

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