

CITY COUNCIL OF THE CITY OF OXNARD
ORDINANCE NO. 3007

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, REPEALING AND
REPLACING ARTICLE II, OF CHAPTER 19 OF THE OXNARD CITY CODE,
RELATING TO SOLID WASTE AND RECYCLING

WHEREAS, State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their city to the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, State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste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, State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires the City to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires the City to implement a Mandatory Commercial Organics Recycling program;

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including the City, residential households, Commercial Businesses, and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support the achievement of Statewide Organic Waste disposal reduction targets;

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

WHEREAS, Requirements in this ordinance are consistent with other adopted goals and policies of the City including elements of the strategic plans adopted by City Council on March 16, 2021.

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

Part 1. Article II, of Chapter 19 of the Oxnard City Code, is hereby repealed and replaced in its entirety to read as follows:

“ARTICLE II. SOLID WASTE and RECYCLING

DIVISION 1. IN GENERAL

SEC. 19-150. FINDINGS & PURPOSE.

The City finds and declares:

The collection, transportation, processing, marketing, transfer and disposal of Solid Waste and recyclables by qualified persons is necessary to protect the public health, safety and general welfare and to implement State law. For these reasons, collecting, transporting, processing, marketing, transferring and disposing of Solid Waste and recyclable materials requires regulation and control by the City in the manner set forth in this Code, including, but not limited to, this Article.

SEC. 19-151. DEFINITIONS.

(A) For the purposes of this Article, the following words shall have the following meanings. Any words or phrases relating to Solid Waste that are not defined in this Article shall have the meaning applied to them in Cal. Pub. Res. Code, Sections 40000 et seq.

(B) Whenever reference is made herein to any portion of this Article, any other ordinance, resolution or Regulation of the City, or any law of this State, the reference shall be deemed to apply to all amendments and additions heretofore or hereafter made to such ordinances, resolutions, Regulations or laws.

1. ARTICLE - Article II of Chapter 19 of the Oxnard City Code and any Regulations issued pursuant hereto.

2. CALRECYCLE means California's 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).

3. CALIFORNIA CODE OF REGULATIONS or “CCR” means 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 CCR).

4. CHARGES - Money paid for Solid Waste, recycling, and related services. Charges and Rates are synonymous.

5. CITY - means the City of Oxnard, California.

6. COMMERCIAL BUSINESS or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR

Section 18982(a)(6). A multi-family residential dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this Article.

7. CONTAINER COLLECTION SERVICES means the City's method for collecting and transporting collected materials from single-family, multi-family, commercial, and industrial waste generators. The city may authorize either a three or two bin collection system that is in compliance with color, size, and labeling requirements of SB 1383, 14 CCR Section 18982.2.

8. CONTAINER CONTAMINATION or "Contaminated Container" means a container, regardless of color, that contains Excluded Waste and/or contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).

9. CONSTRUCTION & DEMOLITION or C&D means construction and demolition debris.

10. CURBSIDE - A curb located adjacent to a street or alley located within the City.

11. ENFORCEMENT ACTION means an action of the City Enforcement Official to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

12. ENFORCEMENT OFFICIAL means the public works director or designee, environmental resources division manager, code enforcement personnel, Ventura County administrative official, chief operating officer, executive director, or other executives in charge or their authorized designee(s) who is/are partially or wholly responsible for enforcing this Article.

13. EVENTS AND VENUES means 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 1,000 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; or a permanent venue facility that annually seats or serves an average of more than 1,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this Article and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility.

14. EXCLUDED WASTE means hazardous substances, 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 City, 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 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 California Public Resources Code.

15. NON-LOCAL ENTITY means the following entities that are not subject to the City's enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42):

- 1) Special district(s) located within the boundaries of the City,
- 2) Federal facilities, including military installations, located within the boundaries of the city.
- 3) Prison(s), except privately run prisons, located within the boundaries of the City.
- 4) Facilities operated by the State park system located within the boundaries of the City.
- 5) Public universities (including community colleges) located within the boundaries of the City.
- 6) County fairgrounds located within the boundaries of the City.
- 7) State agencies located within the boundaries of the City.
16. NONRESIDENTIAL USE - A use on a lot that does not contain one or more residential dwellings or uses.
17. OCCUPANT - The person who is entitled to use and occupy any lot located in the City, including buildings and structures located thereon.
18. ORGANICS CONTAINER - has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Organic Material including any Solid Waste 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, compostable 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).
19. ORGANIC MATERIAL means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, food scraps, fats, oils and grease (FOG), living material, landscape and pruning waste, organic textiles and carpets, lumber, wood, compostable 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).
20. OWNER - The legal owner of any lot located within the City.
21. PROCESSED MATERIALS - Recyclable materials, including compostable organic materials that have been processed or pre-processed by a processing facility.
22. RECYCLING CONTAINER - means a container that is part of a two or three-container waste collection service that complies with the requirements of the City and has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of the storage and collection of source separated Recyclable Materials for the use or temporary storage of recyclable materials.
23. RECYCLABLE MATERIALS - Materials that are discarded with the intent that they be collected for return to the economic mainstream in the form of processed materials, rather than becoming Solid Waste deposited in a landfill, and may include non-organic recyclables, which includes 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), paper, cardboard, metal, plastics, wood, construction and demolition materials, and other materials specified by the city manager for inclusion in the City's recycling and diversion programs, but shall not include Excluded Waste.
24. RECYCLING OR PROCESSING FACILITY - Means a facility, licensed and authorized by the City or another public agency where recyclable materials are separated or aggregated,

sorted, or otherwise pre-processed, processed and/or prepared for marketing to an end user of the processed materials.

25. **REFUSE CONTAINER** means a container that is part of a two or three-container waste collection service and has the same meaning as in as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5) and shall be used for the purpose of storage and collection of Solid Waste including refuse, trash, non-Recyclable Materials, non-Organic Wastes but shall not include Excluded Waste.

26. **REGULATIONS** - Written regulations and amendments thereof issued by the city manager or through State or Federal laws pursuant to this Article.

27. **REMOTE MONITORING** means the use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of collection containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.

28. **RESIDUAL MATERIALS** - That portion of Recyclable Materials delivered to a processing facility that is leftover and must be disposed of after the Recyclable and/or Organic Materials have been processed and/or diverted from the waste stream sent to the landfill.

29. **SELF-HAULER** means a person, who hauls Solid Waste, Organic or Recyclable Material he or she has generated to another person or processing facility. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Solid Waste, compostable Organic Materials, or Recyclable Materials 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).

30. **SINGLE-FAMILY GENERATOR** means of, from, or pertaining to any residential premises with fewer than five (5) units.

31. **SOLID WASTE** has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, non-compostable paper, non-compostable organic material, rubbish, ashes, industrial wastes, certain non-divertible 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, manure, vegetable or animal solid and semi-Solid Wastes, and other discarded solid and semi-solid wastes, with the exception that solid waste does not include any of the following wastes:

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

32. **SOLID WASTE DIVISION** - That division of the City that is responsible for the collection of Solid Waste and the management of services related to processing and transporting refuse, Recyclable and Organic Materials within the City.

33. **THREE CONTAINER COLLECTION SYSTEM** – the collection system used by the City to collect three Solid Waste materials streams including: Refuse or Trash, Recyclable and Organic Materials. The materials identified for each of the three containers are further defined in 14 CCR Sections 18982.2(a)(28), 18982.2(a)(5), and 18982.2(a)(29) respectively.

34. **TIER ONE COMMERCIAL FOOD GENERATOR** - means a commercial edible food generator pursuant to 14 CCR Section 18982(a)(73) that is one of the following:

- 1) supermarket
- 2) grocery store with a total square foot area equal to or greater than 10,000 square feet
- 3) food service provider
- 4) food distributor
- 5) wholesale food vendor

35. **TIER TWO COMMERCIAL FOOD GENERATOR** - means a commercial edible food generator pursuant to 14 CCR Section 18982(a)(73) 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 preparation and service facility or kitchen and 100 or more beds
- 3) health facility with an on-site food preparation and service facility or kitchen and 100 or more beds
- 4) large venue
- 5) large event

36. **TRUCK** - Any motor vehicle that transports recyclable materials within the City and that is defined as a truck in the Cal. Vehicle Code. 64 Code, Sec. 15-2) (Ord. No. 2372)

37. **WAIVER** – means the act a City Enforcement Official may take to intentionally relinquish a requirement to comply with specified sections of the law based on established criteria set forth by the City.

38. **WASTE** - any material, substance, or byproduct that has been eliminated or discarded as no longer useful. Any material that cannot be diverted, recycled, transformed, processed or otherwise repurposed rather than being sent to the landfill.

SEC. 19-152. ESTABLISHMENT OF REGULATIONS BY CITY MANAGER.

The city manager or designee shall from time to time, as deemed necessary or desirable, issue and amend Regulations relating to the collection of residential and nonresidential Solid Waste and recyclable materials and the conditions of service, including but not limited to minimum service levels; refundable deposits; standards for extra nonresidential business service; standards for keeping, collecting, removing and disposing of Solid Waste, Recyclable and Organic Materials; the sufficiency and sanitation of Solid Waste, Recyclable and Organic Materials; containers and carriers; green waste; and the sale of salvageable materials, and of products, commodities and services incidental thereto, and the charges to be made therefor. Copies of such Regulations shall be maintained at the Solid Waste division.

SEC. 19-153. HOURS OF OPERATION AND CHARGES SET BY CITY COUNCIL.

(A) The City Council shall by resolution set hours of operation of Solid Waste and Recyclable Materials collection and hours of operation of City-owned or operated public Recycling or Processing Facilities. In the event of a local or general emergency, or pandemic, the city manager may make adjustments to hours of operation for the duration of the local or general emergency or pandemic.

(B) The City Council shall by ordinance set charges for collection of Solid Waste, Recyclable Materials, and related services. Such charges may include all costs incurred by the City in providing such services, including but not limited to the costs of employee and administrative overhead, the costs of contracts for services, and the costs of the purchase and rental of supplies and equipment, in addition to facility upgrades necessary to comply with all State and Federal laws.

SEC. 19-154. COMPLIANCE WITH ARTICLE.

Whenever compliance with the provisions of this Article is required of any person, such requirement shall include compliance with all Regulations issued by the city manager or designee pursuant to this Article.

Waivers and Exemptions

(A) Waivers: Pursuant to 14 CCR Section 18984.11 and the SB 1383 Regulations, which allow the City, at their option, to grant waivers to waste generators for physical space limitations, de minimis volumes, and/or collection frequency waivers.

(B) De Minimis Waivers - the City may waive a Commercial Business' obligation (including any/all Multi-Family Residential Dwellings) to comply with some or all of the waste collection requirements of this ordinance if that entity provides documentation that the waste generated is below a certain amount as described in C(1) below. Commercial Businesses requesting a De Minimis waiver shall:

- 1) Submit an application specifying the services for which they are requesting a waiver and provide documentation as noted below.
- 2) Provide written and photographic documentation that either:
 - a. The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Green or Yellow Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,
 - b. The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Green or Yellow Container comprises less than 10 gallons per week per applicable container of the business' total waste.
- 3) Notify the City if circumstances change such that Commercial Business's Organic Material generation exceeds the threshold required for such a waiver, in which case the waiver will be rescinded.
- 4) Upon receipt of such a waiver, provide written verification of eligibility for De Minimis waiver every 5 years.

(C) Physical Space Waivers - the City may waive a Commercial Business' or property owner's obligations (including all Multi-Family Residential Dwellings) to comply with some or all of the Recyclable Materials and/or Organic Materials collection service requirements if the City has evidence from its own staff, a hauler, a licensed architect, or a licensed engineer, demonstrating that the premises lack adequate space and/or approved Waste Enclosure for the collection containers required for compliance.

1. A Commercial Business or property owner may request a physical space waiver through the following process:
 - a. Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
 - b. Provide written and photographic documentation that the premises lack adequate space for the City's required three or two bin commercial collection services per State Law, including documentation from its hauler, licensed architect, or licensed engineer.
 - c. Upon receipt of such a waiver, provide written verification to the City that it is still eligible for a physical space waiver every five years.
 - d. New occupants to existing multi-tenant commercial buildings are subject to provisions in Section 19-180 of this Article.

DIVISION 2. REMOVAL AND DISPOSAL OF SOLID WASTE

SEC. 19-160. SOLID WASTE ON PRIVATE PROPERTY.

(A) No owner, occupant, or person in control of private property shall deposit, store or cause or permit to be deposited or stored any Solid Waste or non-containerized debris on such property so that such Solid Waste could or does attract rodents or pests and create a health hazard. "Rodent," as used in this subsection, means rats, mice, gophers, and squirrels. "Pest," as used in this subsection, includes any animal or insect not under human control, which is offensive to the senses or interferes with the comfortable enjoyment of life, including but not limited to roaches, mosquitoes, and flies.

(B) Every owner, occupant or person in control of private property shall properly store and maintain accumulations of Solid Waste so that they are not carried or deposited by the elements on any public right of way or public place, or on the private property of another.

(C) Single-Family Generators shall comply with the following requirements:

1. Shall subscribe to the City's two or three Container Collection Services for all Refuse (Trash), Recycling, and Organic materials generated.
2. Shall place Source Separated materials in the designated containers, non-organic, non-recyclable materials in the Refuse (Trash) container; Organic Material including bagged food waste in the Organics container; and non-compostable, Recyclable Materials in the Recycling container.
3. The City shall have the right to review and adjust the number and size of a generator's containers and/or collection frequency to evaluate the adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials.

4. Single-Family Generators shall adjust their service level for collection services as requested by the City.
5. Generators may additionally manage their Organic Material by preventing, reducing, or managing their Organic Material on-site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
6. Generators may choose to self-haul Recyclable Materials to the City's drop-off Recycling Center pursuant to Division 4 of this Article.
7. Allow access for the City or its designated agent to perform periodic Inspection of collection containers.

(D) Multi-Family Generators shall comply with the following requirements:

- 1) Shall subscribe to the City's three or two Container Collection Services for all Refuse (Trash), Recycling and Organic materials generated.
- 2) Shall place Source Separated materials in the designated containers, non-organic, non-recyclable materials in the Refuse (Trash) container; Organic Material including bagged food waste in the Organics container; and non-compostable, Recyclable Materials in the Recycling container.
- 3) Multi-Family Generators may choose to utilize the services of a 3rd party hauling company per Section 19-175-(B) and Sections 19-190 through 19-194 of this Article provided that the Multi-Family Generator is able to respond to the City's request to
 - a. Inspect the 3rd Party hauling company's bins, and/or
 - b. Receive an annual report of types of materials, volumes, and frequency being managed by the 3rd Party hauling company
 - c. Provide a refundable deposit in amount not to exceed \$5,000.
- 4) The City shall have the right to review and adjust the number and size of a generator's containers and/or collection frequency to evaluate the adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials.
- 5) Multi-Family generators shall adjust the service level for their collection services as requested by the City.
- 6) To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees, contractors, or tenants from placing materials in a container not designated for those materials per the city's Three Container Collection service or, if self-hauling, per the requirements Section 19-190.
- 7) Generators may choose to manage their Organic Waste by preventing, reducing, or managing their Organic Material on-site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- 8) Generators may choose to self-haul recyclable materials to the City's drop-off Recycling Center pursuant to Division 4 of this Article.
- 9) Allow access for the City or its designated agent to perform periodic inspection of collection containers and/or enclosures.
- 10) Provide education information before, or within fourteen (14) days of, occupation of the premises by new tenants that describes requirements to keep Source Separated Organic and Recyclable Materials separate from Solid Waste (when applicable), maintaining the security of the containers to prevent illegal access, the location of containers, and the rules governing their use at each property.

(E) Commercial Businesses shall comply with the following requirements:

1. Shall subscribe to the City's three or two Container Collection Services for all Refuse (Trash), Recycling and Organic Wastes generated.
2. Shall place Source Separated materials in the designated containers, non-organic, non-recyclable materials in the Refuse (Trash) container; organic material including bagged food waste in the Organics container; and non-compostable, Recyclable Materials in the Recycling container.
3. Commercial Business Generators may choose to utilize the services of a 3rd party hauling company per Section 19-175-(B) and Sections 19-190 through 19-194 of this Article provided that the Commercial Business Generator is able to respond the City's request to
 - a. Inspect the 3rd Party hauling company's bins, and/or
 - b. Receive an annual report of types of materials, volumes, and frequency being managed by the 3rd Party hauling company
 - c. Provide a refundable deposit in amount not to exceed \$5,000
4. The City shall have the right to review and adjust the number and size of a generator's containers and/or collection frequency to evaluate the adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials.
5. Commercial Business generators shall adjust the service level for their collection services as requested by the City.
6. To the extent practical through education, training, inspection, and/or other measures, prohibit employees, contractors, or tenants from placing materials in a container not designated for those materials per the City's three or two Container Collection Services or, if self-hauling, per the requirements Section 19-190 of this Article.
7. Generators may choose to manage their Organic Materials by preventing, reducing, or managing their Organic Material on-site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
8. Generators may choose to self-haul recyclable materials to the city's drop-off Recycling Center pursuant to Division 4 of this Article.
9. Annually provide information to employees, contractors, tenants, and customers about Edible Food and Organic Materials recovery requirements and about proper sorting of Source Separated Organic and Recyclable Materials.
10. Provide education information before, or within fourteen (14) days of, occupation of the premises by new tenants that describes requirements to keep Source Separated Organic and Recyclable Materials separate from Solid Waste (when applicable), maintaining the security of the containers to prevent illegal access, the location of containers, and the rules governing their use at each property.
11. Provide or arrange access for the City, or its agent, to their properties during all inspections conducted in accordance with this Code to confirm compliance with the requirements of this Article.
12. Provide customers with recycling and organics collection containers to collect material purchased on the premises that is located adjacent to the designated container for trash, except in restrooms.
13. Ensure that the containers are visible and easily accessible, clearly marked with educational signage.

14. Full-service restaurants are exempt from this requirement if the full-service restaurant provides its employees a commercial solid waste recycling bin or container to collect material purchased on the premises and implements a program to collect recyclable commercial solid waste.

15. Shall develop model signage that businesses may utilize in implementing such waste diversion requirements.

16. A property owner of a multifamily residential dwelling with common areas shall also provide recycling and organics collection containers located adjacent to Refuse (Trash) containers.

(F) All 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 of.
2. Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
3. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
4. Allow City's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.
5. Generators may choose to manage their Organic Materials by preventing, reducing, or, managing Organic Materials on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
6. 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:
 - i. The name, address, and contact information of the Food Recovery Service or Food Recovery Organization.
 - ii. The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
 - iii. The established frequency that food will be collected or self-hauled.
 - iv. The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.

(G) 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).

(H) Venue or Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at Venues or Events to comply with the requirements of this Section

SEC. 19-161. SOLID WASTE ON STREETS, ALLEYS AND CITY PROPERTY.

No person shall deposit or cause or permit to be deposited, any Solid Waste on any public right-of-way, or on any property owned or leased by the City, except in receptacles or areas specifically designated waste enclosures and/or containers or provided for that purpose.

SEC. 19-162. NOTICE TO REMOVE SOLID WASTE ON PRIVATE PROPERTY; APPEAL OF NOTICE.

(A) The city manager, public works director or designee shall give written notice to persons determined to be in violation of this Article to remove and properly dispose of the Solid Waste. Such notice shall be prominently posted on the private property on which the accumulation exists, or shall be personally served on or sent by certified mail to the owner, occupant or person in control of the private property on which the accumulation exists, or shall be personally served on or sent by certified mail to the person who deposited or caused or permitted to be deposited Solid Waste on public property.

(B) The notice shall require that the Solid Waste be removed within three days of receipt of the notice or that the person addressed make alternate arrangements with the city manager, and shall state that if the Solid Waste is not removed, the City will remove and properly disposed of the Solid Waste and the person addressed will be billed for the cost thereof.

(C) Before the time set for the removal of the Solid Waste by the City, the person addressed in the notice may file with the city clerk a written request for review by the City Council of the contemplated City action, which request shall operate to delay the City in removing the Solid Waste from private property and assessing the costs of removal, but shall not prevent removal of Solid Waste from public property.

(D) If a person or property has received the notice set forth in Subsection (A) above, for violations on three (3) or more different dates, the city manager or his designee may immediately increase service levels to the property and bill the property owner or occupant for the costs of such increased service levels until such time as the city manager, or his designee, deem that the increased service levels are no longer warranted. The property owner or occupant may submit a request, along with documentation to support the request, for a reduction in service level and such may be granted if the city manager, or his designee, upon finding that the need for increased service levels are no longer necessary.

SEC. 19-163. REMOVAL OF SOLID WASTE BY CITY.

The city manager or designee may cause Solid Waste deposited in violation of this Article to be removed and properly disposed of upon failure, neglect or refusal of the person so notified to properly dispose of such Solid Waste within three days after receipt of written notice as provided in Section 19-162, or within five days after the date a notice is returned to the Solid Waste division because of inability to make delivery thereof; provided, that the same was properly addressed to the last known address of the owner, occupant or person in control of the private property on which the accumulation exists, or of the person who deposited Solid Waste on public property.

SEC. 19-164. CHARGES FOR REMOVAL AND DISPOSAL OF SOLID WASTE BY CITY.

When the City has so affected the removal of Solid Waste, the person notified pursuant to Section 19-162 shall be personally liable to the City for a charge for removal and disposal. The City may add the charge to the Solid Waste bill of such person(s) or take other action to collect the charge. Any action described in this article taken by the City to remove and dispose of Solid Waste shall not bar criminal prosecution for violation of this article or preclude civil suit to collect amounts due.

SEC. 19-165. STREET SWEEPING.

In addition to other methods of removing Solid Waste from public rights-of-way provided in this Article, the City may provide street sweeping services to prevent Solid Waste from accumulating in rights-of-way. The City Council may prescribe charges for such services. Such charges shall be included in the charges for collection of Solid Waste and shall be payable by the persons liable for such charges.

SEC. 19-166. TRUCKS TRANSPORTING SOLID WASTE OR RECYCLABLE MATERIALS.

(A) The bodies of trucks transporting Solid Waste or Recyclable Materials shall be enclosed or have a covering securely placed over the entire load to prevent spilling of any part of the load. Trucks transporting Solid Waste shall comply with Cal. Vehicle Code, Section 23115.

(B) Each person operating a truck used to transport Solid Waste or Recyclable Materials shall have on the truck a broom, shovel, and other equipment necessary to clean and pick up any Recyclable Materials spilled, dropped, or deposited from the truck on any public or private property, and shall clean up, pick up, transport and haul away any such Solid Waste or recyclable materials.

(C) All trucks and other equipment used to transport Solid Waste or Recyclable Materials shall at all times be maintained in a good and safe mechanical condition, with a neat and presentable appearance. All such trucks and other equipment shall be available at all reasonable times for inspection by an authorized representative of the City.

(D) Each truck used to transport Solid Waste or Recyclable Materials, except for trucks owned and operated by the City or trucks used pursuant to subsection (C) of Section 19-175 or subsections (C) or (E) of section 19-190, shall display the name, address and telephone number

of the person transporting Solid Waste or Recyclable Materials on both sides of the exterior of the truck in such a manner and size as to be legible.

SEC. 19-167. BURNING SOLID WASTE.

No person shall burn Solid Waste.

SEC. 19-168. HAZARDOUS WASTE IN SOLID WASTE CONTAINERS.

No person shall place hazardous waste in any Solid Waste container.

SEC. 19-169. RESIDENTIAL SUBDIVIDERS TO PAY FOR SOLID WASTE CONTAINERS.

Any subdivider who subdivides property into residential lots shall pay to the City the amount of money estimated by the city manager to be required to purchase the appropriate Solid Waste containers for each such residential lot, in order that at occupancy the City may provide one or more Solid Waste containers for each residence.

DIVISION 3. COLLECTION AND CHARGES

SEC. 19-175. EXCLUSIVE RIGHT TO COLLECT SOLID WASTE.

(A) The collection, removal and disposal of all Solid Waste, including Solid Waste generated by residential, commercial, agricultural, construction or demolition uses within the City, may be performed by the City or its authorized representatives. No other person may engage in the collection, removal and disposal of Solid Waste, except as provided in subsections (B) and (C) of this Section.

(B) A person holding a City business license for the collection, removal and disposal of Solid Waste may collect construction and demolition debris from roll-off boxes and remove and dispose of such debris pursuant to Sections 19-190 through 19-194.

(C) An owner or occupant may collect, remove and dispose of Solid Waste created by activities on the lot owned or occupied by such person, provided that such person uses his/her own resources to effect the collection, removal, and disposal, or contracts for such services only with the person who engaged in the activities that created the Solid Waste.

(D) Requirements for Self-Haulers, Back-Haulers, and 3rd Party Haulers are as follows:

1. Shall source separate all recyclable and recovered organic waste in a manner consistent with 14 CCR Section 18984.1 and 18984.2 or haul the material to an approved High Diversion Organic Waste Processing Facility (18984.3).
2. Self-Haulers, Back-Haulers, and 3rd Party Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected to the City if requested.
3. Self-Haulers, Back-Haulers and 3rd Party Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Recyclable and Organic Material delivered to each Solid Waste processing or transfer facility, operation,

activity, or property that processes or recovers Recyclable and/or Organic Material; this record shall be subject to inspection by the City.

4. The records shall be made available to the City quarterly and include the following information:

- a. Delivery receipts and weight tickets from the entity accepting the waste.
- b. The amount of material in volume or weight transported by the generator to any approved entity.
- c. If the material is transported to an entity that does not have scales on-site or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Recyclable and Organic Materials

5. 3rd Party Haulers will, upon renewal of their City Business License, respond to requests by the city manager or a designated City Enforcement Official documenting the amount of Recyclable or Organic Material transported on behalf of their client to an approved processing facility permitted to handle Recyclable and/or Organic Material for processing, transport or transformation.

SEC. 19-176. EXTRA NONRESIDENTIAL SERVICE.

Any person desiring more than the minimum Solid Waste collection service may apply to the Solid Waste division for extra service and shall be charged the associated rate for that service.

SEC. 19-177. UNAUTHORIZED COLLECTION.

No person except authorized City officers and employees shall collect, remove, convey, or cause or permit to be removed, collected, or conveyed, any Solid Waste on or along any public right-of-way in the City. This Section shall not apply to any person with whom the City has entered into a contract for the collection, removal, and disposal of Solid Waste, or to any person or business who holds a City business license for the collection, removal, and disposal of Solid Waste, or to any employee of such persons, while such contract or license is in force.

SEC. 19-178. INTERFERENCE WITH COLLECTION.

No person shall interfere with or obstruct the collection, transportation, disposal or processing of Solid Waste.

SEC. 19-179. INTERFERENCE WITH SOLID WASTE CONTAINERS.

No person other than the owner or occupant, or a person to whom the owner or occupant has given consent, or an officer or employee of the City, or a person or an employee thereof holding a contract with the City or a business license issued by the City for the collection, removal, and disposal of Solid Waste, shall interfere in any manner with any Solid Waste container or the contents thereof, or place materials within or remove the contents from any Solid Waste container.

SEC. 19-180. TRASH ENCLOSURE STANDARDS AND CALGREEN

Persons applying for a permit from the City for new construction and building additions and alterations shall comply with the requirements of this Section and all required components of the

California Green Building Standards Code, 24 CCR, Part 11, known as CALGreen, as amended if its project is covered by the scope of CALGreen or more stringent requirements of the City. If the requirements of CALGreen are more stringent than the requirements of this Section, the CALGreen requirements shall apply.

Project applicants shall refer to the City's building and/or planning code for complete CALGreen requirements.

For projects covered by CALGreen or more stringent requirements of the City, the applicants must, as a condition of the City's permit approval, comply with the following:

(A) Any new occupants of a Commercial Business, multi-tenant commercial property, and/or multi-family dwelling of 5 units or more, where existing buildings on the site are identified for the storage and collection of Recyclable and/or Organic Materials, consistent with the City's three or two-container collection program, shall comply with a provision requiring adequate space for Recycling and Organics Materials management 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 provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.

(B) New construction and/or alterations resulting in more than 30% of the floor space shall add, modify or expand existing trash enclosures for existing commercial, transient residential (hotel/motel/spa), and for existing multi-family residential projects to ensure that the enclosure(s) is appropriately sized and adequately maintained so that access doors function and the structure does not fall into disrepair. Failure to comply may result in Enforcement Action.

(C) All Commercial Businesses and multi-family dwellings of 5 units or more shall:

- a. comply with CALGreen requirements and applicable laws related to management of C&D, including the documentation of the diversion of Recyclable and Organic Waste in C&D from disposal.
- b. comply with the City's C&D written and published policies and/or administrative guidelines regarding the collection, recycling, diversion, tracking, and/or reporting of C&D materials.

SEC. 19-181. COLLECTION IN ANNEXED AREAS.

When the City annexes an area in which, for at least the immediately preceding three years, private Solid Waste collection service of at least the quality and frequency of service provided by the City has been provided by an operator holding a County franchise, license or permit, the operator may continue to provide such service to the existing service area for the period provided by Cal. Pub. Res. Code, Section 49520 after the City mails notice to the operator that after such a period the City will provide exclusive service to the area. The City and the operator may provide mutually satisfactory terms for the operator's termination of service before such period expires.

SEC. 19-182. OCCUPANTS LIABLE FOR CHARGES; CHARGES TO BE BILLED TO WATER METER USER.

All occupants are liable for charges for Solid Waste collection services. In the case of premises containing more than one dwelling unit or place of business or both that are served by a single water meter, such charges may be billed to the landlord or water meter user, who shall collect such charges from the occupants thereof and transmit the amount so collected to the City. In the event the landlord or water meter user fails to collect such charges from any such occupant and remit the charges to the City, the landlord or water meter user shall be liable to the City for the payment of such charges.

SEC. 19-183. CHARGES ADDED TO UTILITY BILL; PAYMENT; ADJUSTMENT FOR HIGHER RATES.

Whenever possible, charges for the collection of Solid Waste and Recyclable Materials and related services shall be added to City utility bills. Such charges shall be for the period covered by the utility bills, and shall be payable at the same time and in the same manner as utility bills. Bills for a fractional part of a billing period may be prorated in a manner approved by the city manager. Whenever it is not possible to determine the total amount of such charges to be added to the utility bill, or if such charges must be billed separately, bills for such services may be rendered and payment of such charges may be made quarterly or monthly, in advance, as directed by the city manager.

SEC. 19-184. DELINQUENT BILL; AUTHORITY TO DISCONTINUE UTILITY SERVICE.

When a customer's bill for the collection of Solid Waste, Recyclable Materials and related services at a service location becomes delinquent, and water is furnished to the customer through one or more services at the same or different locations, all such water services may be shut off. In addition, the City shall have the authority to discontinue water service or Solid Waste and Recyclable Materials service, or both, without notice for failure to comply with this Article or the rules and regulations promulgated by the city manager pursuant to this Article. The charges and procedures for resumption of water service shut off pursuant to this Article shall be those found in Chapter 22. As an additional remedy, an action in the name of the City may be commenced in any court of competent jurisdiction for the amount of any delinquent charges; and if legal action is brought by the City or its assignee to enforce collection of any amount charged and due under this Article, any judgment rendered in favor of the City shall include costs of suit incurred by the City or its assignee, including reasonable attorneys' fees.

SEC. 19-185 BILLING AND COLLECTION - DELINQUENT REFUSE BILL.

Should a customer fail to pay a fee or charge for refuse service, within one month after the billing date provided on the face of the bill, the City shall assess a penalty in an amount of 10% of the overdue balance.

DIVISION 4. RECYCLABLE AND ORGANIC MATERIALS

SEC. 19-190. COLLECTING, TRANSPORTING, PROCESSING AND MARKETING RECYCLABLE AND ORGANIC MATERIAL.

No person shall collect, transport, process or market Recyclable Materials within the City unless such person is:

- (A) An officer or employee of the City acting in the course of that individual's official duty;
- (B) A person holding a City business license (authorized 3rd Party Hauler) for the collection, transportation, processing or marketing of Recyclable Materials or an employee of such person;
- (C) An owner or occupant, provided that such person transports only those Recyclable Materials that are generated on the lot owned or occupied by such person to a buy back center, drop off center or other facility certified pursuant to Cal. Pub. Res. Code, Sections 14500 et seq.;
- (D) The holder of a City business license for a Recycling Facility or Processing Facility, or an officer or employee of the licensee; or
- (E) An agent or employee of, or a volunteer authorized by, a nonprofit organization that collects recyclable materials or processed materials as a part of a fund-raising activity for the benefit of such nonprofit organization.

SEC. 19-191. REMOVAL OR INTERFERENCE OF COLLECTION CONTAINERS.

- (A) Containers for the temporary storage of Solid Waste, Recyclable and Organic Materials generated on any lot shall comply with all applicable provisions of this Article and this Code.
- (B) No person, other than the persons specified in section 19-190, shall remove or interfere in any way with collection containers or the contents thereof, after the same is placed for collection at an authorized collection location by the occupant or owner of the lot on which the Recyclable Materials were generated.
- (C) Notwithstanding any other provision of this Code, violation of this Section is hereby declared to be an infraction punishable in accordance with the provisions of Chapter 1 of this Code, relating to punishment for infractions.
- (D) As an alternative to subsection (C) of this Section, the city attorney is authorized to bring a civil suit at law or equity against any person who violates this Section. In any such civil suit, the court shall either allow treble damages, as measured by the value of the material removed or interfered with, or award a civil penalty of not more than \$1,000, whichever is greater, against the person who violated this section, for each unauthorized removal or interference, together with the City's reasonable attorneys' fees, expert and other witness fees, and all costs.

SEC. 19-192. PLACEMENT OF COLLECTION CONTAINERS.

The following provisions apply to curbside or alley Recyclable Materials collection:

- (A) No person shall place, or cause to be placed for collection, any Solid Waste, Recyclable or Organic Materials, at any place, at any time or in any manner other than as provided in this Article or Regulations established thereto.
 1. No person shall place, or cause to be placed for collection, any Solid Waste, Recyclable or Organic Materials at any time other than on the days established pursuant to this Article or Regulations established thereto.

2. Collection containers shall be placed for collection by the time designated by resolution of the City Council, or at any time within 12 hours prior to the designated collection time. No person shall permit collection containers of any Solid Waste, Recyclable, or Organic Materials to remain at such locations after the designated collection day.

3. Each collection container shall be returned to a location where the same is permitted to be stored pursuant to the provisions of this Code or Regulations issued pursuant thereto.

(B) Any collection container or any Solid Waste, Recyclable or Organic Materials to be placed for collection on the lot where generated adjacent to a street, shall be placed as close as practicable to the curb line or right-of-way line of the street.

(C) No collection container or any Solid Waste, Recyclable or Organic Materials shall be placed within the limits of any street or alley within the City, unless by direction of the city manager.

SEC. 19-193. TITLE TO RECYCLABLE MATERIALS.

Title to Recyclable Materials shall be deemed for all purposes to be vested in the City as of the time the materials are placed in the collection location with the intent that they be collected for recycling by the persons identified in Section 19-190.

SEC. 19-194. RECYCLING AND ORGANICS COLLECTION SERVICES.

(A) All Commercial Businesses and multi-family dwellings of 5 units or more that generate more than 4 cubic yards of Solid Waste per week are required to subscribe to Recycling Collection Services.

(B) Commercial Businesses and multi-family dwellings of 5 units or more may choose to contract with a 3rd party hauling company that is authorized to provide recycling collection services within the City, self or back-haul Recyclable Materials pursuant to section 19-175 (D).

(C) Notwithstanding the foregoing, there is nothing in this Article that prevents Generators to choose to manage their Recyclable and Organic Materials by preventing, reducing, reusing materials on site, and/or using a certified recycling center pursuant to 14 CCR Section 18984.9(c).

(D) All commercial businesses and multi-family dwellings of 5 units or more that generate more than 2 cubic yards of Solid Waste per week are required to subscribe to Organics Collection Services pursuant to Section 19-160 (D), (E).

DIVISION 5. EXCLUDED WASTES, INCLUDING HAZARDOUS MATERIALS

SEC. 19-200. UNDERGROUND STORAGE.

(A) Pursuant to Cal. Health and Safety Code, Chapter 6.7, Division 20, Section 25283 and Cal. Health and Safety Code, Chapter 6.11, Division 20, Section 25404.1, the City assumes or has previously assumed responsibility for the implementation within the Cal. Gov't Code, Title 23,

Division 3, Chapters 16 and 18, pertaining to underground storage of hazardous substances, and Cal. Health and Safety Code, Chapter 6.75, Division 20, pertaining to underground petroleum storage tank cleanup, to the extent that such regulations and statutes authorize such action by the City.

(B) The City Council designates the City's Certified Unified Program Agency Program (CUPA Program) as responsible for administering and enforcing said regulations and statutes on behalf of the City. The CUPA Program may adopt regulations to implement this Division.

(C) Pursuant to Cal. Health and Safety Code, Sections 25280 et seq., and Cal. Gov't Code, Chapter 16, Division 3, Title 23, the CUPA Program shall issue, renew, revoke and modify permits to operate underground storage tanks.

(D) Pursuant to Cal. Health and Safety Code, Sections 25299.10 et seq. and Cal. Gov't Code, Chapter 18, Division 3, Title 23, the CUPA Program shall require correction action with regard to underground storage tanks and releases therefrom, including the preparation of a work plan, and shall perform, monitor or oversee corrective action as directed by the State Water Resources Control Board or the regional water quality control board.

(E) The CUPA Program shall charge, for services provided under this Division, the fees adopted therefore by resolution of the City Council.

DIVISION 8. ENFORCEMENT.

(A) Violation of any provision of this Article shall be punishable as set forth in Section 1-10 of this Code. Furthermore, violations of this Article shall constitute a public nuisance and may be abated as set forth in Article 1 of Chapter 7 of this Code. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. City may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. City may choose to delay court action until such time as a sufficiently large number of violations or cumulative size of violations exists such that court action is a reasonable use of City staff and resources.

(B) Enforcement pursuant to this ordinance may be undertaken by the city manager or their designee, legal counsel, or combination thereof.

(C) Process for Enforcement

1. The city manager 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).

2. For incidences of Prohibited Container Contaminants found in containers, City will issue a Notice of Violation to any generator found to have Prohibited Container Contaminants in a container. Such notice will be provided via a cart tag or other communication immediately upon identification of the Prohibited Container Contaminants or within 7 days after determining that a violation has occurred. If the City observes Prohibited Container Contaminants in a generator's

containers on more than 3 consecutive occasion(s), the Jurisdiction may assess contamination processing fees or contamination penalties on the generator.

3. Notices shall be sent to “owner” at the official address of the owner maintained by the tax collector for the jurisdiction or if no such address is available, to the owner at the address of the dwelling or Commercial property or to the party responsible for paying for the collection services, depending upon available information

(D) The City may extend the compliance deadlines set forth in a Notice of Violation issued 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 Jurisdiction is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

(E) Education Period for Non-Compliance

1. Beginning January 1, 2022 and through December 31, 2023, City will conduct inspections, remote monitoring, route reviews or waste evaluations, and compliance reviews, depending upon the type of regulated entity, to determine compliance, and if City determines that Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this Article and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

2. Beginning January 1, 2024, if the City determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this Article, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action, as needed.”

Part 2. Pursuant to Cal. Gov. Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council’s adoption of the ordinance.

Part 3. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. ---³⁰⁰⁷was first read on Feb. 01, 2022, and finally adopted on 03/01, 20²² to become effective thirty days thereafter.

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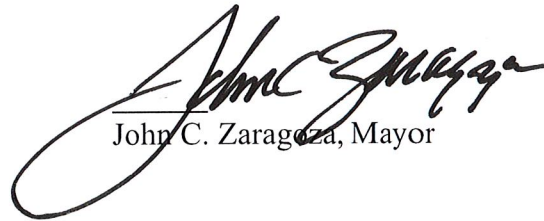
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AYES: Councilmembers Basua, Lopez, MacDonald, Madrigal, Perello, Teran and Zaragoza.

NOES: None.

ABSENT: None.

ABSTAIN: None.



John C. Zaragoza, Mayor

ATTEST:



Rose Chaparro, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, City Attorney