jurisdiction, including \_\_\_\_\_ (insert names of federal  
370 facilities).

371 (3) Prison(s) located within the boundaries of the Jurisdiction, including  
372 \_\_\_\_\_ (insert names of prisons). Guidance: Private prisons are  
373 considered Commercial Businesses and should not be listed here.

374 (4) Facilities operated by the State park system located within the boundaries  
375 of the Jurisdiction, including \_\_\_\_\_ (insert names of State park  
376 facilities).

377 (5) Public universities (including community colleges) located within the  
378 boundaries of the Jurisdiction, including \_\_\_\_\_ (insert names of  
379 universities).

380 (6) County fairgrounds located within the boundaries of the Jurisdiction,  
381 including \_\_\_\_\_ (insert names of fairgrounds).

382 (7) State agencies located within the boundaries of the Jurisdiction, including  
383 \_\_\_\_\_ (insert names of State agencies).

384 (qq) "Non-Organic Recyclables" means non-putrescible and non-hazardous recyclable  
385 wastes including but not limited to bottles, cans, metals, plastics and glass, or as  
386 otherwise defined in 14 CCR Section 18982(a)(43). Guidance: Only Jurisdictions

387 that have three-, three-plus-, or two-container collection service will include “Non-  
388 Organic Recyclables” definition. Delete if using a one-container collection service.

389 (rr) “Notice of Violation (NOV)” means a notice that a violation has occurred that  
390 includes a compliance date to avoid an action to seek penalties, or as otherwise  
391 defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section  
392 18995.4.

393 (ss) “Organic Waste” means Solid Wastes containing material originated from living  
394 organisms and their metabolic waste products, including but not limited to food,  
395 green material, landscape and pruning waste, organic textiles and carpets, lumber,  
396 wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate,  
397 and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids  
398 and digestate are as defined by 14 CCR Section 18982(a).

399 (tt) “Organic Waste Generator” means a person or entity that is responsible for the  
400 initial creation of Organic Waste, or as otherwise defined in 14 CCR Section  
401 18982(a)(48).

402 (uu) “Paper Products” include, but are not limited to, paper janitorial supplies, cartons,  
403 wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and  
404 toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).

405 (vv) “Printing and Writing Papers” include, but are not limited to, copy, xerographic,  
406 watermark, cotton fiber, offset, forms, computer printout paper, white wove  
407 envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint,  
408 and other uncoated writing papers, posters, index cards, calendars, brochures,  
409 reports, magazines, and publications, or as otherwise defined in 14 CCR Section  
410 18982(a)(54).

411 (ww) “Prohibited Container Contaminants”

412 Guidance: Jurisdictions shall include one or more of the definitions of Prohibited  
413 Container Contaminants listed below, corresponding with the collection service(s)  
414 it is using, and delete the others.

415 (1) Option 1, Three-container or three-plus-container collection service (Blue  
416 Container, Green Container, and Gray Containers): “Prohibited Container  
417 Contaminants” means the following: (i) discarded materials placed in the  
418 Blue Container that are not identified as acceptable Source Separated  
419 Recyclable Materials for the Jurisdiction’s Blue Container; (ii) discarded  
420 materials placed in the Green Container that are not identified as acceptable  
421 Source Separated Green Container Organic Waste for the Jurisdiction’s  
422 Green Container; (iii) discarded materials placed in the Gray Container that  
423 are acceptable Source Separated Recyclable Materials and/or Source  
424 Separated Green Container Organic Wastes to be placed in Jurisdiction’s

- 425 Green Container and/or Blue Container; and, (iv) Excluded Waste placed in  
426 any container.
- 427 (2) Option 2a, Two-container (green/gray) collection service for Source  
428 Separated Green Container Organic Waste and mixed materials):  
429 “Prohibited Container Contaminants” means the following: (i) discarded  
430 materials placed in a Green Container that are not identified as acceptable  
431 Source Separated Green Container Organic Waste for the Jurisdiction’s  
432 Green Container; (ii) discarded materials placed in the Gray Container that  
433 are identified as acceptable Source Separated Green Container Organic  
434 Waste, which are to be separately collected in Jurisdiction’s Green  
435 Container; and, (iii) Excluded Waste placed in any container.
- 436 (3) Option 2b, Two-container (blue/gray) collection service for Source  
437 Separated Recyclable Materials and mixed materials): “Prohibited  
438 Container Contaminants” means the following: (i) discarded materials  
439 placed in a Blue Container that are not identified as acceptable Source  
440 Separated Recyclable Materials for Jurisdiction’s Blue Container; (ii)  
441 discarded materials placed in the Gray Container that are identified as  
442 acceptable Source Separated Recyclable Materials, which are to be  
443 separately collected in Jurisdiction’s Blue Container; and, (iii) Excluded  
444 Waste placed in any container.
- 445 (4) Option 3, One-container collection service: “Prohibited Container  
446 Contaminants” means Excluded Waste placed in any container. Guidance:  
447 The term “Prohibited Container Contaminants” under the SB 1383  
448 Regulations does not apply to one-container systems; however,  
449 Jurisdictions may wish to use this definition to explicitly state that Excluded  
450 Waste is a contaminant in a one-container system.
- 451 (xx) “Recovered Organic Waste Products” means products made from California,  
452 landfill-diverted recovered Organic Waste processed in a permitted or otherwise  
453 authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).
- 454 (yy) “Recovery” means any activity or process described in 14 CCR Section  
455 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).
- 456 (zz) “Recycled-Content Paper” means Paper Products and Printing and Writing Paper  
457 that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as  
458 otherwise defined in 14 CCR Section 18982(a)(61).
- 459 (aaa) “Regional Agency” means regional agency as defined in Public Resources Code  
460 Section 40181.
- 461 (bbb) “Regional or County Agency Enforcement Official” means a regional or county  
462 agency enforcement official, designated by the Jurisdiction with responsibility for  
463 enforcing the ordinance in conjunction or consultation with Jurisdiction  
464 Enforcement Official. Guidance: Include Regional or County Agency Enforcement

465 Official only if Jurisdiction plans to designate another public entity with enforcement  
466 responsibilities. Jurisdiction should stay involved in Enforcement Actions as the  
467 responsibility for enforcement remains with each Jurisdiction.

468 (ccc) "Remote Monitoring" means the use of the internet of things (IoT) and/or wireless  
469 electronic devices to visualize the contents of Blue Containers, Green Containers,  
470 and Gray Containers for purposes of identifying the quantity of materials in  
471 containers (level of fill) and/or presence of Prohibited Container Contaminants.

472 (ddd) "Renewable Gas" means gas derived from Organic Waste that has been diverted  
473 from a California landfill and processed at an in-vessel digestion facility that is  
474 permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as  
475 otherwise defined in 14 CCR Section 18982(a)(62).

476 (eee) "Restaurant" means an establishment primarily engaged in the retail sale of food  
477 and drinks for on-premises or immediate consumption, or as otherwise defined in  
478 14 CCR Section 18982(a)(64).

479 (fff) "Route Review" means a visual Inspection of containers along a Hauler Route for  
480 the purpose of determining Container Contamination, and may include mechanical  
481 Inspection methods such as the use of cameras, or as otherwise defined in 14  
482 CCR Section 18982(a)(65).

483 (ggg) "SB 1383" means Senate Bill 1383 of 2016 approved by the Governor on  
484 September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and  
485 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing  
486 with Section 42652) to Part 3 of Division 30 of the Public Resources Code,  
487 establishing methane emissions reduction targets in a Statewide effort to reduce  
488 emissions of short-lived climate pollutants as amended, supplemented,  
489 superseded, and replaced from time to time.

490 (hhh) "SB 1383 Regulations" or "SB 1383 Regulatory" means or refers to, for the  
491 purposes of this ordinance, the Short-Lived Climate Pollutants: Organic Waste  
492 Reduction regulations developed by CalRecycle and adopted in 2020 that created  
493 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR  
494 and 27 CCR. Guidance: Throughout the Model, Sections of the SB 1383  
495 Regulations are referenced in the format "14 CCR Section XXXX," or "27 CCR  
496 Section XXXX" with the exception of certain cases where a more general reference  
497 to "SB 1383 Regulations" was appropriate. "14 CCR" means Title 14 of the  
498 California Code of Regulations, and "27 CCR" means Title 27 of the California  
499 Code of Regulations.

500 (iii) "Self-Hauler" means a person, who hauls Solid Waste, Organic Waste or  
501 recyclable material he or she has generated to another person. Self-hauler also  
502 includes a person who back-hauls waste, or as otherwise defined in 14 CCR  
503 Section 18982(a)(66). Back-haul means generating and transporting Organic  
504 Waste to a destination owned and operated by the generator using the generator's

505 own employees and equipment, or as otherwise defined in 14 CCR Section  
506 18982(a)(66)(A).

507 (jjj) “Single-Family” means of, from, or pertaining to any residential premises with fewer  
508 than five (5) units. Guidance: Jurisdiction may amend this definition to be  
509 consistent with the current definition and the Jurisdiction’s current codes; however,  
510 the threshold unit number of five (5) must remain consist with the SB 1383  
511 Regulations (refer to Commercial Business definition in 14 CCR Section  
512 18982(a)(6), which includes Multi-Family dwellings of five (5) or more units and  
513 excludes Multi-Family Residential Dwellings with fewer than five (5) units).

514 (kkk) “Solid Waste” has the same meaning as defined in State Public Resources Code  
515 Section 40191, which defines Solid Waste as all putrescible and nonputrescible  
516 solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper,  
517 rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned  
518 vehicles and parts thereof, discarded home and industrial appliances, dewatered,  
519 treated, or chemically fixed sewage sludge which is not hazardous waste, manure,  
520 vegetable or animal solid and semi-solid wastes, and other discarded solid and  
521 semisolid wastes, with the exception that Solid Waste does not include any of the  
522 following wastes:

523 (1) Hazardous waste, as defined in the State Public Resources Code Section  
524 40141.

525 (2) Radioactive waste regulated pursuant to the State Radiation Control Law  
526 (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of  
527 the State Health and Safety Code).

528 (3) Medical waste regulated pursuant to the State Medical Waste Management  
529 Act (Part 14 (commencing with Section 117600) of Division 104 of the State  
530 Health and Safety Code). Untreated medical waste shall not be disposed of  
531 in a Solid Waste landfill, as defined in State Public Resources Code Section  
532 40195.1. Medical waste that has been treated and deemed to be Solid  
533 Waste shall be regulated pursuant to Division 30 of the State Public  
534 Resources Code.

535 (lll) “Source Separated” means materials, including commingled recyclable materials,  
536 that have been separated or kept separate from the Solid Waste stream, at the  
537 point of generation, for the purpose of additional sorting or processing those  
538 materials for recycling or reuse in order to return them to the economic mainstream  
539 in the form of raw material for new, reused, or reconstituted products, which meet  
540 the quality standards necessary to be used in the marketplace, or as otherwise  
541 defined in 14 CCR Section 17402.5(b)(4). For the purposes of the ordinance,  
542 Source Separated shall include separation of materials by the generator, property  
543 owner, property owner’s employee, property manager, or property manager’s  
544 employee into different containers for the purpose of collection such that Source  
545 Separated materials are separated from Gray Container Waste/Mixed Waste or



546 other Solid Waste for the purposes of collection and processing. Guidance: In the  
547 preceding sentence, use “Gray Container Waste” for three- and three-plus  
548 container systems that prohibit Organic Waste, such as Food Waste, in the Gray  
549 Containers; use “Mixed Waste” for two- and one-container systems and three- or  
550 three-plus-container systems that allow Organic Waste, such as Food Waste, to  
551 be collected in the Gray Container.

552 (mmm) “Source Separated Blue Container Organic Waste” means Source  
553 Separated Organic Wastes that can be placed in a Blue Container that is limited  
554 to the collection of those Organic Wastes and Non-Organic Recyclables as defined  
555 in Section 18982(a)(43), or as otherwise defined by Section 17402(a)(18.7).  
556 Guidance: This definition is intended to reflect recyclable materials that are  
557 considered Organic Waste such as Paper Products and Printing and Writing  
558 Paper, and, if permitted by the Jurisdiction to be placed in the Blue Container,  
559 wood, dry lumber, and textiles. This definition is only needed for Jurisdictions using  
560 three-, three-plus-, or two-container (blue/gray) systems.

561 (nnn) “Source Separated Green Container Organic Waste” means Source Separated  
562 Organic Waste that can be placed in a Green Container that is specifically intended  
563 for the separate collection of Organic Waste by the generator, excluding Source  
564 Separated Blue Container Organic Waste, carpets, Non-Compostable Paper, and  
565 textiles. Guidance: This definition should only be included for Jurisdictions using a  
566 three-, three-plus, or two-container (green/gray) system. This definition is not  
567 included in the SB 1383 Regulations. It is provided as a term for materials collected  
568 in a Green Container.

569 (ooo) “Source Separated Recyclable Materials” means Source Separated Non-Organic  
570 Recyclables and Source Separated Blue Container Organic Waste. Guidance:  
571 This definition is only needed for Jurisdictions using three-, three-plus, or two-  
572 container (blue/gray) systems. This definition is not included in the SB 1383  
573 Regulations. It is provided as a term for materials collected in a Blue Container.

574 (ppp) “State” means the State of California.

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

579 (rrr) “Tier One Commercial Edible Food Generator” means a Commercial Edible Food  
580 Generator that is one of the following:

581 (1) Supermarket.

582 (2) Grocery Store with a total facility size equal to or greater than 10,000 square  
583 feet.

584 (3) Food Service Provider.

- 585 (4) Food Distributor.
- 586 (5) Wholesale Food Vendor.
- 587 If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible  
 588 Food Generator differs from this definition, the definition in 14 CCR Section  
 589 18982(a)(73) shall apply to this ordinance.
- 590 (sss) “Tier Two Commercial Edible Food Generator” means a Commercial Edible Food  
 591 Generator that is one of the following:
- 592 (1) Restaurant with 250 or more seats, or a total facility size equal to or greater  
 593 than 5,000 square feet.
- 594 (2) Hotel with an on-site Food Facility and 200 or more rooms.
- 595 (3) Health facility with an on-site Food Facility and 100 or more beds.
- 596 (4) Large Venue.
- 597 (5) Large Event.
- 598 (6) A State agency with a cafeteria with 250 or more seats or total cafeteria  
 599 facility size equal to or greater than 5,000 square feet.
- 600 (7) A Local Education Agency facility with an on-site Food Facility.
- 601 If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible  
 602 Food Generator differs from this definition, the definition in 14 CCR Section  
 603 18982(a)(74) shall apply to this ordinance.
- 604 (ttt) “Uncontainerized Green Waste and Yard Waste Collection Service” or  
 605 “Uncontainerized Service” means a collection service that collects green waste  
 606 and yard waste that is placed in a pile or bagged for collection on the street in front  
 607 of a generator’s house or place of business for collection and transport to a facility  
 608 that recovers Source Separated Organic Waste, or as otherwise defined in 14 CCR  
 609 Section 189852(a)(75).
- 610 (uuu) “Wholesale Food Vendor” means a business or establishment engaged in the  
 611 merchant wholesale distribution of food, where food (including fruits and  
 612 vegetables) is received, shipped, stored, prepared for distribution to a retailer,  
 613 warehouse, distributor, or other destination, or as otherwise defined in 14 CCR  
 614 Section 189852(a)(76).

615 **SECTION 4. REQUIREMENTS FOR SINGLE-FAMILY GENERATORS**  
616 **(STANDARD COMPLIANCE APPROACH)**

617 Guidance: Pursuant to the SB 1383 Regulations (14 CCR Section 18984.12),  
618 Jurisdictions that are eligible for, apply for, and receive low population, rural, and/or high  
619 elevation waivers may exempt Single-Family Organic Waste Generators from some  
620 generator requirements as specified in the waiver applied for and granted by CalRecycle.  
621 The process for receiving such waivers is described in 14 CCR Section 18984.12. Those  
622 Jurisdictions receiving such waivers shall modify the following requirements according to  
623 the specifics of the waiver granted.

624 Single-Family Organic Waste Generators shall comply with the following requirements  
625 except Single-Family generators that meet the Self-Hauler requirements in Section 12 of  
626 this ordinance: Guidance: Include the text highlighted in blue in the preceding sentence if  
627 the Jurisdiction allows Single-Family generators to self-haul materials they generate. By  
628 virtue of adding this language and requirements on Self-Haulers in Section 12,  
629 Jurisdiction is thereby allowing self-hauling, and creating the required enforceable  
630 mechanism for self-hauling, as required in 14 CCR Section 18988.1(b).

631 (a) Shall subscribe to Jurisdiction’s Organic Waste collection services for all Organic  
632 Waste generated as described below in Section 4(b). Jurisdiction shall have the  
633 right to review the number and size of a generator’s containers to evaluate  
634 adequacy of capacity provided for each type of collection service for proper  
635 separation of materials and containment of materials; and, Single-Family  
636 generators shall adjust its service level for its collection services as requested by  
637 the Jurisdiction. Generators may additionally manage their Organic Waste by  
638 preventing or reducing their Organic Waste, managing Organic Waste on site,  
639 and/or using a Community Composting site pursuant to 14 CCR Section  
640 18984.9(c).

641 (b) Shall participate in the Jurisdiction’s Organic Waste collection service(s) by placing  
642 designated materials in designated containers as described below, and shall not  
643 place Prohibited Container Contaminants in collection containers.

644 Guidance: The collection service options are provided below. Jurisdictions are to  
645 choose the collection service(s) they are using and delete the options they are not  
646 using. For Options 1 and 2 below, Jurisdiction may need to add other streams  
647 collected in their program as appropriate (e.g., dual-stream recycling,  
648 Uncontainerized Green Waste and Yard Waste Collection Service, and other  
649 additional containers as allowed under the SB 1383 Regulations, such as a brown  
650 container or brown section of a split container for separated Food Waste, etc.).

651 (1) Option 1: A three- and three-plus-container collection service (Blue  
652 Container, Green Container, and Gray Container) (choose Option 1a or 1b)

653 (A) Option 1a: Generator shall place Source Separated Green Container  
654 Organic Waste, including Food Waste, in the Green Container;



655 Source Separated Recyclable Materials in the Blue Container; and  
656 Gray Container Waste in the Gray Container. Generators shall not  
657 place materials designated for the Gray Container into the Green  
658 Container or Blue Container.

659 (B) Option 1b: Generator shall place Source Separated Green Container  
660 Organic Waste, except Food Waste, in the Green Container; Source  
661 Separated Recyclable Materials in the Blue Container; and Mixed  
662 Waste, including Food Waste, in the Gray Container. Generator shall  
663 not place materials designated for the Green Containers or Blue  
664 Containers in the Gray Containers.

665 (2) Option 2: Two-container collection service (Green Container/Gray  
666 Container system or Blue Container/Gray Container system) (choose  
667 Option 2a or 2b)

668 (A) Option 2a, Green Container/Gray Container: Generator shall place  
669 only Source Separated Green Container Organic Waste in a Green  
670 Container. Generator shall place all other materials (Mixed Waste) in  
671 a Gray Container.

672 (B) Option 2b, Blue Container/Gray Container: Generator shall place  
673 only Source Separated Recyclable Materials in a Blue Container.  
674 Generator shall place all other materials (Mixed Waste) in a Gray  
675 Container.

676 (3) Option 3: An unsegregated single container (one-container) collection  
677 service

678 (A) Generator shall place all materials (Mixed Waste) in a Gray  
679 Container.

680 **SECTION 5. REQUIREMENTS FOR SINGLE-FAMILY GENERATORS**  
681 **(PERFORMANCE-BASED COMPLIANCE APPROACH)**

682 Guidance: Note that the regulations do not require Jurisdictions using a Performance-  
683 Based Compliance Approach to include the following items in their ordinance: the  
684 regulation of haulers and Self-Haulers; the generator waivers for physical space, di  
685 minimis volumes, and collection frequency; and the enforcement provisions with the  
686 exception of enforcement related to Edible Food generators and Food Recovery  
687 Organizations and services. There are other regulatory requirements that the Jurisdiction  
688 would also be exempt from related to CalRecycle requirements on the Jurisdiction itself  
689 (e.g., certain recordkeeping, education, container labeling, outreach, and reporting  
690 requirements) that are not intended to be addressed by this ordinance that can be found  
691 in 14 CCR Section 18998.2.

692 Pursuant to SB 1383 Regulations (14 CCR Section 18984.12), Jurisdictions that are  
693 eligible for, apply for, and receive low population, rural, and/or high elevation waivers may  
694 exempt Single-Family Organic Waste Generators from some generator requirements as  
695 specified in the waiver applied for and granted by CalRecycle, provided that the  
696 Jurisdiction meets the ninety (90%) participation requirements in the areas not subject to  
697 the waiver(s). The process for receiving such waivers is described in 14 CCR Section  
698 18984.12. Those Jurisdictions receiving such waivers shall modify the following  
699 requirements, if needed, according to the specifics of the waiver granted.

700 Single-Family Organic Waste Generators except Single-Family generators that meet the  
701 Self-Hauler requirements in Section 12 of this ordinance: Guidance: Include the text  
702 highlighted in blue in the preceding sentence if the Jurisdiction allows Single-Family  
703 generators to self-haul materials they generate. By virtue of adding this language and  
704 requirements on Self-Haulers in Section 12, Jurisdiction is thereby allowing self-hauling,  
705 and creating the required enforceable mechanism for self-hauling, as required in 14 CCR,  
706 Section 18988.1(b).

707 (a) Shall be automatically enrolled in the Jurisdiction's three-container Organic Waste  
708 collection services with a minimum Source Separated Recyclable Materials  
709 service level of \_\_\_\_\_ gallons per week (Jurisdiction to insert minimum required  
710 service level), and with a minimum Source Separated Green Container Organic  
711 Waste service level of \_\_\_\_\_ gallons per week (Jurisdiction to insert minimum  
712 required service level), approved by the \_\_\_\_\_ (Jurisdiction to insert solid  
713 waste manager, public works director or other authorized entity). Jurisdiction shall  
714 have the authority to change this minimum required levels of service over time.  
715 Jurisdiction shall have the right to review the number, size, and location of a  
716 generator's containers to evaluate adequacy of capacity provided for each type of  
717 collection service for proper separation of materials and containment of materials;  
718 and, generator shall adjust its service level for its collection services as requested  
719 by the Jurisdiction.

720 Guidance: In subsection (a) above, auto enrollment means that Single-Family  
721 generators will be subscribed to Organic Waste collection service as determined  
722 to be appropriate by the Jurisdiction. Such service provision will not be optional  
723 and shall be provided to all generators. This will help the Jurisdiction meet the  
724 Performance-Based Compliance Approach requirement that such service shall be  
725 provided without requiring businesses or residents to request it prior to enrollment  
726 pursuant to 14 CCR Section 18998.1(a)(4).

727 (b) Shall participate in the Jurisdiction's three-container system for Source Separated  
728 Recyclable Materials, Source Separated Green Container organic materials, and  
729 Gray Container Waste collection services. Generator participation in the collection  
730 programs requires that generators place Source Separated Green Container  
731 Organic Waste, including Food Waste, in the Green Container; Source Separated  
732 Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray  
733 Container. Generators shall not place materials designated for the Gray Container  
734 into the Green Container or Blue Container.

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

738 **SECTION 6. REQUIREMENTS FOR COMMERCIAL BUSINESSES**  
739 **(STANDARD-COMPLIANCE APPROACH)**

740 Guidance: Jurisdictions using a Standard Compliance Approach and a three-, three-plus,  
741 or two-container collection service shall include this Section. Note that Commercial  
742 Businesses by the definition in the SB 1383 Regulations and the definition provided in  
743 this Model Ordinance includes Multi-Family Residential Dwellings of five (5) and more  
744 units.

745 Pursuant to SB 1383 Regulations (14 CCR Section 18984.12), Jurisdictions that are  
746 eligible for, apply for, and receive low population, rural and/or high elevation waivers may  
747 exempt Commercial Businesses and owners (including Multi-Family) from some  
748 generator requirements as specified in the waiver applied for and granted by CalRecycle.  
749 Those Jurisdictions receiving such waivers shall modify the following requirements  
750 according to the specifics of the waiver granted.

751 While waivers for low-population areas and high-elevation areas waive some SB 1383  
752 regulatory requirements for generators and Jurisdictions, AB 341 and AB 1826  
753 requirements apply for Commercial Businesses that are covered by AB 341 and AB 1826  
754 and located in these areas. As a result, Jurisdictions with these waivers may need to this  
755 Section to require Commercial Businesses that are covered by AB 341 and AB 1826 and  
756 located in these areas to comply with AB 341 and AB 1826 requirements in alignment  
757 with the Jurisdiction's AB 341 Commercial recycling program and AB 1826 Organic Waste  
758 recycling programs.

759 Generators that are Commercial Businesses, including Multi-Family Residential  
760 Dwellings, shall:

761 (a) **Subscribe to Jurisdiction's three-, three-plus, two-, or one-container collection**  
762 **services and comply with requirements of those services** as described below in  
763 **Section 6(b), except Commercial Businesses that meet the Self-Hauler**  
764 **requirements in Section 12 of this ordinance.** Guidance: Refer to Section 4 for  
765 guidance on inclusion of the preceding Self-Hauler option. Jurisdiction shall have  
766 the right to review the number and size of a generator's containers and frequency  
767 of collection to evaluate adequacy of capacity provided for each type of collection  
768 service for proper separation of materials and containment of materials; and,  
769 Commercial Businesses shall adjust their service level for their collection services  
770 as requested by the Jurisdiction.

771 (b) **Except Commercial Businesses that meet the Self-Hauler requirements in Section**  
772 **12 of this ordinance,** participate in the Jurisdiction's Organic Waste collection

773 service(s) by placing designated materials in designated containers as described  
774 below.

775 Guidance: The collection service options are provided below. Jurisdictions are to  
776 choose the collection service(s) they are using and delete the options they are not  
777 using. For Options 1 and 2 below, Jurisdiction may need to add other streams  
778 collected in their program as appropriate (e.g., dual-stream recycling,  
779 Uncontainerized Green Waste and Yard Waste Collection Service, and other  
780 additional containers as allowed under the SB 1383 Regulations, such as a brown  
781 container or brown section of a split container for separated Food Waste, etc.).

782 (1) Option 1: A three- and three-plus-container collection service (Blue  
783 Container, Green Container, and Gray Container) (choose Option 1a or 1b)

784 (A) Option 1a: Generator shall place Source Separated Green Container  
785 Organic Waste, including Food Waste, in the Green Container;  
786 Source Separated Recyclable Materials in the Blue Container; and  
787 Gray Container Waste in the Gray Container. Generator shall not  
788 place materials designated for the Gray Container into the Green  
789 Container or Blue Container.

790 (B) Option 1b: Generator shall place Source Separated Green Container  
791 Organic Waste, except Food Waste, in the Green Container; Source  
792 Separated Recyclable Materials in the Blue Container; and Mixed  
793 Waste, including Food Waste, in the Gray Container. Generator shall  
794 not place materials designated for the Green Containers or Blue  
795 Containers in the Gray Containers.

796 (2) Option 2: Two-container collection service (Green Container/Gray  
797 Container system or Blue Container/Gray Container system) (choose  
798 Option 2a or 2b)

799 (A) Option 2a, Green Container/Gray Containers: Generator shall place  
800 only Source Separated Green Container Organic Waste in a Green  
801 Container. Generator shall place all other materials (Mixed Waste)  
802 in a Gray Container.

803 (B) Option 2b, Blue Container/Gray Containers: Generator shall place  
804 only Source Separated Recyclable Materials in a Blue Container.  
805 Generator shall place all other materials (Mixed Waste) in a Gray  
806 Container.

807 (3) Option 3: An unsegregated single container (one-container) collection  
808 service

809 (A) Generator shall place all materials (Mixed Waste) in a Gray  
810 Container.

811 (c) Supply and allow access to adequate number, size and location of collection  
812 containers with sufficient labels or colors (conforming with Sections 6(d)(1) and  
813 6(d)(2) below) for employees, contractors, tenants, and customers, consistent with  
814 Jurisdiction’s Blue Container, Green Container, and Gray Container collection  
815 service or, if self-hauling, per the Commercial Businesses’ instructions to support  
816 its compliance with its self-haul program, in accordance with Section 12. Guidance:  
817 For Jurisdictions using a two-container system, delete Blue Container or Green  
818 Container as applicable from the first sentence. Jurisdictions using a one-container  
819 system may delete this subsection.

820 (d) Excluding Multi-Family Residential Dwellings, provide containers for the collection  
821 of Source Separated Green Container Organic Waste and Source Separated  
822 Recyclable Materials in all indoor and outdoor areas where disposal containers are  
823 provided for customers, for materials generated by that business. Guidance: For  
824 Jurisdictions using a two-container system, delete “Source Separated Green  
825 Container Organic Waste” or “Source Separated Recyclable Materials” as  
826 applicable. Jurisdictions using a one-container system may delete this subsection.  
827 Such containers do not need to be provided in restrooms. If a Commercial  
828 Business does not generate any of the materials that would be collected in one  
829 type of container, then the business does not have to provide that particular  
830 container in all areas where disposal containers are provided for customers.  
831 Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business  
832 shall have either:

833 (1) A body or lid that conforms with the container colors provided through the  
834 collection service provided by Jurisdiction, with either lids conforming to the  
835 color requirements or bodies conforming to the color requirements or both  
836 lids and bodies conforming to color requirements. A Commercial Business  
837 is not required to replace functional containers, including containers  
838 purchased prior to January 1, 2022, that do not comply with the  
839 requirements of the subsection prior to the end of the useful life of those  
840 containers, or prior to January 1, 2036, whichever comes first.

841 (2) Container labels that include language or graphic images, or both, indicating  
842 the primary material accepted and the primary materials prohibited in that  
843 container, or containers with imprinted text or graphic images that indicate  
844 the primary materials accepted and primary materials prohibited in the  
845 container. Pursuant 14 CCR Section 18984.8, the container labeling  
846 requirements are required on new containers commencing January 1, 2022.

847 (e) Multi-Family Residential Dwellings are not required to comply with container  
848 placement requirements or labeling requirement in Section 6(d) pursuant to 14  
849 CCR Section 18984.9(b). Guidance: Jurisdictions using a one-container system  
850 may delete this subsection

851 (f) To the extent practical through education, training, Inspection, and/or other  
852 measures, excluding Multi-Family Residential Dwellings, prohibit employees from



853 placing materials in a container not designated for those materials per the  
854 Jurisdiction's Blue Container, Green Container, and Gray Container collection  
855 service or, if self-hauling, per the Commercial Businesses' instructions to support  
856 its compliance with its self-haul program, in accordance with Section 12.  
857 Guidance: Jurisdictions using a one-container system may delete this subsection

858 (g) Excluding Multi-Family Residential Dwellings, periodically inspect Blue Containers,  
859 Green Containers, and Gray Containers for contamination and inform employees  
860 if containers are contaminated and of the requirements to keep contaminants out  
861 of those containers pursuant to 14 CCR Section 18984.9(b)(3). Guidance: For  
862 Jurisdictions using a two-container system, delete Blue Container or Green  
863 Container, as applicable. Jurisdictions using a one-container system may delete  
864 this subsection.

865 Guidance: In the above subsection (g), Jurisdictions may wish to specify a  
866 frequency upon which business owners shall inspect containers for contamination  
867 such as quarterly, twice annually, or annually instead of periodically, but this  
868 specified frequency is not required by the SB 1383 Regulations.

869 (h) Annually provide information to employees, contractors, tenants, and customers  
870 about Organic Waste Recovery requirements and about proper sorting of Source  
871 Separated Green Container Organic Waste and Source Separated Recyclable  
872 Materials. Guidance: For Jurisdictions using a two-container system, delete  
873 Source Separated Green Container Organic Waste or Source Separated  
874 Recyclable Materials, as applicable. Jurisdictions using a one-container system  
875 may delete this subsection.

876 (i) Provide education information before or within fourteen (14) days of occupation of  
877 the premises to new tenants that describes requirements to keep Source  
878 Separated Green Container Organic Waste and Source Separated Recyclable  
879 Materials separate from Gray Container Waste (when applicable) and the location  
880 of containers and the rules governing their use at each property. Guidance: For  
881 Jurisdictions using a two-container system, delete Source Separated Green  
882 Container Organic Waste or Source Separated Recyclable Materials, as  
883 applicable. For two-container system and three- and three-plus container systems  
884 that allow for Organic Waste, such as Food Waste, to be collected in the Gray  
885 Container, replace Gray Container Waste with Mixed Waste. Jurisdictions using a  
886 one-container system may delete this subsection.

887 (j) Provide or arrange access for Jurisdiction or its agent to their properties during all  
888 inspections conducted in accordance with Section 16 of this ordinance to confirm  
889 compliance with the requirements of this ordinance.

890 (k) Accommodate and cooperate with Jurisdiction's Remote Monitoring program for  
891 Inspection of the contents of containers for Prohibited Container Contaminants,  
892 which may be implemented at a later date, to evaluate generator's compliance with  
893 Section 6(b). The Remote Monitoring program shall involve installation of Remote

894 Monitoring equipment on or in the Blue Containers, Green Containers, and Gray  
895 Containers. Guidance: This subsection is an optional provision. It is not required  
896 by the SB 1383 Regulations. Jurisdictions may include this if they choose to use a  
897 Remote Monitoring system to monitor for Prohibited Container Contaminants to  
898 support their compliance with 14 CCR Section 18984.5, Container Contamination  
899 minimization requirements. Jurisdictions granting collection frequency waivers  
900 may choose to require Remote Monitoring for generators granting such waivers.  
901 For Jurisdictions using a two- container system, delete Blue Container or Green  
902 Container as applicable from the first sentence. For Jurisdictions using a one-  
903 container system, delete this subsection.

904 (l) At Commercial Business’s option and subject to any approval required from the  
905 Jurisdiction, implement a Remote Monitoring program for Inspection of the  
906 contents of its Blue Containers, Green Containers, and Gray Containers for the  
907 purpose of monitoring the contents of containers to determine appropriate levels  
908 of service and to identify Prohibited Container Contaminants. Generators may  
909 install Remote Monitoring devices on or in the Blue Containers, Green Containers,  
910 and Gray Containers subject to written notification to or approval by the Jurisdiction  
911 or its Designee. Guidance: This subsection is an optional provision. It is not  
912 required by the SB 1383 Regulations. It is provided to address scenarios in which  
913 Commercial Businesses want to implement their own Remote Monitoring systems,  
914 which involves installation of equipment on containers owned by the Jurisdiction  
915 or its hauler. Commercial Businesses may want to implement the Remote  
916 Monitoring system to monitor their compliance with 14 CCR Section 18984.9. For  
917 Jurisdictions using a two- container system, delete Blue Container or Green  
918 Container as applicable from the first sentence.

919 (m) If a Commercial Business wants to self haul, meet the Self-Hauler requirements in  
920 Section 12 of this ordinance.

921 (n) Nothing in this Section prohibits a generator from preventing or reducing waste  
922 generation, managing Organic Waste on site, or using a Community Composting  
923 site pursuant to 14 CCR Section 18984.9(c).

924 (o) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food  
925 Generators shall comply with Food Recovery requirements, pursuant to Section 9.

926 **SECTION 7. REQUIREMENTS FOR COMMERCIAL BUSINESSES**  
927 **(PERFORMANCE-BASED COMPLIANCE APPROACH)**

928 Guidance: Jurisdictions using a Performance-Based Compliance Approach with a three-  
929 container collection service shall include this Section. Note that Commercial Business by  
930 the definition in the SB 1383 Regulations and the definition provided in this Model  
931 Ordinance includes Multi-Family Residential Dwellings of five (5) and more units. Under  
932 a Performance-Based Compliance Approach, businesses must be automatically enrolled  
933 in the Jurisdiction’s three-container Organic Waste collection service, as opposed to

934 requesting service. Auto enrollment means that Commercial generators will be  
935 subscribed to Organic Waste collection service as determined to be appropriate by the  
936 Jurisdiction. Such service provision will not be optional and shall be provided to all  
937 generators. Pursuant to 14 CCR Section 18998.1(a)(1), at least ninety percent (90%) of  
938 Commercial Businesses and ninety percent (90%) of the residential sector subject to a  
939 Jurisdiction's authority must be provided with three-container Organic Waste collection  
940 service for a Jurisdiction to use the Performance-Based Compliance Approach.

941 Pursuant to SB 1383 Regulations (14 CCR Section 18984.12), Jurisdictions that are  
942 eligible for, apply for, and receive low population, rural and/or high elevation waivers may  
943 exempt Commercial Businesses and owners (including Multi-Family) from some  
944 generator requirements as specified in the waiver applied for and granted by CalRecycle,  
945 provided that the Jurisdiction meets the ninety percent (90%) participation requirements  
946 in the areas not subject to the waiver(s). Those Jurisdictions receiving such waivers shall  
947 modify the following requirements, if needed, according to the specifics of the waiver  
948 granted.

949 While waivers for low-population areas and high-elevation areas waive some SB 1383  
950 regulatory requirements for generators and Jurisdictions, AB 341 and AB 1826  
951 requirements apply for Commercial Businesses that are covered by AB 341 and AB 1826  
952 and located in these areas. As a result, Jurisdictions with these waivers may need to this  
953 Section to require Commercial Businesses that are covered by AB 341 and AB 1826 and  
954 located in these areas to comply with AB 341 and AB 1826 requirements in alignment  
955 with the Jurisdiction's AB 341 Commercial recycling program and AB 1826 Organic Waste  
956 recycling programs.

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

958 (a) Except Commercial Businesses that meet the Self-Hauler requirements in Section  
959 12 of this ordinance, be automatically enrolled in the Jurisdiction's three-container  
960 Organic Waste collection services with a Source Separated Recyclable Materials  
961 service level of \_\_\_\_\_ (Jurisdiction to insert minimum required service level,  
962 which could be a specified number of gallons or cubic yards of weekly service, a  
963 level equal to the garbage service level, or other basis), and with a Source  
964 Separated Green Container Organic Waste service level of \_\_\_\_\_ (Jurisdiction  
965 to insert minimum required service level, which could be a specified number of  
966 gallons or cubic yards of weekly service, a level equal to the garbage service level,  
967 or other basis), approved by the \_\_\_\_\_ (Jurisdiction to insert solid waste  
968 manager, public works director or other authorized entity). Jurisdiction shall have  
969 the authority to change the minimum required service levels over time. The  
970 Commercial Business' Source Separated Recyclable Materials service level and  
971 Source Separated Green Container Organic Waste service level must be sufficient  
972 for the amount of Source Separated Recyclable Materials and Source Separated  
973 Green Container Organic Waste generated by the Commercial Business.  
974 Jurisdiction shall have the right to review the number, size, and location of a  
975 generator's containers and frequency of collection to evaluate adequacy of  
976 capacity provided for each type of collection service for proper separation of



977 materials and containment of materials; and, Commercial Business shall adjust its  
978 service level for its collection services as requested by the Jurisdiction.

979 Guidance: In subsection (a) above, auto enrollment means that Multi-Family and  
980 Commercial generators will be subscribed to Organic Waste collection service as  
981 determined to be appropriate by the Jurisdiction. Such service provision will not  
982 be optional and shall be provided to all generators. This will help the Jurisdiction  
983 meet the Performance-Based Compliance Approach requirement that such  
984 service shall be provided without requiring businesses or residents to request it  
985 prior to enrollment pursuant to 14 CCR Section 18998.1(a)(4).

986 (b) Except Commercial Businesses that meet the Self-Hauler requirements in Section  
987 12 of this ordinance, participate in and comply with the Jurisdiction's three-  
988 container (Blue Container, Green Container, and Gray Container) collection  
989 service by placing designated materials in designated containers as described  
990 below. Generator shall place Source Separated Green Container Organic Waste,  
991 including Food Waste, in the Green Container; Source Separated Recyclable  
992 Materials in the Blue Container; and Gray Container Waste in the Gray Container.  
993 Generators shall not place materials designated for the Gray Container into the  
994 Green Container or Blue Container.

995 (c) Supply and allow access to adequate number, size, and location of collection  
996 containers with sufficient labels or colors (conforming with Section 7(d)(1) and  
997 7(d)(2) below), for employees, contractors, tenants and customers, consistent with  
998 Jurisdiction's Blue Container, Green Container, and Gray Container collection  
999 service.

1000 (d) Excluding Multi-Family Residential Dwellings, provide containers for the collection  
1001 of Source Separated Green Container Organic Waste, and Source Separated  
1002 Recyclable Materials in all indoor and outdoor areas where disposal containers are  
1003 provided for customers, for materials generated by that business. Such containers  
1004 do not need to be provided in restrooms. If a Commercial Business does not  
1005 generate any of the materials that would be collected in one type of container, then  
1006 the business does not have to provide that particular container in all areas where  
1007 disposal containers are provided for customers. Pursuant to 14 CCR Section  
1008 18984.9(b), the containers provided by the business shall have either:

1009 (1) A body or lid that conforms with the container colors provided through the  
1010 collection service provided by Jurisdiction, with either lids conforming to the  
1011 color requirements or bodies conforming to the color requirements or both  
1012 lids and bodies conforming to color requirements. A Commercial Business  
1013 is not required to replace functional containers, including containers  
1014 purchased prior to January 1, 2022, that do not comply with the  
1015 requirements of the subsection prior to the end of the useful life of those  
1016 containers, or prior to January 1, 2036, whichever comes first.

- 1017 (2) Container labels that include language or graphic images or both indicating  
 1018 the primary material accepted and the primary materials prohibited in that  
 1019 container or containers with imprinted text or graphic images that indicate  
 1020 the primary materials accepted and primary materials prohibited in the  
 1021 container. Pursuant 14 CCR Section 18984.8, the container labels are  
 1022 required on new containers commencing January 1, 2022.
- 1023 (e) Excluding Multi-Family Residential Dwellings, prohibit employees from placing  
 1024 materials in a container not designated for those materials per the Jurisdiction's  
 1025 Organic Waste, Non-Organic Recyclables, and non-Organic Waste collection  
 1026 service to the extent practical through education, training, Inspection, and/or other  
 1027 measures.
- 1028 (f) Excluding Multi-Family Residential Dwellings, periodically inspect Blue Container,  
 1029 Green Container, and Gray Containers for contamination and inform employees if  
 1030 containers are contaminated and of the requirements to keep contaminants out of  
 1031 those containers pursuant to 14 CCR Section 18984.9(b)(3).
- 1032 Guidance: In subsection (g) above, Jurisdictions may wish to specify a frequency  
 1033 upon which business owners shall inspect containers for contamination such as  
 1034 quarterly, twice annually, or annually instead of periodically, but this specified  
 1035 frequency is not required by the SB 1383 Regulations.
- 1036 (g) Annually provide information to employees, contractors, tenants, and customers  
 1037 about Organic Waste Recovery requirements and about proper sorting of Source  
 1038 Separated Green Container Organic Waste and Source Separated Recyclable  
 1039 Materials.
- 1040 (h) Provide education information before or within fourteen (14) days of occupation of  
 1041 the premises to new tenants that describes requirements to keep Source  
 1042 Separated Green Container Organic Waste and Source Separated Recyclable  
 1043 Materials separate from Gray Container Waste (when applicable) and the location  
 1044 of containers and the rules governing their use at each property.
- 1045 (i) Provide or arrange access for Jurisdiction or its agent to their properties during all  
 1046 Inspections conducted in accordance with Section 16 of this ordinance to confirm  
 1047 compliance with the requirements of this Ordinance.
- 1048 (j) Accommodate and cooperate with Jurisdiction's Remote Monitoring program for  
 1049 Inspection of the contents of containers for Prohibited Container Contaminants,  
 1050 which may be implemented at a later date, to evaluate generator's compliance with  
 1051 Section 6(b). The Remote Monitoring program shall involve installation of Remote  
 1052 Monitoring equipment on or in the Blue Containers, Green Containers, and Gray  
 1053 Containers. Guidance: This subsection is an optional provision. It is not required  
 1054 by the SB 1383 Regulations. Jurisdictions may include this if they choose to use a  
 1055 Remote Monitoring system to monitor for Prohibited Container Contaminants to  
 1056 support their compliance with 14 CCR Section 18984.5, Container Contamination

1057 minimization requirements. Jurisdictions granting collection frequency waivers  
1058 may choose to require Remote Monitoring for generators granting such waivers.  
1059 For Jurisdictions using a two- container system, delete Blue Container or Green  
1060 Container as applicable from the first sentence. For Jurisdictions using a one-  
1061 container system, delete this subsection.

1062 (k) At Commercial Business' option and subject to any approval required from the  
1063 Jurisdiction, implement a Remote Monitoring program for Inspection of the  
1064 contents of its Blue Containers, Green Containers, and Gray Containers for the  
1065 purpose of monitoring the contents of containers to determine appropriate levels  
1066 of service and to identify Prohibited Container Contaminants. Generators may  
1067 install Remote Monitoring devices on or in the Blue Containers, Green Containers,  
1068 and Gray Containers subject to written notification to or approval by the Jurisdiction  
1069 or its Designee. Guidance: This subsection is an optional provision. It is not  
1070 required by the SB 1383 Regulations. It is provided to address scenarios in which  
1071 Commercial Businesses want to implement their own Remote Monitoring systems,  
1072 which involves installation of equipment on containers owned by the Jurisdiction  
1073 or its hauler. Commercial Businesses may want to implement the Remote  
1074 Monitoring system to monitor their compliance with 14 CCR Section 18984.9. For  
1075 Jurisdictions using a two- container system, delete Blue Container or Green  
1076 Container as applicable from the first sentence.

1077 (l) If a Commercial Business wants to self haul, meet the Self-Hauler requirements in  
1078 Section 12 of this ordinance.

1079 (m) Nothing in this Section prohibits a generator from preventing or reducing waste  
1080 generation, managing Organic Waste on site, or using a Community Composting  
1081 site pursuant to 14 CCR Section 18984.9(c).

1082 (n) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food  
1083 Generators shall comply with Food Recovery requirements, pursuant to Section 9.

## 1084 SECTION 8. WAIVERS FOR GENERATORS

1085 Guidance: Pursuant to 14 CCR Section 18984.11, the SB 1383 Regulations allow  
1086 Jurisdictions, at their option, to grant waivers to generators for physical space limitations,  
1087 de minimis volumes, and/or collection frequency waivers. These waivers are applicable  
1088 only to three-, three-plus, and two-container systems and are optional for Jurisdictions  
1089 using either the Standard Compliance Approach or the Performance-Based Compliance  
1090 Approach. This Section 8 of the Model Ordinance focuses on the requirements that must  
1091 be met by Organic Waste Generators or businesses applying to the Jurisdiction for  
1092 physical space, de minimis, and collection frequency waivers. Other waivers covered in  
1093 14 CCR Section 18984.12, including low population, rural, and high elevation can only be  
1094 applied for by the Jurisdiction to CalRecycle and are not covered herein.

1095 Jurisdictions using the Performance-Based Compliance Approach may issue waivers at  
1096 their discretion provided that the minimum ninety percent (90%) Commercial and ninety  
1097 percent (90%) residential collection program participation levels are met. Jurisdictions  
1098 using the Performance-Based Compliance Approach are not subject to the recordkeeping  
1099 requirements for documentation evidencing the need for such waivers to CalRecycle  
1100 pursuant to 14 CCR Section 18998.2(a)(7), as provided in this Section or the reporting  
1101 requirement on the number and type of waivers issued.

1102 Jurisdictions may choose to include one or more of the three options presented below (de  
1103 minimis, physical space, and collection frequency waivers), or any combination thereof,  
1104 if Jurisdiction chooses to allow such waivers. Jurisdictions that choose not to a specific  
1105 type of waiver shall omit provisions below applicable to that waiver.

1106 For Jurisdictions with low-population area and/or high-elevation area waivers, it is  
1107 important to recognize that the SB 1383 waivers are different than the waivers allowed  
1108 under AB 341 and AB 1826. As a result, Jurisdictions with low-population area and/or  
1109 high-elevation area waiver(s) that choose to offer waivers to Commercial Businesses that  
1110 are covered by AB 341 and/or AB 1826 and located in these areas may need to include  
1111 a separate section that describes the waivers for these generators.

1112 (a) De Minimis Waivers (Optional for Three-, Three-Plus, and Two-Container Systems  
1113 per 14 CCR Section 18984.11). Guidance: Pursuant to 14 CCR Section  
1114 18984.11(a)(1), the SB 1383 Regulations limit de minimis waivers to Commercial  
1115 Businesses as reflected in this language. A Jurisdiction may waive a Commercial  
1116 Business' obligation (including Multi-Family Residential Dwellings) to comply with  
1117 some or all of the Organic Waste requirements of this ordinance if the Commercial  
1118 Business provides documentation that the business generates below a certain  
1119 amount of Organic Waste material as described in Section 8(a)(2) below.  
1120 Commercial Businesses requesting a de minimis waiver shall:

1121 (1) Submit an application specifying the services that they are requesting a  
1122 waiver from and provide documentation as noted in Section 8(a)(2) below.

1123 (2) Provide documentation that either:

1124 (A) The Commercial Business' total Solid Waste collection service is two  
1125 cubic yards or more per week and Organic Waste subject to  
1126 collection in a Blue Container or Green Container comprises less  
1127 than 20 gallons per week per applicable container of the business'  
1128 total waste; or,

1129 (B) The Commercial Business' total Solid Waste collection service is less  
1130 than two cubic yards per week and Organic Waste subject to  
1131 collection in a Blue Container or Green Container comprises less  
1132 than 10 gallons per week per applicable container of the business'  
1133 total waste.

1134 (3) Notify Jurisdiction if circumstances change such that Commercial  
1135 Business's Organic Waste exceeds threshold required for waiver, in which  
1136 case waiver will be rescinded.

1137 (4) Provide written verification of eligibility for de minimis waiver every 5 years,  
1138 if Jurisdiction has approved de minimis waiver.

1139 (b) Physical Space Waivers (Optional for Three-, Three-Plus, and Two-Container  
1140 Systems) Guidance: Pursuant to 14 CCR Section 18984.11(a)(1), SB 1383  
1141 Regulations limit de minimis waivers to Commercial Businesses as reflected in this  
1142 language. Jurisdiction may waive a Commercial Business' or property owner's  
1143 obligations (including Multi-Family Residential Dwellings) to comply with some or  
1144 all of the recyclable materials and/or Organic Waste collection service  
1145 requirements if the Jurisdiction has evidence from its own staff, a hauler, licensed  
1146 architect, or licensed engineer demonstrating that the premises lacks adequate  
1147 space for the collection containers required for compliance with the Organic Waste  
1148 collection requirements of Section 6 or 7.

1149 A Commercial Business or property owner may request a physical space waiver  
1150 through the following process:

1151 (1) Submit an application form specifying the type(s) of collection services for  
1152 which they are requesting a compliance waiver.

1153 (2) Provide documentation that the premises lacks adequate space for Blue  
1154 Containers and/or Green Containers including documentation from its  
1155 hauler, licensed architect, or licensed engineer. Guidance: For Jurisdictions  
1156 using a two-container system, delete Blue Container or Green Container,  
1157 as applicable.

1158 (3) Provide written verification to Jurisdiction that it is still eligible for physical  
1159 space waiver every five years, if Jurisdiction has approved application for a  
1160 physical space waiver.

1161 (c) Collection Frequency Waiver (Optional for Three-, Three-Plus, and Two-Container  
1162 Systems) Guidance: Include Section 8(c) only if Jurisdiction offers waivers for less-  
1163 than-weekly Gray Container and/or Blue Container collection service (meeting the  
1164 requirements in 14 CCR Section 18984.11 3(A)1) to Single-Family or Commercial  
1165 Business owners or tenants subscribing to a two-, three-, or three-plus container  
1166 collection service. Jurisdiction to indicate below whether their collection service is  
1167 a two-, three-, or three-plus-container system, and specify whether these waivers  
1168 are available for the Blue Container, Gray Container, or both, as appropriate for  
1169 the collection system. Jurisdiction, at its discretion and in accordance with 14 CCR  
1170 Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises,  
1171 business establishment or industry that subscribes to the Jurisdiction's three-,  
1172 three-plus, or two-container Organic Waste collection service to arrange for the



1173 collection of their Blue Container, Gray Container, or both once every fourteen  
1174 days, rather than once per week.

1175 (d) Review and Approval of Waivers by Jurisdiction (Optional)

1176 Guidance: At its option, Jurisdictions may wish to include a provision that identifies  
1177 which staff person or department will be responsible for review and approval of  
1178 waivers. Note that Jurisdictions' authority to issue a waiver cannot be delegated to  
1179 a private entity pursuant to the SB 1383 Regulations (14 CCR Section  
1180 18984.11(c)).

1181 **SECTION 9. REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD**  
1182 **GENERATORS**

1183 (a) Tier One Commercial Edible Food Generators must comply with the requirements  
1184 of this Section 9 commencing January 1, 2022, and Tier Two Commercial Edible  
1185 Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR  
1186 Section 18991.3.

1187 (b) Large Venue or Large Event operators not providing food services, but allowing  
1188 for food to be provided by others, shall require Food Facilities operating at the  
1189 Large Venue or Large Event to comply with the requirements of this Section,  
1190 commencing January 1, 2024.

1191 (c) Commercial Edible Food Generators shall comply with the following requirements:

1192 (1) Arrange to recover the maximum amount of Edible Food that would  
1193 otherwise be disposed.

1194 (2) Contract with, or enter into a written agreement with Food Recovery  
1195 Organizations or Food Recovery Services for: (i) the collection of Edible  
1196 Food for Food Recovery; or, (ii) acceptance of the Edible Food that the  
1197 Commercial Edible Food Generator self-hauls to the Food Recovery  
1198 Organization for Food Recovery.

1199 (3) Shall not intentionally spoil Edible Food that is capable of being recovered  
1200 by a Food Recovery Organization or a Food Recovery Service.

1201 (4) Allow Jurisdiction's designated enforcement entity or designated third party  
1202 enforcement entity to access the premises and review records pursuant to  
1203 14 CCR Section 18991.4.

1204 (5) Keep records that include the following information, or as otherwise  
1205 specified in 14 CCR Section 18991.4:

- 1206 (A) A list of each Food Recovery Service or organization that collects or  
 1207 receives its Edible Food pursuant to a contract or written agreement  
 1208 established under 14 CCR Section 18991.3(b).
- 1209 (B) A copy of all contracts or written agreements established under 14  
 1210 CCR Section 18991.3(b).
- 1211 (C) A record of the following information for each of those Food Recovery  
 1212 Services or Food Recovery Organizations:
- 1213 (i) The name, address and contact information of the Food  
 1214 Recovery Service or Food Recovery Organization.
- 1215 (ii) The types of food that will be collected by or self-hauled to the  
 1216 Food Recovery Service or Food Recovery Organization.
- 1217 (iii) The established frequency that food will be collected or self-  
 1218 hauled.
- 1219 (iv) The quantity of food, measured in pounds recovered per  
 1220 month, collected or self-hauled to a Food Recovery Service or  
 1221 Food Recovery Organization for Food Recovery.
- 1222 (6) (Optional) No later than \_\_\_\_\_ of each year (Jurisdiction to insert date)  
 1223 commencing no later than \_\_\_\_\_ for Tier One Commercial Edible Food  
 1224 Generators and \_\_\_\_\_ for Tier Two Commercial Edible Food  
 1225 Generators (Jurisdiction to insert dates), provide an annual Food Recovery  
 1226 report to the Jurisdiction that includes the following information: \_\_\_\_\_.  
 1227 Guidance: While the SB 1383 Regulations do not require reporting by  
 1228 Commercial Edible Food Generators, Jurisdictions may want to consider  
 1229 adding this optional requirement that generators submit records of their  
 1230 contracts or written agreements and Food Recovery activities annually to  
 1231 monitor Commercial Edible Food Generator compliance and gather  
 1232 information for capacity planning purposes. While it is also not required,  
 1233 Jurisdictions may want to require reporting on the amount and type of Edible  
 1234 Food that was not accepted by Food Recovery Organizations or services  
 1235 for donation.
- 1236 (d) Nothing in this ordinance shall be construed to limit or conflict with the protections  
 1237 provided by the California Good Samaritan Food Donation Act of 2017, the Federal  
 1238 Good Samaritan Act, or share table and school food donation guidance pursuant  
 1239 to Senate Bill 557 of 2017 (approved by the Governor of the State of California on  
 1240 September 25, 2017, which added Article 13 [commencing with Section 49580] to  
 1241 Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend  
 1242 Section 114079 of the Health and Safety Code, relating to food safety, as  
 1243 amended, supplemented, superseded and replaced from time to time).



1244 **SECTION 10. REQUIREMENTS FOR FOOD RECOVERY**  
1245 **ORGANIZATIONS AND SERVICES, JURISDICTIONS, AND REGIONAL**  
1246 **AGENCIES**

1247 Guidance: The inclusion of “Jurisdictions and Regional Agencies” in the title of this  
1248 Section 10 is specific to County ordinances in reference to the Food Recovery capacity  
1249 planning requirements specified in subsection 10(e) below. Remove this part of the title if  
1250 Jurisdiction is not drafting a County ordinance, or modify the title to remove “Regional  
1251 Agencies” if no such agencies operate within the County.

1252 (a) Food Recovery Services collecting or receiving Edible Food directly from  
1253 Commercial Edible Food Generators, via a contract or written agreement  
1254 established under 14 CCR Section 18991.3(b), shall maintain the following  
1255 records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

1256 (1) The name, address, and contact information for each Commercial Edible  
1257 Food Generator from which the service collects Edible Food.

1258 (2) The quantity in pounds of Edible Food collected from each Commercial  
1259 Edible Food Generator per month.

1260 (3) The quantity in pounds of Edible Food transported to each Food Recovery  
1261 Organization per month.

1262 (4) The name, address, and contact information for each Food Recovery  
1263 Organization that the Food Recovery Service transports Edible Food to for  
1264 Food Recovery.

1265 (b) Food Recovery Organizations collecting or receiving Edible Food directly from  
1266 Commercial Edible Food Generators, via a contract or written agreement  
1267 established under 14 CCR Section 18991.3(b), shall maintain the following  
1268 records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

1269 (1) The name, address, and contact information for each Commercial Edible  
1270 Food Generator from which the organization receives Edible Food.

1271 (2) The quantity in pounds of Edible Food received from each Commercial  
1272 Edible Food Generator per month.

1273 (3) The name, address, and contact information for each Food Recovery  
1274 Service that the organization receives Edible Food from for Food Recovery.

1275 (c) (Optional provision) Food Recovery Organizations and Food Recovery Services  
1276 shall inform generators about California and Federal Good Samaritan Food  
1277 Donation Act protection in written communications, such as in their contract or  
1278 agreement established under 14 CCR Section 18991.3(b). Guidance: This Section  
1279 10(c) provides information about Good Samaritan protections. This is not required

1280 by SB 1383 Regulations, but the California Good Samaritan Food Act requires  
1281 Environmental Health Department inspectors to promote Food Recovery and  
1282 educate local businesses and organizations about liability protections for  
1283 businesses donating food. Inclusion of this language will expand education  
1284 requirements for Food Recovery beyond that required by SB 1383 Regulations.

1285 (d) Food Recovery Organizations and Food Recovery Services that have their primary  
1286 address physically located in the Jurisdiction and contract with or have written  
1287 agreements with one or more Commercial Edible Food Generators pursuant to 14  
1288 CCR Section 18991.3(b) shall report to the Jurisdiction it is located in the total  
1289 pounds of Edible Food recovered in the previous calendar year from the Tier One  
1290 and Tier Two Commercial Edible Food Generators they have established a  
1291 contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later  
1292 than \_\_\_\_\_ (Jurisdiction to insert date). Guidance: This Section 10(d) is included  
1293 to capture the reporting requirements specified in 14 CCR Section  
1294 18994.2(h)(2)(A), which only requires reporting by Food Recovery Organizations  
1295 and Food Recovery Services on the total pounds of Edible Food recovered from  
1296 Commercial Edible Food Generators annually. Jurisdictions may choose to  
1297 expand these reporting requirements to capture additional information to support  
1298 their capacity planning efforts and for other purposes. For example, while SB 1383  
1299 Regulations do not require reporting on amount and type of Edible Food not  
1300 accepted by Food Recovery Organizations and Food Recovery Services,  
1301 Jurisdictions may want to consider adding such a requirement.

1302 (e) Food Recovery Capacity Planning

1303 (1) Food Recovery Services and Food Recovery Organizations. In order to  
1304 support Edible Food Recovery capacity planning assessments or other  
1305 studies conducted by the County, City, special district that provides solid  
1306 waste collection services, or its designated entity, Food Recovery Services  
1307 and Food Recovery Organizations operating in the Jurisdiction shall provide  
1308 information and consultation to the Jurisdiction, upon request, regarding  
1309 existing, or proposed new or expanded, Food Recovery capacity that could  
1310 be accessed by the Jurisdiction and its Commercial Edible Food  
1311 Generators. A Food Recovery Service or Food Recovery Organization  
1312 contacted by the Jurisdiction shall respond to such request for information  
1313 within 60 days, unless a shorter timeframe is otherwise specified by the  
1314 Jurisdiction. Guidance: SB 1383 Regulations (14 CCR Section 18992.2)  
1315 require that counties conduct Edible Food Recovery capacity planning, in  
1316 coordination with Jurisdictions and Regional Agencies, and consult with  
1317 Food Recovery Organizations and services regarding existing, or proposed  
1318 new and expanded, capacity that could be accessed by the Jurisdiction and  
1319 its Commercial Edible Food Generators. Entities contacted by a Jurisdiction  
1320 shall respond within 60 days regarding available and potential new or  
1321 expanded capacity, pursuant to 14 CCR Section 18992.2(b), or another  
1322 timeframe could be inserted within the ordinance that is less than 60 days,  
1323 but this is not required.

1324 (2) Jurisdictions and Regional Agencies. (Provision for County ordinances)  
 1325 Guidance: SB 1383 Regulations require that counties conduct Food  
 1326 Recovery capacity planning in coordination with cities, special districts that  
 1327 provide solid waste collection services, and Regional Agencies within the  
 1328 county. Jurisdictions that are not counties may remove this subsection (e),  
 1329 as their ordinances would not regulate other Jurisdictions or regional  
 1330 agencies; however, cities and special districts that provide solid waste  
 1331 collection services, and regional agencies should be aware of their  
 1332 requirement to conduct capacity planning in coordination with the County.  
 1333 Cities, special districts that provide solid waste collection services, and  
 1334 regional agencies located within the county shall conduct Edible Food  
 1335 Recovery capacity planning, in coordination with the county.

1336 (A) If the county identifies that new or expanded capacity to recover  
 1337 Edible Food is needed, then each Jurisdiction within the county that  
 1338 lacks capacity shall:

1339 (i) Submit an implementation schedule to CalRecycle and the  
 1340 county that demonstrates how it will ensure there is enough  
 1341 new or expanded capacity to recover the Edible Food  
 1342 currently disposed by Commercial Edible Food Generators  
 1343 within its Jurisdiction by the end of the reporting period set  
 1344 forth in 14 CCR Section 18992.3. The implementation  
 1345 schedule shall include the information specified in 14 CCR  
 1346 Section 18992.2(c)(1)(A).

1347 (ii) Consult with Food Recovery Organizations and Food  
 1348 Recovery Services regarding existing, or proposed new and  
 1349 expanded capacity that could be accessed by the Jurisdiction  
 1350 and its Commercial Edible Food Generators.

1351 (B) If the county finds that new or expanded capacity is needed, the  
 1352 county shall notify the Jurisdiction(s) that lack sufficient capacity.

1353 (C) A City, Special District that provides solid waste collection services,  
 1354 or Regional Agency contacted by the county pursuant to this Section  
 1355 shall respond to the county's request for information within 120 days  
 1356 of receiving the request from the county, unless a shorter timeframe  
 1357 is otherwise specified by the county.

1358 Guidance: If a City, Special District that provides solid waste  
 1359 collection services, or Regional Agency fails to provide the  
 1360 necessary information within 120 days, the county is not required to  
 1361 include estimates for that Jurisdiction in its capacity plan in the report  
 1362 it submits pursuant to 14 CCR Section 18992.3.

1363 **SECTION 11. REQUIREMENTS FOR HAULERS AND FACILITY**  
1364 **OPERATORS**

1365 (a) Requirements for Haulers (Standard Compliance Approach; Optional for  
1366 Performance-Based Compliance Approach)

1367 Guidance: Jurisdictions using the Standard Compliance Approach are required to  
1368 adopt an ordinance or other enforceable mechanism for hauler regulation  
1369 requirements specified in 14 CCR, Division 7, Chapter 12, Article 7. This Section  
1370 11(a) of the Model Ordinance provides language to document the hauler  
1371 regulations. Jurisdictions that are exempt from the Organic Waste collection  
1372 requirements pursuant to rural, low-population, or high-elevation waivers granted  
1373 by CalRecycle pursuant to 14 CCR Section 18984.12, and haulers and Self-  
1374 Haulers operating or located within exempt areas of those Jurisdictions, are not  
1375 required to comply with the SB 1383 Regulations for the duration of an exemption  
1376 issued pursuant to 14 CCR Section 18984.12. As a result, these Jurisdictions may  
1377 omit this Section 11(a).

1378 Jurisdictions adopting the Performance-Based Compliance Approach are not  
1379 required to impose these requirements on haulers, and do not need to include  
1380 Section 11(a). However, pursuant to SB 1383 Regulations (14 CCR Section  
1381 18998.1(d)(2)) these Jurisdictions must require haulers to keep a record of the  
1382 documentation of its approval as a hauler by the Jurisdiction. These Jurisdictions  
1383 may, however, choose to adopt some of these other requirements as well to  
1384 support their compliance with the requirements of the Performance-Based  
1385 Compliance Approach collection service requirements.

1386 This Section and this Model address specific regulatory requirements that  
1387 Jurisdictions must enforce on haulers and other entities as specified in 14 CCR,  
1388 Division 7, Chapter 12, Article 7. There are other requirements in the SB 1383  
1389 Regulations on the Jurisdiction that the Jurisdiction may delegate to a hauler to  
1390 comply with on their behalf such as Container Contamination requirements,  
1391 outreach and education requirements, container color requirements, and container  
1392 labeling requirements. Some of these requirements are more appropriately  
1393 addressed in franchise agreements, hauler permits, or licensing systems.

1394 Jurisdiction shall place requirements on one or more of the following types of  
1395 haulers depending upon which type(s) of hauler regulation system(s) are allowed  
1396 in the Jurisdiction:

1397 Option 1: Exclusive franchised hauler

1398 Option 2: Non-exclusive franchised haulers

1399 Option 3: Permitted haulers

1400 Option 4: Licensed haulers

- 1401 Option 5: Include a combination of Options 1 through 4 as appropriate
- 1402 (1) \_\_\_\_\_ (Jurisdiction to insert type(s) of hauler(s) from list  
 1403 above) providing residential, Commercial, or industrial Organic Waste  
 1404 collection services to generators within the Jurisdiction’s boundaries shall  
 1405 meet the following requirements and standards as a condition of approval  
 1406 of a contract, agreement, or other authorization with the Jurisdiction to  
 1407 collect Organic Waste:
- 1408 (A) Through written notice to the Jurisdiction annually on or before \_\_\_\_\_  
 1409 (Jurisdiction to insert date), identify the facilities to which they will  
 1410 transport Organic Waste including facilities for Source Separated  
 1411 Recyclable Materials, Source Separated Green Container Organic  
 1412 Waste, and Mixed Waste. Guidance: For Jurisdictions with three-  
 1413 and three-plus container systems that do not allow Organic Waste,  
 1414 such as Food Waste to be collected in the Gray Container, delete  
 1415 Mixed Waste. For Jurisdictions with two-container systems, delete  
 1416 Source Separated Recyclable Materials or Source Separated Green  
 1417 Container Organic Waste as applicable.
- 1418 (B) Transport Source Separated Recyclable Materials, Source  
 1419 Separated Green Container Organic Waste, and Mixed Waste to a  
 1420 facility, operation, activity, or property that recovers Organic Waste  
 1421 as defined in 14 CCR, Division 7, Chapter 12, Article 2. Guidance:  
 1422 For Jurisdictions with three- and three-plus container systems that  
 1423 prohibit Organic Waste, such as Food Waste to be collected in the  
 1424 Gray Container, delete Mixed Waste. For Jurisdictions with two-  
 1425 container systems, delete Source Separated Recyclable Materials or  
 1426 Source Separated Green Container Organic Waste as applicable.
- 1427 (C) Obtain approval from the Jurisdiction to haul Organic Waste, unless  
 1428 it is transporting Source Separated Organic Waste to a Community  
 1429 Composting site or lawfully transporting C&D in a manner that  
 1430 complies with 14 CCR Section 18989.1, Section 13 of this ordinance,  
 1431 and Jurisdiction’s C&D ordinance.
- 1432 (2) \_\_\_\_\_ (Jurisdiction to insert type(s) of hauler(s) from list  
 1433 above) authorization to collect Organic Waste shall comply with education,  
 1434 equipment, signage, container labeling, container color, contamination  
 1435 monitoring, reporting, and other requirements contained within its franchise  
 1436 agreement, permit, license, or other agreement entered into with  
 1437 Jurisdiction. Guidance: This Section 11(a)(2) is not a requirement of SB  
 1438 1383 Regulations, but Jurisdictions may want to include it as a cross-  
 1439 reference to other documents that contain hauler requirements.
- 1440 (b) Requirements for Facility Operators and Community Composting Operations



- 1441 (1) Owners of facilities, operations, and activities that recover Organic Waste,  
 1442 including, but not limited to, Compost facilities, in-vessel digestion facilities,  
 1443 and publicly-owned treatment works shall, upon Jurisdiction request,  
 1444 provide information regarding available and potential new or expanded  
 1445 capacity at their facilities, operations, and activities, including information  
 1446 about throughput and permitted capacity necessary for planning purposes.  
 1447 Entities contacted by the Jurisdiction shall respond within 60 days.  
 1448 Guidance: The SB 1383 Regulations include specific requirements for  
 1449 processing and facility standards. CalRecycle’s Model Franchise  
 1450 Agreement Tool includes more specific detail on those operative  
 1451 requirements for facilities. In addition to the capacity planning requirements,  
 1452 Jurisdictions may consider including a reference here to a franchise  
 1453 agreement, facility agreement, different section of the Jurisdiction’s  
 1454 municipal/county code, or other relevant document(s) where facility  
 1455 standards are specified.
- 1456 (2) Community Composting operators, upon Jurisdiction request, shall provide  
 1457 information to the Jurisdiction to support Organic Waste capacity planning,  
 1458 including, but not limited to, an estimate of the amount of Organic Waste  
 1459 anticipated to be handled at the Community Composting operation. Entities  
 1460 contacted by the Jurisdiction shall respond within 60 days.

1461 **SECTION 12. SELF-HAULER REQUIREMENTS**

1462 Guidance: The SB 1383 Regulations (14 CCR Division 7, Chapter 12, Article 7) specify  
 1463 requirements for Self-Haulers (which includes back-haulers per the Self-Hauler definition  
 1464 of the SB 1383 Regulations). Jurisdictions that allow for self-hauling and are using either  
 1465 the Standard Compliance Approach or Performance-Based Compliance Approach are  
 1466 required to adopt an ordinance or other enforceable mechanism for Self-Hauler regulation  
 1467 requirements. This Section 12 of the Model Ordinance provides language to document  
 1468 the Self-Hauler regulations. If Jurisdictions do not allow self-hauling, this Section 12 may  
 1469 be deleted.

1470 Jurisdictions that are exempt from the Organic Waste collection requirements pursuant  
 1471 to rural, low-population, or high-elevation waivers granted by CalRecycle pursuant to SB  
 1472 1383 Regulations (14 CCR Section 18984.12), and haulers and Self-Haulers operating  
 1473 or located within exempt areas of those Jurisdictions, are not required to comply with the  
 1474 SB 1383 Regulations for the duration of an exemption issued pursuant to 14 CCR Section  
 1475 18984.12. As a result, these Jurisdictions may omit this Section 12.

- 1476 (a) Self-Haulers shall source separate all recyclable materials and Organic Waste  
 1477 (materials that Jurisdiction otherwise requires generators to separate for collection  
 1478 in the Jurisdiction’s organics and recycling collection program) generated on-site  
 1479 from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and  
 1480 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste  
 1481 Processing Facility as specified in 14 CCR Section 18984.3.

1482 (b) Self-Haulers shall haul their Source Separated Recyclable Materials to a facility  
1483 that recovers those materials; and haul their Source Separated Green Container  
1484 Organic Waste to a Solid Waste facility, operation, activity, or property that  
1485 processes or recovers Source Separated Organic Waste. Alternatively, Self-  
1486 Haulers may haul Organic Waste to a High Diversion Organic Waste Processing  
1487 Facility.

1488 (c) Self-Haulers that are Commercial Businesses (including Multi-Family Residential  
1489 Dwellings) shall keep a record of the amount of Organic Waste delivered to each  
1490 Solid Waste facility, operation, activity, or property that processes or recovers  
1491 Organic Waste; this record shall be subject to Inspection by the Jurisdiction. The  
1492 records shall include the following information:

1493 (1) Delivery receipts and weight tickets from the entity accepting the waste.

1494 (2) The amount of material in cubic yards or tons transported by the generator  
1495 to each entity.

1496 (3) If the material is transported to an entity that does not have scales on-site,  
1497 or employs scales incapable of weighing the Self-Hauler's vehicle in a  
1498 manner that allows it to determine the weight of materials received, the Self-  
1499 Hauler is not required to record the weight of material but shall keep a record  
1500 of the entities that received the Organic Waste.

1501 (d) (Optional) Self-Haulers that are Commercial Businesses (including Multi-Family  
1502 Self-Haulers) shall provide information collected in Section 12(c) to Jurisdiction if  
1503 requested. Guidance: Self-Hauler reporting is not required by the SB 1383  
1504 Regulations. If a Jurisdiction includes this subsection, Jurisdiction may want to  
1505 identify who the information should be provided to and on what dates, either in this  
1506 subsection or in other online or other communications to Self-Haulers. Jurisdiction  
1507 may also want to include a provision specifying that Self-Haulers need to register  
1508 with the Jurisdiction, if such a system is available or desired, in order to more  
1509 consistently track this information.

1510 (e) A residential Organic Waste Generator that self hauls Organic Waste is not  
1511 required to record or report information in Section 12(c) and (d).

1512 **SECTION 13. COMPLIANCE WITH CALGREEN RECYCLING**  
1513 **REQUIREMENTS**

1514 Guidance: SB 1383 Regulations (14 CCR Section 18989.1) require that a Jurisdiction,  
1515 which is a city, county, or a city and county, adopt an ordinance or other enforceable  
1516 requirement that requires compliance with C&D recycling requirements for Organic Waste  
1517 commingled with C&D and for provision of adequate space for recycling for Multi-Family  
1518 and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of  
1519 the California Green Building Standards Code, 24 CCR, Part 11 as amended July 1, 2019



1520 and effective January 1, 2020 (“CALGreen SB 1383 Baseline Requirements”). This  
1521 Section 13 provides example language that is structured to fulfill this requirement related  
1522 narrowly on the CALGreen SB 1383 Baseline Requirements. Pursuant to SB 1383  
1523 Regulations (14 CCR Section 18989.1(b)), a Jurisdiction that is not a city, county, or city  
1524 and county, is not required to include these CALGreen requirements and may delete this  
1525 Section 13.

1526 SB 1383 Regulations (14 CCR Section 18989.1) cite specific date of effectiveness for  
1527 CALGreen of January 1, 2020. Jurisdictions’ ordinances need to meet or exceed these  
1528 CALGreen SB 1383 Baseline Requirements. If Jurisdictions have the ability to adopt an  
1529 ordinance that allows for an “auto” update of the Jurisdiction’s ordinance as the  
1530 CALGreen requirements change, that approach is allowable. If the “auto” update results  
1531 in changes in CALGreen with standards that are less than those in the CALGreen SB  
1532 1383 Baseline Requirements, then the Jurisdiction will need to maintain the standards in  
1533 the CALGreen SB 1383 Baseline Requirements.

1534 Jurisdictions with an ordinance or similarly enforceable mechanism requiring compliance  
1535 with CALGreen can omit this Section. Jurisdictions should note that while these  
1536 CALGreen provisions are included in this Model Ordinance, a Jurisdiction may determine  
1537 it is more appropriate to include these CALGreen requirements in a separate ordinance  
1538 or in a different, more relevant municipal code section (e.g., building or planning code).  
1539 Also note that Jurisdictions are not required to address the CALGreen requirements  
1540 through an ordinance if they prefer to use another type of enforceable mechanism. In  
1541 such case, Jurisdictions should delete this Section.

1542 If Jurisdictions do not have a separate C&D ordinance or municipal code that address  
1543 other C&D related policies, Jurisdictions may want to expand this Section to address  
1544 collection, recycling, diversion, tracking, and/or reporting of C&D.

1545 (a) Persons applying for a permit from the Jurisdiction for new construction and  
1546 building additions and alternations shall comply with the requirements of this  
1547 Section and all required components of the California Green Building Standards  
1548 Code, 24 CCR, Part 11, known as CALGreen, as amended, if its project is covered  
1549 by the scope of CALGreen or more stringent requirements of the Jurisdiction. If the  
1550 requirements of CALGreen are more stringent then the requirements of this  
1551 Section, the CALGreen requirements shall apply.

1552 Project applicants shall refer to Jurisdiction’s building and/or planning code for  
1553 complete CALGreen requirements.

1554 (b) For projects covered by CALGreen or more stringent requirements of the  
1555 Jurisdiction, the applicants must, as a condition of the Jurisdiction’s permit  
1556 approval, comply with the following:

1557 (1) Where five (5) or more Multi-Family dwelling units are constructed on a  
1558 building site, provide readily accessible areas that serve occupants of all  
1559 buildings on the site and are identified for the storage and collection of Blue

1560 Container and Green Container materials, consistent with the three-, three-  
1561 plus, or two-container collection program offered by the Jurisdiction, or  
1562 comply with provision of adequate space for recycling for Multi-Family and  
1563 Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and  
1564 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11  
1565 as amended provided amended requirements are more stringent than the  
1566 CALGreen requirements for adequate recycling space effective January 1,  
1567 2020. Guidance: Include only for three- and two-container systems. For a  
1568 two-container system, delete reference to Blue Container or Green  
1569 Container as appropriate. Note that the last portion of the requirement  
1570 beginning with "...or comply with provisions of adequate space..." is  
1571 intended to create an "auto-update" of the ordinance when CALGreen  
1572 changes over time. Jurisdictions may choose to eliminate this provision at  
1573 their option, if they prefer to update their ordinance each time CALGreen  
1574 changes.

1575 (2) New Commercial construction or additions resulting in more than 30% of  
1576 the floor area shall provide readily accessible areas identified for the storage  
1577 and collection of Blue Container and Green Container materials, consistent  
1578 with the three-, three-plus, or two-container collection program offered by  
1579 the Jurisdiction, or shall comply with provision of adequate space for  
1580 recycling for Multi-Family and Commercial premises pursuant to Sections  
1581 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building  
1582 Standards Code, 24 CCR, Part 11 as amended provided amended  
1583 requirements are more stringent than the CALGreen requirements for  
1584 adequate recycling space effective January 1, 2020. Guidance: Include only  
1585 for three-, three-plus, and two-container systems. For a two-container  
1586 system, delete reference to Blue Container or Green Container as  
1587 appropriate. Note that the last portion of the requirement beginning with  
1588 "...or comply with provisions of adequate space..." is intended to create an  
1589 "auto-update" of the ordinance when CALGreen changes over time.  
1590 Jurisdictions may choose to eliminate this provision at their option, if they  
1591 prefer to update their ordinance each time CALGreen changes.

1592 (3) Comply with CALGreen requirements and applicable law related to  
1593 management of C&D, including diversion of Organic Waste in C&D from  
1594 disposal. Comply with Jurisdiction's C&D ordinance, Section \_\_\_ of  
1595 Jurisdiction's municipal code, and all written and published Jurisdiction  
1596 policies and/or administrative guidelines regarding the collection, recycling,  
1597 diversion, tracking, and/or reporting of C&D. Guidance: Jurisdictions with a  
1598 C&D ordinance may choose to add a link to their ordinance in this  
1599 subsection.\*

1600 **SECTION 14. MODEL WATER EFFICIENT LANDSCAPING**  
1601 **ORDINANCE REQUIREMENTS**

1602 Guidance: SB 1383 Regulations (14 CCR Section 18989.2) require that a [Jurisdiction](#),  
1603 [which is a city, county, or a City and county](#), adopt an ordinance or other enforceable  
1604 [requirement that requires compliance with Sections 492.6\(a\)\(3\)\(B\) \(C\), \(D\), and \(G\) of the](#)  
1605 [MWELO as amended September 15, 2015 \(“MWELO SB 1383 Baseline](#)  
1606 [Requirements”\)](#). This Section 14 provides example language that is structured to fulfill  
1607 this requirement related narrowly on the MWELO SB 1383 Baseline Requirements. As a  
1608 result, the Model does not broadly address all requirements of MWELO. Pursuant to SB  
1609 1383 Regulations (14 CCR Section 18989.2(b)), a Jurisdiction that is not a city, county,  
1610 or city and county, is not required to include these MWELO requirements and may delete  
1611 this Section 14.

1612 SB 1383 Regulations (14 CCR Section 18989.2) cite a specific date of effectiveness for  
1613 MWELO of September 15, 2015. Jurisdictions’ ordinances need to meet or exceed these  
1614 MWELO SB 1393 Baseline Requirements. If a Jurisdiction has the ability to adopt an  
1615 ordinance that allows for an “auto” update of the Jurisdiction’s ordinance as the MWELO  
1616 requirements change, that approach is allowable. If the “auto” update results in changes  
1617 in MWELO with standards that are less than those in the MWELO SB 1383 Baseline  
1618 Requirements, then the Jurisdiction will need to maintain the standards in the MWELO  
1619 SB 1383 Baseline Requirements.

1620 Jurisdictions that have an existing MWELO ordinance or other enforceable mechanism  
1621 that covers the MWELO SB 1383 Baseline Requirements may omit this provision.  
1622 Jurisdictions should note that while these MWELO provisions are included in this Model  
1623 Ordinance, a Jurisdiction may determine it is more appropriate to include these MWELO  
1624 requirements in a separate ordinance or in a different, more relevant municipal code  
1625 section (e.g., building or planning code). Also note that Jurisdictions are not required to  
1626 address the MWELO requirements through an ordinance if they prefer to use another  
1627 type of enforceable mechanism. In such case, Jurisdictions should delete this Section.

1628 (a) Property owners or their building or landscape designers, including anyone  
1629 requiring a building or planning permit, plan check, or landscape design review  
1630 from the Jurisdiction, who are constructing a new (Single-Family, Multi-Family,  
1631 public, institutional, or Commercial) project with a landscape area greater than 500  
1632 square feet, or rehabilitating an existing landscape with a total landscape area  
1633 greater than 2,500 square feet, shall comply with [Sections 492.6\(a\)\(3\)\(B\) \(C\), \(D\),](#)  
1634 [and \(G\) of the MWELO](#), including sections related to use of Compost and mulch  
1635 as delineated in this Section 14.

1636 (b) The following Compost and mulch use requirements that are part of the MWELO  
1637 are now also included as requirements of this ordinance. Other requirements of  
1638 the MWELO are in effect and can be found in 23 CCR, Division 2, Chapter 2.7.  
1639 Guidance: In the preceding sentence, Jurisdictions can insert link to its own WELO  
1640 if the provisions are equal to or greater in stringency than Sections 492.6(a)(3)(B)

1641 (C), (D), and (G) of the September 15, 2015 MWELo, but proof of these  
1642 requirements will need to be submitted to CalRecycle.

1643 (c) Property owners or their building or landscape designers that meet the threshold  
1644 for MWELo compliance outlined in Section 14(a) above shall:

1645 (1) Comply with Sections 492.6 (a)(3)(B)(C),(D) and (G) of the MWELo, which  
1646 requires the submittal of a landscape design plan with a soil preparation,  
1647 mulch, and amendments section to include the following:

1648 (A) For landscape installations, Compost at a rate of a minimum of four  
1649 cubic yards per 1,000 square feet of permeable area shall be  
1650 incorporated to a depth of six (6) inches into the soil. Soils with  
1651 greater than six percent (6%) organic matter in the top six (6) inches  
1652 of soil are exempt from adding Compost and tilling.

1653 (B) For landscape installations, a minimum three- (3-) inch layer of mulch  
1654 shall be applied on all exposed soil surfaces of planting areas except  
1655 in turf areas, creeping or rooting groundcovers, or direct seeding  
1656 applications where mulch is contraindicated. To provide habitat for  
1657 beneficial insects and other wildlife up to five percent (5%) of the  
1658 landscape area may be left without mulch. Designated insect habitat  
1659 must be included in the landscape design plan as such.

1660 (C) Organic mulch materials made from recycled or post-consumer  
1661 materials shall take precedence over inorganic materials or virgin  
1662 forest products unless the recycled post-consumer organic products  
1663 are not locally available. Organic mulches are not required where  
1664 prohibited by local fuel modification plan guidelines or other  
1665 applicable local ordinances.

1666 (2) The MWELo compliance items listed in this Section are not an inclusive list  
1667 of MWELo requirements; therefore, property owners or their building or  
1668 landscape designers that meet the threshold for MWELo compliance  
1669 outlined in Section 14(a) shall consult the full MWELo for all requirements.

1670 (d) If, after the adoption of this ordinance, the California Department of Water  
1671 Resources, or its successor agency, amends 23 CCR, Division 2, Chapter 2.7,  
1672 [Sections 492.6\(a\)\(3\)\(B\) \(C\), \(D\), and \(G\) of the MWELo September 15, 2015](#)  
1673 [requirements](#) in a manner that requires Jurisdictions to incorporate the  
1674 requirements of an updated MWELo in a local ordinance, and the amended  
1675 requirements include provisions more stringent than those required in this Section,  
1676 the revised requirements of 23 CCR, Division 2, Chapter 2.7 shall be enforced.



1677 **SECTION 15. PROCUREMENT REQUIREMENTS FOR JURISDICTION**  
1678 **DEPARTMENTS, DIRECT SERVICE PROVIDERS, AND VENDORS**

1679 Guidance: This Section 15 of the Model Ordinance includes example procurement  
1680 requirements to address the Recovered Organic Waste Product and Recycled-Content  
1681 Paper procurement requirements pursuant to SB 1383 Regulations (14 CCR, Division 7,  
1682 Chapter 12, Article 12). The first Section 15(a) provides a simple statement of  
1683 requirements for Jurisdiction’s departments to comply with the Jurisdiction’s purchasing  
1684 policy, which is anticipated to be adopted or amended to address the procurement  
1685 requirements in SB 1383 Regulations. The second Section 15(b) specifies Recycled-  
1686 Content Paper requirements for vendors. Jurisdictions should note that while these  
1687 provisions are included in this Model Ordinance, a Jurisdiction may determine it is more  
1688 appropriate to include these procurement requirements in a separate ordinance or in a  
1689 different, more relevant municipal code section. Jurisdictions may also choose not to  
1690 include the requirements in an ordinance, and instead use another type of enforceable  
1691 mechanism to document the requirements.

1692 This Model anticipates that Recovered Organic Waste Product and Recycled-Content  
1693 Paper procurement requirements of the SB 1383 Regulations (14 CCR, Division 7,  
1694 Chapter 12, Article 12) will be described fully in a separate procurement policy(ies)  
1695 developed by Jurisdictions. The separate procurement policy(ies) is(are) anticipated to  
1696 contain additional requirements that the Jurisdiction will place on its departments,  
1697 purchasers, and others for procuring Compost, mulch, Renewable Gas, electricity from  
1698 biomass, and Recycled-Content Paper products and Printing and Writing Paper and  
1699 Recovered Organic Waste Products. Jurisdiction shall adopt a separate procurement  
1700 policy(ies) by an action of its governing body. Requiring compliance with that policy(ies)  
1701 through an ordinance is one way to ensure the provisions are enforceable, which is  
1702 required for certain procurement provisions. For example, in order for **mulch** to qualify as  
1703 **a Recovered Organic Waste Product that the Jurisdiction may procure to comply with SB**  
1704 **1383 Regulations (14 CCR Division 7, Chapter 12, Article 12), the Jurisdiction must have**  
1705 **an enforceable ordinance, or similarly enforceable mechanism, that requires the mulch to**  
1706 **meet certain standards**, pursuant to 14 CCR Section 18993.1(f)(4). Note that CalRecycle  
1707 developed a separate Model Procurement Policy as a tool for Jurisdictions. Refer to the  
1708 Additional CalRecycle Resources section in the Guidance section of this Model for a link  
1709 to the Model Procurement Policy.

1710 (a) Jurisdiction departments, and direct service providers to the Jurisdiction, as  
1711 applicable, must comply with the Jurisdiction’s Recovered Organic Waste Product  
1712 procurement policy adopted on \_\_\_\_\_ and Recycled-Content Paper  
1713 procurement policy adopted on \_\_\_\_\_ (Jurisdiction to amend the title(s) of the  
1714 “procurement policy(ies)” to reflect their title and insert date in the blank).  
1715 Guidance: In this Model Ordinance, it is anticipated that Jurisdictions will adopt a  
1716 Recovered Organic Waste Product procurement policy and Recycled-Content  
1717 Paper procurement policy (or amend existing one(s)) to incorporate procurement  
1718 requirements required by SB 1383 Regulations (14 CCR, Division 7, Chapter 12,  
1719 Article 12). The purpose of this statement is to identify the requirement for all

1720 Jurisdiction's departments and direct service providers, if applicable, to comply  
1721 with the policy(ies) and ensure the policy(ies) is(are) enforceable.

1722 (b) All vendors providing Paper Products and Printing and Writing Paper shall:

1723 Guidance: This Section 15(b) presents Recycled-Content Paper requirements for  
1724 Jurisdiction's vendors to support Jurisdiction's compliance with SB 1383  
1725 Regulations (14 CCR Section 18993.3). Jurisdiction may choose to use less  
1726 specific language here and instead require vendors supplying Paper Products and  
1727 Printing and Writing Paper to comply with the Jurisdiction's procurement policy, if  
1728 such policy is adopted prior to or at the same time as this ordinance. If Jurisdiction  
1729 already has a procurement policy, it may need to be updated to address the  
1730 Recycled-Content Paper procurement requirements and to address Recovered  
1731 Organic Waste Product procurement.

1732 Section 22150 of the Public Contracts Code requires local governments to  
1733 purchase recycled products instead of non-recycled products whenever recycled  
1734 products are available at the same or a lesser total cost than non-recycled items,  
1735 if fitness and quality are equal. Under SB 1383 Regulations (14 CCR Section  
1736 18993.3), Jurisdictions are not prohibited from either using a price preference  
1737 (usually 5 to 10 percent) for Recycled-Content Paper or requiring Recycled-  
1738 Content Paper regardless of price. The options are presented below for  
1739 consideration.

1740 (1) If fitness and quality are equal, provide Recycled-Content Paper Products  
1741 and Recycled-Content Printing and Writing Paper that consists of at least  
1742 30 percent, by fiber weight, postconsumer fiber instead of non-recycled  
1743 products whenever recycled Paper Products and Printing and Writing Paper  
1744 are available at the same or lesser total cost than non-recycled items or at  
1745 a total cost of no more than \_\_\_% of the total cost for non-recycled items.  
1746 Guidance: The procurement requirements specified here are consistent  
1747 with the Public Resources Code Section 22150 with the exception of the  
1748 blue highlighted text. Jurisdiction that do not want to include any pricing  
1749 preference for Recycled-Content Paper should delete the blue highlighted  
1750 text. Jurisdictions that want to establish a pricing preference for purchase  
1751 of Recycled-Content Paper shall retain the blue highlighted text and insert  
1752 a percentage amount.

1753 (2) Provide Paper Products and Printing and Writing Paper that meet Federal  
1754 Trade Commission recyclability standard as defined in 16 Code of Federal  
1755 Regulations (CFR) Section 260.12.

1756 (3) Certify in writing, under penalty of perjury, the minimum percentage of  
1757 postconsumer material in the Paper Products and Printing and Writing  
1758 Paper offered or sold to the Jurisdiction. This certification requirement may  
1759 be waived if the percentage of postconsumer material in the Paper

1760 Products, Printing and Writing Paper, or both can be verified by a product  
1761 label, catalog, invoice, or a manufacturer or vendor internet website.

1762 (4) Certify in writing, on invoices or receipts provided, that the Paper Products  
1763 and Printing and Writing Paper offered or sold to the Jurisdiction is eligible  
1764 to be labeled with an unqualified recyclable label as defined in 16 Code of  
1765 Federal Regulations (CFR) Section 260.12 (2013).

1766 (5) Provide records to the Jurisdiction's Recovered Organic Waste Product  
1767 procurement recordkeeping Designee, in accordance with the Jurisdiction's  
1768 Recycled-Content Paper procurement policy(ies) of all Paper Products and  
1769 Printing and Writing Paper purchases within thirty (30) days of the purchase  
1770 (both recycled-content and non-recycled content, if any is purchased) made  
1771 by any division or department or employee of the Jurisdiction. Records shall  
1772 include a copy (electronic or paper) of the invoice or other documentation  
1773 of purchase, written certifications as required in Sections 15(b)(3) and  
1774 15(b)(4) of this ordinance for recycled-content purchases, purchaser name,  
1775 quantity purchased, date purchased, and recycled content (including  
1776 products that contain none), and if non-recycled content Paper Products or  
1777 Printing and Writing Papers are provided, include a description of why  
1778 Recycled-Content Paper Products or Printing and Writing Papers were not  
1779 provided.

## 1780 SECTION 16. INSPECTIONS AND INVESTIGATIONS BY JURISDICTION

1781 Guidance: SB 1383 Regulations (14 CCR, Division 7, Chapter 12, Article 14) require  
1782 Jurisdictions to inspect regulated entities for compliance and to take Enforcement Action  
1783 against non-compliant entities including generators, Tier One and Tier Two Commercial  
1784 Edible Food Generators, Food Recovery Organizations, Food Recovery Services,  
1785 haulers, and Self-Haulers. This Section 16 provides example ordinance language to  
1786 provide the Jurisdiction the right to conduct Inspections and investigations. Section 17  
1787 addresses enforcement. This Model language presents a simple approach to establishing  
1788 the right to inspect or investigate. Some Jurisdictions may want to expand on this to  
1789 include more specificity, including more specific identification of who has the authority to  
1790 inspect, what entities may be inspected or investigated, and the protocols for such  
1791 Inspections and investigations. Note that for Jurisdictions using the Performance-Based  
1792 Compliance Approach, their Inspection and enforcement obligations under SB 1383  
1793 Regulations are limited to Tier One and Tier Two Commercial Edible Food Generators,  
1794 Food Recovery Organizations, Food Recovery Services, as specified in 14 CCR Sections  
1795 18998.2(a)(8) through 18998.2(a)(11).

1796 (a) Jurisdiction representatives and/or its designated entity, including Designees are  
1797 authorized to conduct Inspections and investigations, at random or otherwise, of  
1798 any collection container, collection vehicle loads, or transfer, processing, or  
1799 disposal facility for materials collected from generators, or Source Separated  
1800 materials to confirm compliance with this ordinance by Organic Waste Generators,



1801 Commercial Businesses (including Multi-Family Residential Dwellings), property  
1802 owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food  
1803 Recovery Services, and Food Recovery Organizations, subject to applicable laws.  
1804 This Section does not allow Jurisdiction to enter the interior of a private residential  
1805 property for Inspection. For the purposes of inspecting Commercial Business  
1806 containers for compliance with Section 6(b) or 7(b) of this ordinance, Jurisdiction  
1807 may conduct container Inspections for Prohibited Container Contaminants using  
1808 Remote Monitoring, and Commercial Businesses shall accommodate and  
1809 cooperate with the Remote Monitoring pursuant to Section 6(k) or 7(k) of this  
1810 ordinance. (Optional) Guidance: The Remote Monitoring addressed in the  
1811 preceding sentence is not required by the SB 1383 Regulations. Jurisdictions may  
1812 include this if they choose to use a Remote Monitoring system to monitor for  
1813 Prohibited Container Contaminants to support their compliance with 14 CCR  
1814 Section 18984.5, Container Contamination minimization requirements.

1815 (b) Regulated entity shall provide or arrange for access during all Inspections (with the  
1816 exception of residential property interiors) and shall cooperate with the  
1817 Jurisdiction’s employee or its designated entity/Designee during such Inspections  
1818 and investigations. Such Inspections and investigations may include confirmation  
1819 of proper placement of materials in containers, Edible Food Recovery activities,  
1820 records, or any other requirement of this ordinance described herein. Failure to  
1821 provide or arrange for: (i) access to an entity’s premises; (ii) installation and  
1822 operation of Remote Monitoring equipment (optional); or (ii) access to records for  
1823 any Inspection or investigation is a violation of this ordinance and may result in  
1824 penalties described.

1825 (c) Any records obtained by a Jurisdiction during its Inspections, Remote Monitoring,  
1826 and other reviews shall be subject to the requirements and applicable disclosure  
1827 exemptions of the Public Records Act as set forth in Government Code Section  
1828 6250 et seq.

1829 (d) Jurisdiction representatives, its designated entity, and/or Designee are authorized  
1830 to conduct any Inspections, Remote Monitoring, or other investigations as  
1831 reasonably necessary to further the goals of this ordinance, subject to applicable  
1832 laws.

1833 (e) Jurisdiction shall receive written complaints from persons regarding an entity that  
1834 may be potentially non-compliant with SB 1383 Regulations, including receipt of  
1835 anonymous complaints. Guidance: Jurisdiction shall develop a method to accept  
1836 anonymous complaints and require that all complaints be made in writing with  
1837 specified information. See SB 1383 Regulations (14 CCR Section 18995.3) for  
1838 more guidance.

1839 **SECTION 17. ENFORCEMENT**

1840 Guidance: SB 1383 Regulations (14 CCR, Division 7, Chapter 12, Articles 14 and 16)  
1841 specify Jurisdiction’s requirements for enforcement and assessment of administrative civil  
1842 penalties, respectively. Section 17 provides example language to support the  
1843 enforcement process and assessment of penalties. Jurisdictions will need to make sure  
1844 that the enforcement language in their ordinance conforms with their own enforcement  
1845 procedures. Jurisdictions will need to modify the enforcement language to match their  
1846 current and desired enforcement procedures. In addition, Jurisdictions may want to  
1847 provide enforcement procedures and requirements stricter than those specified in the SB  
1848 1383 Regulations at its option.

1849 (a) Violation of any provision of this ordinance shall constitute grounds for issuance of  
1850 a Notice of Violation and assessment of a fine by a Jurisdiction Enforcement  
1851 Official or representative. Enforcement Actions under this ordinance are issuance  
1852 of an administrative citation and assessment of a fine. The Jurisdiction’s  
1853 procedures on imposition of administrative fines are hereby incorporated in their  
1854 entirety, as modified from time to time, and shall govern the imposition,  
1855 enforcement, collection, and review of administrative citations issued to enforce  
1856 this ordinance and any rule or regulation adopted pursuant to this ordinance,  
1857 except as otherwise indicated in this ordinance.

1858 (b) Other remedies allowed by law may be used, including civil action or prosecution  
1859 as misdemeanor or infraction. Jurisdiction may pursue civil actions in the California  
1860 courts to seek recovery of unpaid administrative citations. Jurisdiction may choose  
1861 to delay court action until such time as a sufficiently large number of violations, or  
1862 cumulative size of violations exist such that court action is a reasonable use of  
1863 Jurisdiction staff and resources.

1864 (c) Responsible Entity for Enforcement

1865 (1) Enforcement pursuant to this ordinance may be undertaken by the  
1866 Jurisdiction Enforcement Official, which may be the **city manager** or their  
1867 designated entity, legal counsel, or combination thereof.

1868 (2) Enforcement may also be undertaken by a **Regional or County Agency**  
1869 Enforcement Official, designated by the Jurisdiction, in consultation with  
1870 Jurisdiction Enforcement Official.

1871 (A) Jurisdiction Enforcement Official(s) **(and Regional or County Agency**  
1872 **Enforcement Official, if using)** will interpret ordinance; determine the  
1873 applicability of waivers, if violation(s) have occurred; implement  
1874 Enforcement Actions; and, determine if compliance standards are  
1875 met.

1876 (B) Jurisdiction Enforcement Official(s) **(and Regional or County Agency**  
1877 **Enforcement Official, if using)** may issue Notices of Violation(s).

1878 Guidance: Include Section 17(c)(2) above if Jurisdiction intends to delegate  
1879 enforcement responsibilities to a Regional Agency, County, or joint powers  
1880 authority. Regional or County Agency Enforcement Officials may include  
1881 environmental health director or Designee; executive director of Regional  
1882 Agency or joint powers authority or Designee; or county administrator or  
1883 Designee.

1884 (d) Process for Enforcement

1885 (1) Jurisdiction Enforcement Officials or Regional or County Enforcement  
1886 Officials and/or their Designee will monitor compliance with the ordinance  
1887 randomly and through Compliance Reviews, Route Reviews, investigation  
1888 of complaints, and an Inspection program (that may include Remote  
1889 Monitoring). Section 16 establishes Jurisdiction's right to conduct  
1890 Inspections and investigations.

1891 (2) Jurisdiction may issue an official notification to notify regulated entities of its  
1892 obligations under the ordinance.

1893 (3) For Jurisdictions assessing contamination processing fees/penalties. For  
1894 incidences of Prohibited Container Contaminants found in containers,  
1895 Jurisdiction will issue a Notice of Violation to any generator found to have  
1896 Prohibited Container Contaminants in a container. Such notice will be  
1897 provided via a cart tag or other communication immediately upon  
1898 identification of the Prohibited Container Contaminants or within \_\_\_ days  
1899 after determining that a violation has occurred. If the Jurisdiction observes  
1900 Prohibited Container Contaminants in a generator's containers on more  
1901 than \_\_\_ ( ) consecutive occasion(s), the Jurisdiction may assess  
1902 contamination processing fees or contamination penalties on the generator.  
1903 Guidance: Jurisdiction to include this provision if it chooses to assess  
1904 contamination penalties or contamination processing fees for additional  
1905 costs of processing Contaminated Containers; otherwise Jurisdictions  
1906 should delete provision. Notwithstanding the Jurisdiction enforcement  
1907 requirements in SB 1383 Regulations (14 CCR Section 18995.1), do not  
1908 require Jurisdictions to impose administrative civil penalties on generators  
1909 for violation of Prohibited Container Contaminants requirements. If  
1910 choosing to include these optional fees, Jurisdictions should modify this  
1911 Section to specify the conditions and procedure for issuance of the fees.  
1912 For example, a fee could be assessed per instance of contamination or  
1913 could be assessed after certain number of consecutive instances. For  
1914 Jurisdictions choosing not to assess contamination processing fees or  
1915 contamination penalties, delete Section 17(d)(3).

1916 (4) With the exception of violations of generator contamination of container  
1917 contents addressed under Section 17(d)(3), Jurisdiction shall issue a Notice  
1918 of Violation requiring compliance within 60 days of issuance of the notice.

1919 (5) Absent compliance by the respondent within the deadline set forth in the  
1920 Notice of Violation, Jurisdiction shall commence an action to impose  
1921 penalties, via an administrative citation and fine, pursuant to the  
1922 Jurisdiction's \_\_\_\_\_ policy/ordinance/guidelines or requirements contained  
1923 in Section 17(k), Table 1, List of Violations. Guidance: Note that the  
1924 Jurisdiction shall amend the text in blue highlighting to identify its  
1925 policy/ordinance/guidelines related to assessment of penalties or the  
1926 penalty amounts and/or should refer to Table 1 if it has chosen to include  
1927 Table 1 in its ordinance.

1928 Notices shall be sent to "owner" at the official address of the owner  
1929 maintained by the tax collector for the Jurisdiction or if no such address is  
1930 available, to the owner at the address of the dwelling or Commercial  
1931 property or to the party responsible for paying for the collection services,  
1932 depending upon available information

1933 (e) Penalty Amounts for Types of Violations

1934 Guidance: SB 1383 Regulations (14 CCR Section 18997.2) require assessment of  
1935 penalties with minimum penalty levels consistent with the applicable requirements  
1936 prescribed in Government Code Sections 53069.4, 25132, and 36900.  
1937 Jurisdictions may choose to use the ranges of penalties included in the  
1938 Government Code Section and listed below, or may choose to amend the penalty  
1939 amounts shown below to establish a specific penalty level (rather than a range) for  
1940 each violation type. Jurisdictions that choose to pick a specific penalty amount  
1941 must select an amount that is somewhere in the range or higher than the amounts  
1942 shown below, but no lower than the lowest value for each range listed below, and  
1943 consistent with the ranges listed in Sections 53069.4, 25132, and 36900 of the  
1944 Government Code. Jurisdictions should indicate if these penalties are consistent  
1945 or different than administrative penalties in Jurisdiction's code.

1946 The penalty levels are as follows:

1947 (1) For a first violation, the amount of the base penalty shall be \$50 to \$100 per  
1948 violation.

1949 (2) For a second violation, the amount of the base penalty shall be \$100 to  
1950 \$200 per violation.

1951 (3) For a third or subsequent violation, the amount of the base penalty shall be  
1952 \$250 to \$500 per violation.

1953 (f) Factors Considered in Determining Penalty Amount

1954 Guidance: Jurisdictions may consider including this Section if the penalty amounts  
1955 are defined as a range (rather than a specific penalty amount). Note that the factors  
1956 listed below are the factors that will be used by CalRecycle to determine penalties  
1957 against Jurisdictions and other regulated entities, rather than Jurisdictions against

1958 generators, and have been included here for example purposes. Jurisdictions may  
1959 consider including these factors, but this is not required. Jurisdictions should  
1960 customize this Section, if including, to list relevant factors or reference other  
1961 sections of their municipal/county code if similar provisions already exist.

1962 The following factors shall be used to determine the amount of the penalty for each  
1963 violation within the appropriate penalty amount range:

- 1964 (1) The nature, circumstances, and severity of the violation(s).
- 1965 (2) The violator's ability to pay.
- 1966 (3) The willfulness of the violator's misconduct.
- 1967 (4) Whether the violator took measures to avoid or mitigate violations of this  
1968 chapter.
- 1969 (5) Evidence of any economic benefit resulting from the violation(s).
- 1970 (6) The deterrent effect of the penalty on the violator.
- 1971 (7) Whether the violation(s) were due to conditions outside the control of the  
1972 violator.

1973 (g) Compliance Deadline Extension Considerations

1974 The Jurisdiction may extend the compliance deadlines set forth in a Notice of  
1975 Violation issued in accordance with Section 17 if it finds that there are extenuating  
1976 circumstances beyond the control of the respondent that make compliance within  
1977 the deadlines impracticable, including the following:

- 1978 (1) Acts of God such as earthquakes, wildfires, flooding, and other  
1979 emergencies or natural disasters;
- 1980 (2) Delays in obtaining discretionary permits or other government agency  
1981 approvals; or,
- 1982 (3) Deficiencies in Organic Waste recycling infrastructure or Edible Food  
1983 Recovery capacity and the Jurisdiction is under a corrective action plan with  
1984 CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

1985 (h) Appeals Process

1986 Persons receiving an administrative citation containing a penalty for an  
1987 uncorrected violation may request a hearing to appeal the citation. A hearing will  
1988 be held only if it is requested within the time prescribed and consistent with  
1989 Jurisdiction's procedures in the Jurisdiction's codes for appeals of administrative  
1990 citations. Evidence may be presented at the hearing. The Jurisdiction will appoint



1991 a hearing officer who shall conduct the hearing and issue a final written order.  
1992 Guidance: Jurisdiction shall select an employee or Designee to act as hearing  
1993 officer who is different from their enforcement official.

1994 (i) Education Period for Non-Compliance

1995 Beginning January 1, 2022 and through December 31, 2023, Jurisdiction will  
1996 conduct Inspections, Remote Monitoring, Route Reviews or waste evaluations,  
1997 and Compliance Reviews, depending upon the type of regulated entity, to  
1998 determine compliance, and if Jurisdiction determines that Organic Waste  
1999 Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator,  
2000 Food Recovery Organization, Food Recovery Service, or other entity is not in  
2001 compliance, it shall provide educational materials to the entity describing its  
2002 obligations under this ordinance and a notice that compliance is required by  
2003 January 1, 2022, and that violations may be subject to administrative civil penalties  
2004 starting on January 1, 2024. Guidance: Jurisdictions may initiate the education  
2005 period prior to January 1, 2022, but no later than that date pursuant to SB 1383  
2006 Regulations (14 CCR Section 18995.1(a)(4)).

2007 (j) Civil Penalties for Non-Compliance

2008 Beginning January 1, 2024, if the Jurisdiction determines that an Organic Waste  
2009 Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food  
2010 Generator, Food Recovery Organization, Food Recovery Service, or other entity  
2011 is not in compliance with this ordinance, it shall document the noncompliance or  
2012 violation, issue a Notice of Violation, and take Enforcement Action pursuant to  
2013 Section 17, as needed. Guidance: 14 CCR Section 18995.4(a)(1) requires that  
2014 Jurisdictions initiate Enforcement Actions no later than January 1, 2024.  
2015 Jurisdiction may consider having penalties start earlier than January 1, 2024. If  
2016 so, it shall amend the dates in Sections 17(i) and 17(j) above to fit its  
2017 commencement date for enforcement.

2018 (k) Enforcement Table

2019 Guidance: While Jurisdictions are required to take Enforcement Actions against  
2020 regulated entities, Jurisdictions are not required to include an enforcement table in  
2021 their ordinance. The following table is provided as an informational tool to highlight  
2022 the primary requirements that a Jurisdiction may choose to include in an  
2023 enforcement table, based on the Model Ordinance requirements. If a Jurisdiction  
2024 includes such an enforcement table in their ordinance, they may choose to include  
2025 more items or delete items from the table depending upon the specifics of their  
2026 final ordinance and their enforcement program.

2027 Items in Table 1 below requiring enforcement by Jurisdictions using Performance-  
2028 Based Compliance Approach are indicated in the table with an asterisk (\*).  
2029 Jurisdictions using the Performance-Based Compliance Approach should modify  
2030 the table to include only non-compliance items it plans to enforce.

2031 Jurisdictions using a one-container collection service shall include all items except  
 2032 Organic Waste Generator and Commercial Business requirements.

2033 **Table 1. List of Violations (Optional)**

Requirement	Description of Violation
Commercial Business and Commercial Business Owner Responsibility Requirement Sections 6 and 7*	Commercial Business fails to provide or arrange for Organic Waste collection services consistent with Jurisdiction requirements and as outlined in this ordinance, for employees, contractors, tenants, and customers, including supplying and allowing access to adequate numbers, size, and location of containers and sufficient signage and container color.
Organic Waste Generator Requirement Section 4, 5, 6 and 7*	Organic Waste Generator fails to comply with requirements adopted pursuant to this ordinance for the collection and Recovery of Organic Waste.
Hauler Requirement Section, Section 11	A hauler providing residential, Commercial or industrial Organic Waste collection service fails to transport Organic Waste to a facility, operation, activity, or property that recovers Organic Waste, as prescribed by this ordinance.
Hauler Requirement Section 11	A hauler providing residential, Commercial, or industrial Organic Waste collection service fails to obtain applicable approval issued by the Jurisdiction to haul Organic Waste as prescribed by this ordinance.
Hauler Requirement Section 11	A hauler fails to keep a record of the applicable documentation of its approval by the Jurisdiction, as prescribed by this ordinance.
Self-Hauler Requirement Section 12	A generator who is a Self-Hauler fails to comply with the requirements of 14 CCR Section 18988.3(b).
Commercial Edible Food Generator Requirement Section 9*	Tier One Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and comply with this Section commencing Jan. 1, 2022.
Commercial Edible Food Generator Requirement Section 9*	Tier Two Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery



	Service and comply with this Section commencing Jan. 1, 2024.
Commercial Edible Food Generator Requirement Section 9*	Tier One or Tier Two Commercial Edible Food Generator intentionally spoils Edible Food that is capable of being recovered by a Food Recovery Organization or Food Recovery Service.
Organic Waste Generator, Commercial Business Owner, Commercial Edible Food Generator, Food Recovery Organization or Food Recovery Service Sections 6, 7, and 9*	Failure to provide or arrange for access to an entity's premises for any Inspection or investigation.
Recordkeeping Requirements for Commercial Edible Food Generator Section 9*	Tier One or Tier Two Commercial Edible Food Generator fails to keep records, as prescribed by Section 9.
Recordkeeping Requirements for Food Recovery Services and Food Recovery Organizations Section 10*	A Food Recovery Organization or Food Recovery Service that has established a contract or written agreement to collect or receive Edible Food directly from a Commercial Edible Food Generator pursuant to 14 CCR Section 18991.3(b) fails to keep records, as prescribed by Section 10.

2034 \* Required for Jurisdictions using a Performance-Based Compliance Approach. Items  
2035 not marked with an \* are not required for Jurisdictions using a Performance-Based  
2036 Compliance Approach. All items in the table are applicable to Jurisdictions using a  
2037 Standard Compliance Approach.

2038

2039 **SECTION 18. EFFECTIVE DATE**

2040 This ordinance shall be effective commencing on \_\_\_\_\_ (Jurisdiction  
2041 to insert date of effectiveness.)

2042 Guidance: SB 1383 Regulations (14 CCR Section 18981.2(a)) require that an ordinance  
2043 or other enforceable mechanism be in place no later than January 1, 2022. Jurisdiction is  
2044 to determine whether to make this ordinance effective prior to January 1, 2022 to allow  
2045 entities additional time to come into compliance with SB 1383 Regulations through  
2046 outreach and education efforts provided by Jurisdiction, prior to Inspections, etc.  
2047 Jurisdiction is required to provide education by February 1, 2022 at the latest, but six  
2048 months or a year sooner for both education and effective date would give regulated  
2049 entities more time to understand and comply, prior to Inspections beginning.