



TO: Mayor and Council Members
Marlene Best, City Manager
Shawn Hagerty, City Attorney

FROM: Annette Ortiz, CMC, City Clerk *AJ.*

DATE: November 10, 2021

SUBJ: **UPDATED COUNCIL MEETING MATERIALS – November 10, 2021**

NEW BUSINESS:

- (9) **Introduction and First Reading of an Ordinance Amending Chapter 9.02 of Title 9 of the Santee Municipal Code, "Solid Waste Management," Related to Implementation of SB 1383 Regulations. (City Attorney – Hagerty)**

The attached updates relating to the above-mentioned Item is provided for your consideration of this Item.

Chapter 9.02 SOLID WASTE MANAGEMENT

Article 1. General Provisions

9.02.100 Purpose and intent.

A. The City Council hereby finds and determines, in order to meet the requirements of the California Integrated Waste Management Act of 1989, including requirements for source reduction of the solid waste stream, diversion of solid waste from landfills and conservation of natural resources, it is necessary to regulate the collection of solid waste from residential and commercial premises and to encourage recycling of solid waste and organic materials.

B. The City Council further finds and determines that the storage, accumulation, collection and disposal of solid waste and recyclables is a matter of great public concern because improper control of such matters may create a public nuisance, air or water pollution, fire hazard, rat and insect infestation and other problems affecting the public health, safety and welfare. Regulating the collection of recyclable materials and solid waste within the City will best solve such problems and promote public health, safety and welfare. Regulating such activities in the City will also promote public health, safety, and welfare by, among other things, requiring newer and safer vehicles, regular vehicular and facility maintenance, reduction of solid waste spillage and litter, accountability for cleaning solid waste bins and containers, recycling activities and accountability to the public for solid waste services.

C. The City Council hereby finds and determines that the public health, safety and welfare will be served by providing for a franchised or permitted system for solid waste collection and recycling services.

9.02.110 Definitions.

When used in this chapter, the following definitions apply unless the context or a more specific definition indicates otherwise:

“Blue container” has the same meaning as in 14 CCR Section 18982(a)(5) and shall be used for the purpose of storage and collection of source separated recyclable materials or source separated blue container organic waste.

“Biohazardous waste” means any of the following:

1. Laboratory waste, including, but not limited to, specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biological agents, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate and mix cultures or material which may contain infectious agents and may pose a substantial threat to health;
2. Recognizable fluid blood elements and regulated body fluids, and containers and articles contaminated with blood elements or regulated body fluids that readily separate from the solid portion of the waste under ambient temperature and pressure. Regulated

body fluids are cerebrospinal fluid, synovial fluids, pleural fluid, peritoneal fluid, pericardial fluid, and amniotic fluid;

3. Sharps, which are objects or devices having acute rigid corners, edges, or protuberances capable of cutting or piercing, including, but not limited to, hypodermic needles, blades and slides;
4. Contaminated animal carcasses, body parts, excrement and bedding of animals including materials resulting from research, production of biologicals, or testing of pharmaceuticals which are suspected of being infected with a disease communicable to humans;
5. Any specimens sent to a laboratory for microbiological analysis;
6. Surgical specimens including human or animal parts or tissues removed surgically or by autopsy;
7. Such other waste materials that result from the administration of medical care to a patient by health care providers and are found by the administering agency or the local health officer to pose a threat to human health or the environment. If there is a difference in opinion between the administering agency and the local health officer, the local health officer's view will prevail.

“Biomedical waste” means any waste which is generated or has been used in the diagnosis, treatment or immunization of human beings or animals, in research pertaining thereto, in the production or testing of biologicals, or which may contain infectious agents and may pose a substantial threat to health. Biomedical waste includes biohazardous waste and medical solid waste. Biomedical waste does not include hazardous waste as defined in California Health and Safety Code Section 25117 and California Code of Regulations Title 22, Division 4.5, or radioactive waste as regulated in Division 104, Part 9 of California Health and Safety Code.

“Bulky items” means large items of solid waste, such as appliances, furniture, large auto parts, and other oversize waste whose size precludes or complicates their handling by normal waste management methods.

“C&D” means construction and demolition debris.

“CalRecycle” means the California Department of Resources Recycling and Recovery or its successor.

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

“City enforcement official” means the City Manager or designee who is/are partially or wholly responsible for enforcing the SB 1383 regulations implemented in article 2 of this chapter.

“City manager” means the City Manager of the City of Santee or designee.

“Collect” or “collection” means the operation of taking physical possession of and/or transporting by means of a motor vehicle or other means, any organics, solid waste or recyclables to a transfer, disposal or processing facility, where the materials are subsequently disposed of or processed.

“Collector” means any person who has been issued a franchise or a permit by the City to provide waste management services.

“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 multifamily residential dwelling that consists of fewer than five units is not a commercial business for purposes of implementing this chapter.

“Commercial business owner” means any person, firm, corporation or other enterprise or organization holding or occupying, singly or with others, commercial premises, whether or not the holder of the title of the commercial premises.

“Commercial edible food generator” includes a tier one or a tier two commercial edible food generator as defined in this chapter or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, food recovery organizations and food recovery services are not commercial edible food generators pursuant to 14 CCR Section 18982(a)(7).

“Commercial premises” means all occupied real property in the City except property occupied by governmental agencies which do not consent to their inclusion, and except residential premises which receive solid waste collection services using single-family residential solid waste containers, and includes, without limitation, multiple housing of five or more units, wholesale or retail establishments, restaurants, other food establishments, bars, stores, shops, offices, manufacturing, repair, research and development, professional services, sports or recreational facilities, and construction and demolition sites.

“Commercial solid waste” means all types of solid waste generated by a store, office, or other commercial or public entity source, including a business or a multifamily dwelling of five or more units.

“Commercial solid waste container” means a bin or refuse container used in connection with commercial premises with a one and one-half to six cubic yard capacity, designed for mechanical pick-up by collection vehicles and equipped with a lid or, where appropriate for the commercial premises being served, a 10 to 40 cubic yard roll-off body or compactor. This section also includes other types of containers suitable for the storage and collection of commercial solid waste if approved in writing by the Director.

“Community composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).

“Compliance review” means a review of records by the City to determine compliance with article 2 of this chapter.

“Compost” means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility or as otherwise defined in 14 CCR Section 17896.2(a)(4).

“Container” means any vessel, tank, receptacle, box or bin used or intended to be used for the purpose of holding organic waste, solid waste, or recyclable materials for storage or collection.

“Container contamination” or “contaminated container” means a container, regardless of color, that contains prohibited container contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).

“Designee” means, when used in reference to the City, an entity that a the City contracts with or otherwise arranges to carry out any of the City’s responsibilities under SB 1383 Regulations and implemented in this chapter as authorized in 14 CCR Section 18981.2. A designee may be a government entity, a hauler, a private entity, or a combination of those entities.

“Designated recyclables” mean those recyclable materials designated in Section 9.02.250.

“Director” means the Director of the Department of Development Services of the City of Santee or designee.

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

“Enforcement action” means an action of the City to address non-compliance with article 2 of this chapter including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies in accordance with the provisions of Title 1.

“Excluded waste” means biohazardous radioactive, or biomedical waste, hazardous substance, hazardous waste, universal waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, toxic substances, sharps, sludge, stable matter, tires, lead-acid batteries, automobile, boat, or boat trailer parts, internal combustion engines 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 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 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 California Public Resources Code.

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

“Food facility” has the same meaning as in Section 113789 of the Health and Safety Code.

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

“Food recovery organization” means an entity that engages in the collection or receipt of edible food from commercial edible food generators and distributes that edible food to the public for food recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

1. A food bank as defined in Section 113783 of the Health and Safety Code;
2. A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
3. A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A food recovery organization is not a commercial edible food generator for the purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7). If the definition in 14 CCR Section 18982(a)(25) for food recovery organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this chapter.

“Food recovery service” means a person or entity that collects and transports edible food from a commercial edible food generator to a food recovery organization or other entities for food recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A food recovery service is not a commercial edible food generator for the purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

“Food-soiled paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.

“Food waste” means those discarded materials that will readily decompose and/or putrefy including: (i) all kitchen and table food waste; (ii) animal or vegetable waste that is generated during or results from the storage, preparation, cooking or handling of food stuffs; (iii) fruit waste, grain waste, dairy waste, meat, and fish waste; (iv) vegetable trimmings and other compostable organic waste common to the occupancy of residential premises. Food waste is a subset of organic waste.

“Franchise” means the right to provide waste management services of any class or type within all or any part of the City, granted by the City Council pursuant to this chapter.

“Franchisee” means the person who provides waste management services under a franchise granted by the City Council.

“Garbage” means kitchen and table wastes, and animal or vegetable wastes that attend or result from the storage, preparation, cooking, or handling of food or edible items.

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

“Gray container waste” means solid waste that is collected in a gray container that is part of a three-container organic waste collection service 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” has the same meaning as in 14 CCR Section 18982(a)(29) and shall be used for the purpose of storage and collection of source separated green container organic waste.

“Green waste” includes leaves, grass, weeds, houseplant trimmings, and wood materials from trees and shrubs, and similar material generated at any premises that fit within a cart. Green waste does not include palm fronds, or tree trunks or limbs more than two (2) feet in diameter.

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

“Hauler route” means the designated itinerary or sequence of stops for each segment of the City’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

“Hazardous waste” has the same meaning set forth in Health and Safety Code Section 25117, and includes: 1) a waste or combination of wastes which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may either (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or (b) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of, or otherwise managed; (2) a waste which meets any of the criteria for the identification of a hazardous waste adopted by the California Environmental Protection Agency's Division of Toxic Substances Control pursuant to Health and Safety Code Section 25141; (3) any chemical, pollutant, contaminant, hazardous or toxic substance, constituent or material that under applicable law is considered to be hazardous or toxic or is or may be required to be remediated, including, without limitation, (a) any petroleum or petroleum products and their derivatives, radioactive materials, asbestos in any form that is or could become friable, transformers or other equipment that contain dielectric fluid containing polychlorinated biphenyls and processes and certain cooling systems that use chlorofluorocarbons, or (b) any chemicals, materials or substances which are now or hereafter become defined as or included in the definition of "hazardous substances," "hazardous wastes,"

"hazardous materials," "extremely hazardous wastes," "restricted hazardous wastes," "toxic substances," "toxic pollutants," or any words of similar import pursuant to applicable law.

“High diversion organic waste processing facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average mixed waste organic content recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for organic waste received from the “mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).

“HHWE” means the Household Hazardous Waste Element for the City prepared and updated pursuant to the Public Resources Code.

“Holiday” means New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and any other day designated as such in a contract between a collector and the labor union serving as the exclusive representative of said collector’s employees, provided such holiday is approved by the City Council.

“Industrial solid waste” means solid waste originating from mechanized manufacturing facilities, factories, refineries, construction and demolition projects, publicly operated treatment centers, or solid waste placed in commercial collection bins, excluding hazardous waste.

“Inspection” means a site visit where the City 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 article 2 of this chapter, or as otherwise defined in 14 CCR Section 18982(a)(35).

“Landfill” means a disposal facility that accepts solid waste for land disposal as defined in Section 40195.1 of the Public Resources Code.

“Large event” 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 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. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this chapter.

“Large venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one large venue that is contiguous with other large venues in the site, is a single large venue. If the

definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this chapter.

“Local education agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to solid waste, or as otherwise defined in 14 CCR Section 18982(a)(40).

“Multifamily residential dwelling” or “multifamily residential premises” means of, from, or pertaining to a structure or structures containing five or more dwelling units in any vertical or horizontal arrangement on a single lot or building site. Multifamily premises do not include hotels, motels, or other transient occupancy facilities, which are considered commercial businesses.

“Organic waste” means solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a). Organic waste includes food waste, green waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

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

“Non-organic recyclables” means 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).

“Notice of violation (NOV)” means 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.

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

“Permittee” means a person who holds a valid, unrevoked, and unexpired permit to collect or transport solid waste and recyclables issued pursuant to this chapter.

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

“Prohibited container contaminants” means the following: (i) discarded materials placed in the blue container that are not identified as acceptable source separated recyclable materials for the City’s blue container; (ii) discarded materials placed in the green container that are not identified

as acceptable source separated green container organic waste for the City's green container; (iii) discarded materials placed in the gray container that are acceptable source separated recyclable materials and/or source separated green container organic wastes to be placed in City's green container and/or blue container; and, (iv) excluded waste placed in any container.

“Public agency” means any governmental agency or department thereof.

“Public education” means any and all efforts to enhance, increase or improve the knowledge of customers of collectors or residents of the City regarding solid waste, recycling, source reduction or any other aspect of waste management services.

“Recovery” means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

“Recyclables” means 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 which shall include, but not be limited to: newspaper (including inserts, coupons, and store advertisements); mixed paper (including office paper, computer paper, magazines, junk mail, catalogs, brown paper bags, brown paper, paperboard, paper egg cartons, telephone books, paper grocery bags, colored paper, construction paper, envelopes, shoe boxes, cereal, and other similar food boxes yet excluding paper tissues, paper towels, paper with plastic coating, paper contaminated with food, wax paper, foil-lined paper and cartons, Tyvex non-tearing paper envelopes); chipboard; corrugated cardboard; glass containers of any color (including brown, clear, and green glass bottles and jars); aluminum (including beverage containers); steel, tin or bi-metal cans; mixed plastics such as plastic containers (no. 1 to 7), except expanded Polystyrene (EPS); bottles including containers made of HDPE, or PET; and, those materials added from time to time.

“Recycling” means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become refuse, and returning 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. Recycling does not include transformation as defined in Public Resources Code Section 40201.

“Refuse” means garbage and rubbish.

“Remote monitoring” means the use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of blue containers, green containers, and gray containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of prohibited container contaminants.

“Residential householder” means any person holding and/or occupying a residential premises, whether or not the owner, singly or with his or her family, in the City.

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

“Route review” means a visual inspection of containers along a hauler route for the purpose of determining container contamination, and may include mechanical inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

“Rubbish” means nonputrescible solid waste that is not recyclable such as ashes, soiled paper and cardboard, certain wood, glass, plastics and metals, bedding, crockery, rubber and rubber by-products, textiles, inert products, and litter.

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

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

“Scavenging” means the uncontrolled or unauthorized removal of solid waste, recyclables or organic waste pursuant to this chapter.

“Self-hauler” means a person, who hauls solid waste, organic waste, or recyclable material he or she has generated to another person. 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 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 residential premises” means of, from, or pertaining to any residential property with fewer than five units within the City utilizing solid waste containers of 96 gallons or less capacity for the provision of waste management services.

“Single-family residential solid waste container” means a container made of metal, hard rubber or plastic not exceeding 96 gallons in capacity. “Solid waste” means all putrescible and nonputrescible solid and semisolid wastes, generated in or upon, related to the occupancy of, remaining in or emanating from residential premises or commercial premises, including garbage, rubbish, trash, refuse, ashes, industrial wastes, demolition and construction wastes, manure, vegetable or animal solid or semisolid wastes, and other solid and semisolid wastes. This excludes recyclables, source-separated organic waste, liquid wastes, abandoned vehicles, and excluded waste, hazardous, biohazardous and biomedical wastes, sharps, or any item excluded from the definition of bulky items.

“Solid waste management or collection services” means the collection, transportation, storage, transfer, disposal, or processing of solid waste, recyclables, or organic waste.

“Source separated” means 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 the chapter 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.

“Source separated blue container organic waste” means source separated organic wastes that can be placed in a blue container that is limited to the collection of those organic wastes and non-organic recyclables as defined in 14 CCR Section 18982(a)(43), or as otherwise defined by 14 CCR Section 17402(a)(26.7).

“Source separated green container organic waste” means source separated organic waste that can be placed in a green container that is specifically intended for the separate collection of organic waste by the generator, excluding source separated blue container organic waste, carpets, non-compostable paper, and textiles.

“Source separated recyclable materials” means source separated non-organic recyclables and source separated blue container organic waste.

“SRRE” means the Source Reduction and Recycling Element for the City prepared and updated pursuant to the Public Resources Code.

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

“Tier one commercial edible food generator” means a commercial edible food generator that is one of the following:

1. Supermarket.
2. Grocery store with a total facility size equal to or greater than 10,000 square feet.
3. Food service provider.
4. Food distributor.
5. Wholesale food vendor.

If the definition in 14 CCR Section 18982(a)(73) of tier one commercial edible food generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this chapter.

“Tier two commercial edible food generator” means a commercial edible food generator that is one of the following:

1. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
2. Hotel with an on-site food facility and 200 or more rooms.
3. Health facility with an on-site food facility and 100 or more beds.
4. Large venue.
5. Large event.
6. A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
7. A local education agency facility with an on-site food facility.

If the definition in 14 CCR Section 18982(a)(74) of tier two commercial edible food generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this chapter.

“Transfer or processing station,” as defined in Public Resources Code Section 40200, means those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport, and those facilities used for transformation.

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

“Yard waste” means lawn clippings, leaves, weeds, and woody materials from trees and shrubs.

9.02.120 Promulgation of rules and regulations.

- A. The storage, removal, collection, and transportation of solid waste, recyclables and organic waste in the City is under the supervision of the Director, who has the authority and duty to promulgate rules and regulations regulating these activities. A copy of the rules and regulations, and all amendments thereto, must be kept on file by all persons having a franchise or permit to collect solid waste, recyclables and organic waste in the City.

B. All persons are encouraged to utilize waste management services from a collector authorized by the City. However, nothing in this chapter prohibits a person from self-hauling solid waste, organic waste and recyclables generated on the person's own property to a properly permitted receiving facility for final disposal provided that:

1. Such solid waste is source separated, removed in a continuous and timely manner, and disposed of in accordance with Sections 9.02.175 and 9.02.210 of this chapter;
2. Weight receipts or other justification of proper disposal are maintained by the self-hauler for a 12-month period and can be made available upon request to a public agency charged with solid waste reporting requirements to the State; and
3. All commercial and industrial businesses not using the services of a permittee must submit solid waste disposal and organic waste and recycling tonnage documentation annually to the City. Reports are due on or before January 31 for the previous year. Annual reporting must be on a form provided by the Director.

9.02.130 Enforcement.

A. Violation—General. Violations of this chapter are declared to be a public nuisance and a misdemeanor and may be addressed by any means available to the City, including those means set forth in Title 1.

B. Enforcement of SB 1383 Regulations—Administrative Citations and Fine.

1. Violation of any of the provision of article 2 of this chapter shall constitute grounds for issuance of a notice of violation and assessment of a fine. Enforcement actions under this subsection B are issuance of an administrative citation and assessment of a fine. The City's procedures on imposition of administrative fines in Chapter 1.08 of Title 1 are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, and collection of administrative citations issued to enforce violations of article 2 of this chapter and any rule or regulation adopted pursuant thereto, except as otherwise indicated in this chapter.

2. Enforcement of article 2 of this chapter pursuant to this subsection B may be undertaken by the City enforcement official, which may be the city manager or their designated entity, legal counsel, or combination thereof. The City enforcement officials will interpret the provisions of article 2 of this chapter; determine the applicability of waivers, if violation(s) have occurred; implement enforcement actions; determine if compliance standards are met; and may issue notices of violation.

3. Process for Enforcement.

a. Compliance Monitoring. The City enforcement officials or their designee will monitor compliance with article 2 of this chapter randomly and through compliance reviews, route reviews, investigation of complaints, and an inspection program (that may include remote monitoring). Section 9.02.280 establishes City's right to conduct inspections and investigations.

- b. Notice of Violation. With the exception of violations of generator contamination of container contents, the City shall issue a notice of violation requiring compliance within 60 days of issuance of the notice.
 - c. Failure to Comply. Absent compliance by the respondent within the deadline set forth in the notice of violation, the City shall commence an action to impose the penalties set forth in this subsection B, via an administrative citation and fine, pursuant to the procedures set forth in Chapter 1.08 of Title 1. Notices shall be provided to “owner” at the official address of the owner maintained by the tax collector for the City 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
4. Fine Amount. The penalties for violations of article 2 of this chapter are as follows:
 - a. For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.
 - b. For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.
 - c. For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 per violation.
5. Criteria. The City may consider the criteria set forth in subsection F of Section 1.08.020, when determining the amount of the administrative fine.
6. Compliance Deadline Extension—Considerations. The City may extend the compliance deadlines set forth in a notice of violation issued in accordance with this subsection B if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:
 - a. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
 - b. Delays in obtaining discretionary permits or other government agency approvals;
or,
 - c. 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.
7. Appeals. Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with the City’s

Administrative Hearing and Judicial Review procedures set forth in Chapter 1.14 of Title 1.

8. **Education Period for Non-Compliance.** Beginning January 1, 2022, and through December 31, 2023, the 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 article 2 of this chapter 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.

9. **Civil Penalties for Non-Compliance.** 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 article 2 of this chapter, it shall document the noncompliance or violation, issue a notice of violation, and take enforcement action pursuant to this subsection B, as needed.

10. **Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction.** The City may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. The City may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of City staff and resources.

C. The City may issue an official notification to notify regulated entities of its obligations under this chapter. This chapter shall only apply to those entities subject to the City's regulatory authority.

Article 2. Regulation of Solid Waste, Organic Waste, and Recyclables

9.02.160 Requirements for single-family generators.

Single-family organic waste generators shall comply with the following requirements except single-family generators that meet the self-hauler requirements in Section 9.02.175:

A. Shall subscribe to the City's organic waste collection services for all organic waste generated as described below in Subdivision B. The City shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, single-family generators shall adjust its service level for its collection services as requested by the City. Generators may additionally manage their organic waste by preventing or reducing their organic waste, managing organic waste on site, and/or using a community composting site pursuant to 14 CCR Section 18984.9(c).

B. Shall participate in the City's organic waste collection services by placing designated materials in designated containers as described below, and shall not place prohibited container contaminants in collection containers.

1. Generator shall place source separated green container organic waste, including food waste, in the green container; source separated recyclable materials in the blue container; and gray container waste in the gray container. Generators shall not place materials designated for the gray container into the green container or blue container.

9.02.165 Requirements for commercial businesses.

Generators that are commercial businesses, including multifamily residential dwellings, shall:

A. Subscribe to the City's three-container collection services and comply with requirements of those services as described below in Subdivision B, except commercial businesses that meet the self-hauler requirements in Section 9.02.175. 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, commercial businesses shall adjust their service level for their collection services as requested by the City.

B. Except commercial businesses that meet the self-hauler requirements in Section 9.02.175, participate in the City's organic waste collection services by placing designated materials in designated containers as described below.

1. Generator shall place source separated green container organic waste, including food waste, in the green container; source separated recyclable materials in the blue container; and gray container waste in the gray container. Generator shall not place materials designated for the gray container into the green container or blue container.

C. Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming with subsection D below) for employees, contractors, tenants, and customers, consistent with the City's blue container, green container, and gray container collection service or, if self-hauling, per the commercial businesses' instructions to support its compliance with its self-haul program, in accordance with Section 9.02.175.

D. Excluding multifamily residential dwellings, provide containers for the collection of source separated green container organic waste and source separated recyclable materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a commercial business does not generate any of the materials that would be collected in one type of container, then the 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), the containers provided by the business shall have either:

1. A body or lid that conforms with the container colors provided through the collection service provided by the City, 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 the requirements of this subsection 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. Multifamily residential dwellings are not required to comply with container placement requirements or labeling requirement in subsection D, above, pursuant to 14 CCR Section 18984.9(b).

F. Excluding multifamily residential dwellings, to the extent practical through education, training, inspection, and/or other measures, prohibit employees from placing materials in a container not designated for those materials per the City's blue container, green container, and gray container collection service or, if self-hauling, per the commercial businesses' instructions to support its compliance with its self-haul program, in accordance with Section 9.02.175.

G. Excluding multifamily residential dwellings, periodically inspect blue containers, green containers, and gray containers for contamination 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).

H. Annually provide information to employees, contractors, tenants, and customers about organic waste recovery requirements and about proper sorting of source separated green container organic waste and source separated recyclable materials.

I. Provide education information before or within 14 days of occupation of the premises to new tenants that describes requirements to keep source separated green container organic waste and source separated recyclable materials separate from gray container waste (when applicable) and the location of containers and the rules governing their use at each property.

J. Provide or arrange access for the City or its agent to their properties during all inspections conducted in accordance with Section 9.02.280 to confirm compliance with the requirements of this article.

K. Accommodate and cooperate with the City's remote monitoring program for inspection of the contents of containers for prohibited container contaminants, which may be implemented at a later date, to evaluate generator's compliance with subsection B. The remote monitoring program shall involve installation of remote monitoring equipment on or in the blue containers, green containers, and gray containers.

L. At commercial business's option and subject to any approval required from the City, implement a remote monitoring program for inspection of the contents of its blue containers, green containers, and gray containers for the purpose of monitoring the contents of containers to determine appropriate levels of service and to identify prohibited container contaminants. Generators may install remote monitoring devices on or in the blue containers, green containers, and gray containers subject to written notification to or approval by the City or its designee.

M. If a commercial business wants to self-haul, meet the self-hauler requirements in Section 9.02.175.

N. 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).

O. Commercial businesses that are tier one or tier two commercial edible food generators shall comply with food recovery requirements, pursuant to Section 9.02.190.

9.02.170 Waivers for generators.

A. De Minimis Waivers. The City may waive a commercial business' (including multifamily residential dwellings) obligation to comply with some or all of the organic waste requirements of this article if the commercial business provides documentation that the business generates below a certain amount of organic waste material as described in subdivision 2 of subsection A, below. Commercial businesses requesting a de minimis waiver shall:

1. Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in subdivision 2, below.
2. Provide 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 blue container or green 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 blue container or green 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 waste exceeds the threshold required for waiver, in which case waiver will be rescinded.
4. Provide written verification of eligibility for a de minimis waiver every five years, if the City has approved a de minimis waiver.

B. Physical Space Waivers. The City may waive a commercial business' (including multifamily residential dwellings) or property owner's obligations to comply with some or all of the recyclable materials and/or organic waste collection service requirements if the City has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the organic waste collection requirements of Section 9.02.165.

A commercial business or property owner may request a physical space waiver through the following process:

1. Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
2. Provide documentation that the premises lacks adequate space for blue containers and/or green containers including documentation from its hauler, licensed architect, or licensed engineer.
3. Provide written verification to the City that it is still eligible for a physical space waiver every five years, if the City has approved an application for a physical space waiver.

C. Review and Approval of Waiver. The City may, but is not required to, provide any of the waivers listed in this section. Issuance of any waiver pursuant to this section shall be at the discretion of the Director.

9.02.175 Requirements for self-haulers.

A. Self-haulers 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 from solid waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul organic waste to a high diversion organic waste processing facility as specified in 14 CCR Section 18984.3.

B. Self-haulers shall haul their source separated recyclable materials to a facility that recovers those materials; and haul their source separated green container organic waste to a solid waste facility, operation, activity, or property that processes or recovers source separated 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 multifamily residential dwellings) shall keep a record of the amount of organic waste delivered to each solid waste facility, operation, activity, or property that processes or recovers organic waste; this record shall be subject to inspection by the City. 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. Self-haulers that are commercial businesses (including multifamily self-haulers) shall provide information collected in Subdivision C to the City in accordance with Section 9.02.120.

E. A residential organic waste generator that self-hauls organic waste is not required to record or report information in Subdivisions C or D.

9.02.180 Requirements for haulers and facility operators.

A. Requirements for Haulers. Franchise or permitted haulers providing residential, commercial, or industrial organic waste collection services to generators within the City's boundaries shall meet the following requirements and standards as a condition 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 _____, identify the facilities to which they will transport organic waste including facilities for source separated recyclable materials and source separated green container organic waste.

2. 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.

3. Obtain approval from the City to haul organic waste, unless it is transporting source separated organic waste to a community composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1 and the City's C&D ordinance.

4. Franchise and permitted haulers authorization to collect organic waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement, permit, license, or other agreement entered into with the City.

B. 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.

9.02.190 Requirements for commercial edible food generators.

A. Tier one commercial edible food generators must comply with the requirements of this section commencing January 1, 2022, and tier two commercial edible food generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.

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 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 the 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. 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.

6. No later than _____ of each year commencing no later than _____ for tier one commercial edible food generators and _____ for tier two commercial edible food generators, provide an annual food recovery report to the City that includes the following information: _____.

D. Nothing in this chapter 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).

9.02.195 Requirements for food recovery organizations and services.

A. Food recovery services collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

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.

B. Food recovery organizations collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

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.

C. Food recovery organizations and food recovery services shall inform generators about California and Federal Good Samaritan Food Donation Act protection in written communications, such as in their contract or agreement established under 14 CCR Section 18991.3(b).

D. 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 commercial edible food generators pursuant to 14 CCR Section 18991.3(b) shall report to the City it is located in the total pounds of edible food recovered in the previous calendar year from the tier one and tier two commercial edible food generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than _____ and upon the City's request.

E. Food Recovery Capacity Planning. In order to support edible food recovery capacity planning assessments or other studies conducted by the County, City, special district that provides solid waste collection services, or its designated entity, 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.

9.02.200 Illegal disposal.

A. It is illegal to place or allow to be placed or remain any solid waste, recyclable material, organic waste, garbage, dead animal, diseased, putrid, or offensive animal or vegetable matter, rubbish, construction wastes, or bulky items upon any vacant lot, park, public or private property, camping place, street, road, highway, alley, sidewalk, curb, gutter, stormwater conveyance, or on the bank of any stream or drywater course, or in any standing water, stream, or drywater course.

B. It is illegal to tamper with, modify, remove from, or deposit organic wastes, solid wastes, or recyclables into or adjacent to any container without the permission of the container owner.

9.02.210 Frequency of removal.

- A. The owner, operator and/or occupant of any residence, business establishment, or industry must remove or cause the removal of all solid waste accumulated on the property or premises. Excepting disruptions in normal solid waste collection schedules, solid waste must not remain on any premises for more than seven days. Where the City deems necessary to further the purposes of this chapter, more frequent removal of solid waste may be required.
- B. All single-family residents and multifamily residents using single-family residential solid waste containers must use the services of a franchisee for recyclables and organic waste collection services.

9.02.220 Placement, collection and transportation of hazardous and biohazardous wastes.

- A. It is unlawful for any person to place any hazardous, flammable, or explosive materials, poisons, insecticides, liquid or dry caustics or acids, operable hypodermic needles, drugs, infectious, biomedical, electronic, or biohazardous waste material, or any similar substances dangerous to collection and disposal personnel in any solid waste, organic waste, or recyclables receptacle.
- B. It is unlawful for any person to collect or transport hazardous and biohazardous wastes without compliance with applicable Federal, State and local laws.

9.02.230 Storage and containers.

- A. Storage. The owner, operator, and/or occupant of any premises, business establishment, industry, or other property, vacant or occupied, is responsible for the safe and sanitary storage of all solid waste accumulated on the property. The property owner or occupant must store solid waste, organic waste, and recyclables on the premises or property in such a manner so as not to constitute a fire, health, or safety hazard, and must ensure it does not promote the propagation, harborage, or attraction of flies, rodents or other vermin, or create litter or other nuisances.
- B. Containers—General. Property owners and tenants must deposit solid waste, organic waste, and recyclables in containers approved for the property and designed for the express purpose of solid waste storage and disposal and must not cause containers to overflow or be loaded heavier than the collector specifies for the type of container being used. In addition, property owners and tenants must ensure the following:
 - 1. Containers must be kept in a clean condition at all times. Offensive material on the outside of containers, including graffiti, must be removed by the container owner within 72 hours of notification by the City.
 - 2. Containers used for any animal manure must be kept tightly covered at all times and must be kept sealed at all times to prevent access by flies, rodents and other vermin.

C. Containers—Single-Family Residential. Every single-family residential householder must comply with the following requirements:

1. Place source separated solid waste, recyclables, and organic waste in individual containers of 96 gallons or less capacity provided by or for each single-family residential premises. Containers must be of an adequate size and in sufficient numbers to contain, without overflowing, all the separated solid waste, recyclables, and organic waste that a resident generates within the designated removal period.
2. Follow rules established by the collector for single-family residential solid waste containers. If permitted by the collector, any solid waste not suitable for placement in a single-family residential solid waste container may be placed for collection at the same place and time as the container if it is securely tied in bundles not heavier than 40 pounds, not longer than three feet in length, and not more than 24 inches in diameter.
3. Place each container for collection at the curb prior to 6:30 a.m. on the day of collection, but in no case more than 12 hours before the earliest regularly scheduled collection time, without creating a hazardous or safety problem.
4. Remove each container from the curb no later than 12 hours after the latest regularly scheduled collection time except for unscheduled or unanticipated service interruptions. In such a case, the time frame for the removal of containers may be extended for an additional 24 hours.

D. Containers—Commercial. Every commercial business owner and the person responsible for multifamily residential premises must comply with the following requirements:

1. Utilize a container or containers for solid waste, organic waste, and recyclables provided by a franchisee or permittee or, in the alternative, utilize existing functional containers approved by the City until the end of the containers useful life or January 1, 2036, whichever comes first. Any such solid waste container must be a commercial solid waste container of one and one-half to six cubic yards capacity, with a leak-proof, insect-proof, and rodent-proof construction and tight fitting lid, which is compatible with the franchisee or permittee's collection equipment. Where appropriate for the commercial or industrial premises, a 10 to 40 cubic yard roll-off body or compactor may be used. Containers must be of an adequate size and in sufficient numbers to contain all solid waste generated on the commercial or industrial property within the designated removal period without overflowing.
2. Maintain solid waste containers, which are not provided by the collector, in a clean and healthful condition.
3. Provide a location on the premises for the containers and keep the area in good repair, clean and free of solid waste, organic waste, or recyclables outside of their designated containers.

9.02.250 Designated recyclable materials.

A. The materials designated by land use category in Table 9.02.250A must be separated from general solid waste.

Table 9.02.250A

| Residential (Includes Multifamily) & Commercial RECYCLE CART/BIN | | Industrial/C&D (in addition to all other items listed) |
|---|--|---|
| Newspaper | Aluminum Cans | Dirt |
| Corrugated Cardboard | Aluminum Foil | Asphalt |
| Mixed Paper | Empty Aerosol Cans | Sand |
| Magazines and Catalogs | Steel/Tin Cans | Concrete |
| Junk Mail and Envelopes | Empty Paint Cans | Rock |
| Telephone Books | Glass Jars | Brick/Tile |
| Cereal Boxes | Glass Bottles (All Colors) | Re-Bar |
| Cake Mix Boxes | PET#1 and HDPE#2 Plastic | |
| Shoe Boxes | Soda Bottles | Land Clearing Brush |
| Detergent Boxes | Milk/Water/Juice Jugs | Salvageable Building Materials |
| White and Colored Paper | Some Detergent Bottles | Pallets |
| Paper Gift Wrap | Empty Motor Oil Cans | |
| Computer Paper | 35 mm Film Containers | |
| Core Tubes from Paper Towels, Etc. | | |
| Noncarbon Forms | | |
| Post-It Notes | | |
| Organics – all generators (including food waste/scraps) RECYCLE CART/BIN | | |
| All Food – scraps & spoiled, any | Incidental material – 10% or less: | Yard Waste |
| Produce | <ul style="list-style-type: none"> Fats, oils, greases (cooking related) | Grass Clippings |
| Meat | <ul style="list-style-type: none"> Soiled paper goods: coffee filters, napkins, paper towels, uncoated take-out containers, pizza & donut boxes, etc. | Leaves |
| Dairy | | Weeds |
| Baked & Dry Goods | | Limbs/Branches < 4' |

9.02.260 Exclusions—Recyclable materials.

A. Residential Householders. No provision of this chapter prevents residential householders from self-hauling in accordance with Sections 9.02.120 and 9.02.175 of this chapter, from composting organic waste, or from selling or disposing of recyclables generated in or on their residential premises.

B. Gardeners. No provision of this chapter prevents a gardener, tree trimmer or person providing a similar service from collecting and disposing of yard waste as an incidental portion of providing such gardening, tree trimming or similar service in accordance with the

provisions of this chapter, including the self-hauler provisions of Sections 9.02.120 and 9.02.175 of this chapter.

C. Commercial.

1. No provision of this chapter prevents a commercial business owner from selling to a buyer, donating, or giving away any designated recyclable materials generated in, on, or by a commercial premises or business and no longer useful to such commercial business; provided, however, that the buyer is not engaged in the business of collecting solid waste for a fee, charge, or consideration and that no such materials are transported to a landfill or transfer station for disposition. Source separated recyclables within the meaning of this subsection mean recyclables separated on the commercial premises from solid waste for the purpose of sale, not mixed with or containing more than incidental or minimal solid waste and having a market value.

2. No provision of this chapter prevents a recycler, junk dealer, or other enterprise engaged in the business of buying and marketing such materials and who is not engaged in the business of collecting solid waste or providing collection services for a fee or other charge, or consideration, from buying any materials described in this subsection for a monetary or other valuable consideration. No provision of this chapter prevents a recycler, junk dealer, or enterprise who buys such materials from removing and transporting such materials to a destination for marketing. No such buyer may buy or transport such material without a permit issued by the City.

D. Renovation, Rebuilding, Repairs. No provision of this chapter prevents a commercial business owner from arranging for any equipment used in the commercial to be picked up, renovated, rebuilt, recharged, regenerated or otherwise restored and repaired and returned to the commercial business owner. No provision of this chapter prevents any person engaged in the business of renovating, rebuilding, recharging, regenerating, or otherwise restoring or repairing equipment from transporting the same from or returning it to the commercial business or from removing, transporting or disposing of any such part or equipment replaced as a part of a repair or equipment service contract.

E. Building Materials/Demolition. No provision of this chapter prevents a licensed contractor who has a contract for the demolition and/or reconstruction of a building, structure, pavement, or concrete from marketing any saleable items salvaged from such activity, or from having salvageable items or demolition waste removed and transported from the premises on which such waste is generated, pursuant to the provisions of the demolition and/or construction contract. If such contractor subcontracts the transporting and disposition of demolition waste, however, only a franchisee or permittee, if any, is authorized to transport and dispose of such demolition waste.

F. Charitable or Nonprofit Organization. No provision of this chapter prevents a charitable or nonprofit organization as defined by the laws of the State of California, from collecting and marketing any source separated recyclables, provided that the following conditions are met:

1. The organization is not engaged in the business of collecting recyclables for a fee or other consideration; and
2. The organization does not transport such materials to a landfill or transfer station for disposition; and
3. That recyclables are donated, without fee or any other consideration, to the charitable or nonprofit organization.

G. Document Destruction Service. No provision of this chapter prevents a confidential or sensitive document destruction service from transporting or disposing of documents by shredding, incinerating, or other means, as a part of such document destruction service.

9.02.270 Illicit scavenging.

A. It is unlawful for any person to remove material from a container at any premises, except for a collector who is authorized to provide collection services at the premises, the residential householder or owner of such premises, the commercial business owner or employee of a business on such commercial premises, or the owner or employee of the owner of the container.

B. Where separate collection or a salvaging operation is initiated anywhere in the City or in any legally designated facility to further the recovery of reusable or recyclable items, the following apply:

1. It is unlawful for any unauthorized person to remove any separated salvageable commodity from any curb, alley, street, designated pickup location, or any storage area or container.
2. It is unlawful for any person to disturb, tamper with, or remove any container containing salvageable material, or the contents thereof, unless authorized by the owner of the container.
3. It is unlawful for any person other than a franchised or permitted solid waste collector to charge a fee for the collection of separated recyclable or salvageable commodities.

C. All processors of recyclable materials must prominently post on their premises the following in both English and Spanish:

WARNING, STOLEN MATERIALS WILL NOT BE PURCHASED

9.02.280 Inspections and Investigations.

A. The City and its designee are authorized to conduct inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, source separated materials or other investigations as reasonably necessary to confirm compliance with this

article by organic waste generators, commercial businesses (including multifamily residential dwellings), property owners, commercial edible food generators, haulers, self-haulers, food recovery services, and food recovery organizations, subject to applicable laws. This section does not allow the City to enter the interior of a private residential property for inspection.

B. For the purposes of inspecting commercial business containers for compliance with Section 9.02.165, the City may conduct container inspections for prohibited container contaminants using remote monitoring, and commercial businesses shall accommodate and cooperate with the remote monitoring pursuant to subdivision K of Section 9.02.165.

C. 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 designee 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: (i) access to an entity's premises; (ii) installation and operation of remote monitoring equipment; or (iii) access to records for any inspection or investigation is a violation of this article and may result in penalties described.

D. Any records obtained by the City during its inspections, remote monitoring, 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.

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.

Article 3. Regulation of Collectors

9.02.300 Franchise or permit required.

A. It is unlawful for any person to contract for or provide solid waste collection services in the City or to contract for or provide single-family residential, multifamily residential, commercial, or industrial solid waste collection services, whether permanent or temporary, unless the person holds a franchise from the City.

B. The terms and conditions of any franchise agreement between the City and a franchisee, in conjunction with this chapter, govern the work of the franchisee. Said franchise agreement may contain terms and conditions which are more restrictive than those of this chapter.

9.02.305 Collection operations.

A. General.

1. Each collector must conduct its operations so as to cause the least possible obstruction and inconvenience to public traffic or disruption to the peace and quiet.

2. After collection, a collector must replace each container upright in the same location where it was found. Collectors must remove any solid waste or litter that is spilled or deposited on the ground as a result of any activities of the collector.
 3. Each collector must comply with the noise regulations in Chapter 5.04 and in no event emit any noise within 500 feet of occupied residential property that exceeds 75 decibels when measured at a distance of 25 feet.
 4. Each collector must perform all work in a manner that provides safety to the public and meets or exceeds all applicable occupational safety and health standards, rules, regulations and orders established by the State.
 5. No vehicle or equipment used in collections may be stored on any public street or other public property in the City. All such vehicles and equipment, if kept within the boundaries of the City, must be kept on property of the proper zoning within a building or fenced yard at all times when not in use.
 6. No collector is permitted to transfer waste materials from one vehicle to another on any public street unless such transfer is essential to the operation and is approved by the Director, or is necessitated by mechanical failure or accidental damage.
 7. Each collector must maintain an office and telephone at a fixed location and have some person at the office to answer inquiries and receive complaints at all times during the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, except holidays. The telephone number must be toll-free and be listed in a Citywide directory in the name under which it conducts business in the City.
 8. A collector must maintain any containers it provides in a clean condition and may charge appropriate fees or any agreed upon rate for this service.
 9. Each collector operating in the City must make recycling containers and services available to their customers. A franchisee has the responsibility for all recyclables and organic waste collection services from single-family residential premises within the City. For multifamily, commercial and industrial generators, collectors must develop, in cooperation with each generator, an individual recycling plan suitable for each such generator.
- B. Residential.
1. Each collector must perform collections from each residential premises served by the collector not less than once every seven days or as approved by the Director.
 2. Residential collections must be made only between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday. Hours and days of collection are subject to change by the City Council.
 3. When the collection day falls on a holiday, the collector must collect on the holiday, or collect one day prior to or one day after the holiday.

4. If requested by a residential householder, a collector must provide special collection of solid waste at such times and at such rates as may be agreed upon by the collector and the person requesting the service. If no agreement is reached, such special collections, charges and times will be determined by the Director.

5. If a residential collector ceases to provide services to any resident, the residential collector must provide seven days written notice of termination to the customer. This notice must also include the name and telephone number of the City's residential franchisee.

C. Commercial/Industrial.

1. Each collector must provide collections from commercial/industrial premises on a schedule which is agreed upon between the commercial/industrial business owner and the collector. In no event may the collection schedule permit the accumulation of garbage on the premises for more than seven days or the accumulation of solid waste in quantities detrimental to public health or safety.

2. All collections from multifamily residential property or within 500 feet of occupied residential property must be made between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. Hours and days of collection are subject to change by the City Council.

3. Collectors must collect and dispose of all solid waste, organic waste, and recyclable material presented for collection at each commercial/industrial premises in conformity with the provisions of this chapter. Any such collection or disposal must be in accordance with all applicable laws and any controlling franchise agreement between the City and a franchisee. All solid waste, organic waste, and recyclable material collected by a collector is the property of the collector.

4. A collector who provides any container or other equipment used for the storage of commercial or industrial solid waste must place and maintain on the outside of such container or other equipment the collector's name or firm name and telephone number in legible letters and numerals not less than four inches high and in a color contrasting with the container's color. A collector must provide containers on casters and/or with locks upon request by the commercial or industrial business owner or the Director.

5. A business that has its own recycling or resource recovery program for recyclable materials generated by such business may be excluded from utilizing a franchised or permitted collector provided that the business complies with Section 9.02.260 of this chapter and provided that the business reports its recycling tonnage to the City in accordance with Section 9.02.350.

9.02.310 Annual renewal of collector permits.

A. No residential or industrial collector is permitted to operate in the City without a franchise agreement or a valid commercial permit from the Director.

B. A collector must obtain or renew the permit required by subsection A annually by submitting an application and all requested information related thereto no later than October 31 of the year preceding the permit period, which begins January 1 and ends December 31.)

9.02.315 Customer rates.

The City Council may from time to time review and, by resolution, establish rates to be charged to customers by a franchisee. No franchisee or permittee is permitted to charge any rate except the rate established by the City Council.

9.02.320 Remittances of franchise and permit fees to City.

A. Each collector must remit fees to the City in amounts determined by resolution of the City Council and set forth in franchise and/or permit agreements required of all collectors.

B. The City may increase or decrease collector fees to any amount, if, in the sole discretion of the City, it is necessary to defray City waste management costs.

C. A franchisee must pay franchise and permit fees quarterly, not later than 20 calendar days after the end of each quarter ending on March 31, June 30, September 30, and December 31. If the 20th calendar day falls on a weekend or holiday, the quarterly remittance is due on the next working day.

D. Each remittance required by this section must be accompanied by a report setting forth the basis and calculations used for computing the amount due. The figures used in the report must agree with the collector's general books of account. The collector's books of account must be made available to the City upon demand for the purposes of auditing quarterly and annual reports. Audits will take place at the collector's administrative facility. If the figures used in the report disagree with the collector's general books of account, the collector is liable for all audit costs, including City staff charges. If the figures used in the report agree with the collector's general books of account, the City will pay the costs of the audit.

E. If a collector fails to remit fees as required by this section, the collector must pay a penalty in the amount established by the City Council. After the 30th day following the due date, failure to remit the required payments to the City, or failure to make books of account available to the City on demand, whether by willful act or omission, or willful falsification of the figures used to determine permit fee remittances to the City, may result in the termination or revocation of the franchise or permit.

9.02.325 Transfer of franchise or permit.

A franchise or permit issued pursuant to this chapter must not be transferred, delegated, sublet, subcontracted to or assigned without the advance approval of the City Council. This restriction includes the transfer of ownership or the majority of the ownership or control of the franchisee or permittee or transfer of a majority of the franchisee's or permittee's stock to another person.

9.02.330 Administrative requirements.

A. Compliance with Statutes, Ordinances and Regulations.

1. Collectors must provide collections in accordance with standards for similar sized cities in southern California. Collectors must comply with all current statutes, ordinances, and requirements of all government entities, relating to the collector's performance pursuant to this chapter, including, but not limited to, the laws governing transfer, storage or disposal of hazardous waste, as well as the requirements of the California Integrated Waste Management Board (CIWMB). CIWMB requirements include, but are not limited to, source reduction and recycling.
2. Collectors are responsible for the payment of fines, surcharges and fees levied by the County of San Diego for any violations of the San Diego County Code of Regulatory Ordinances.

B. Insurance. Collectors must at all times maintain in full force and effect insurance in the types and amounts approved by the City. Prior to commencing collections, collectors must deliver to the City copies of all required insurance policies. **C. Performance Bond.** Prior to beginning collections, collectors must provide, and at all times during the provision of collection services maintain, a faithful performance surety bond in a form and amount approved by the Director to secure the full and faithful performance of the terms, obligations and agreements on the part of the collector.

D. Failure to Provide or Cancellation of Insurance Policies or Performance Bond. The City may terminate any permit or franchise issued pursuant to this chapter in accordance with the provisions of the permit or franchise or Chapter 1.08 if the collector fails to provide or maintain insurance policies or performance bonds required by this chapter. If a permit or franchise is terminated pursuant to this section, the collector is liable to the City for any and all monetary damages suffered by the City arising out of the termination.

E. Indemnification.

1. Collectors must indemnify and hold the City harmless from and against any and all loss, damages, liability, claims, suits, costs and expenses, fines, charges or penalties whatsoever, including reasonable attorney's fees, regardless of the merit or outcome of any such claim or suit, arising from or in any manner related to the services or work provided under this chapter.
2. Collectors must indemnify, defend with counsel approved by the City, protect and hold harmless the City, its officers, employees, agents, assigns, and any successor in interest from and against all claims, damages, including, but not limited to, special and consequential damages, natural resource damage, punitive damages, injuries, costs, response remediation and removal costs, losses, demands, debts, liens, liabilities, causes of action, suits, legal or administrative proceedings, interest, fines and charges, penalties and expenses, including, but not limited to, attorneys' and expert witness fees and costs arising from or attributable to any repair, remediation, cleanup or detoxification, or preparation and implementation of any removal,

remedial, response, or closure or other plan, regardless of whether undertaken due to governmental action, and concerning any hazardous substance or hazardous waste at any place where the collector stores or disposes of solid or hazardous waste pursuant to Section 9.02.110. The foregoing indemnity is intended to operate as an agreement pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 United States Code Section 9607(e), and California Health and Safety Code Section 25364, to insure, protect, hold harmless, and indemnify the City from liability.

3. Permittees must sign an affidavit supplied by the City affirming the indemnifications described in this section prior to the City's approval of any permit.

9.02.335 Ownership of refuse, recyclables and organic waste.

- A. All solid waste, recyclables or organic waste becomes the property of the collector upon placement by the customer for collection.
- B. On 30 days' written notice, the City has the right to direct a franchisee to deliver any solid waste, recyclables or organic waste it collects to a legal disposal facility designated by the City.
- C. A franchisee may not enter into any agreement for the sale or disposal of any material, whether or not recyclable, for more than 30 days, without the written consent of the City.
- D. Notwithstanding the provisions of subsection A of this section, the City has the option of assuming ownership of solid waste, recyclables or organic waste collected by a collector pursuant to this chapter by providing collectors with 30 days' notice of the City's assumption of ownership.

9.02.340 Collector vehicle and equipment standards.

- A. A collector must print or paint the collector's name, telephone number and vehicle identification number at least six inches in height on both sides of every vehicle used for collections.
- B. At the option of the collector or at the request of the City, a collector may display removable sign panels that advertise special solid waste programs, provided that such special advertising panels are not used cumulatively more than 180 days out of each calendar year.
- C. Collectors must ensure that each vehicle used for collections satisfies the following requirements:
 - 1. Is equipped with a watertight collection material body that has close fitting metal covers.
 - 2. Is constructed and used so that no solid waste, oil, grease, or other substances blow, fall, or leak out.

3. Is equipped with a broom, shovel and appropriate fire extinguisher at all times. If any solid waste, oil, grease or other substance drops or is spilled during the collector's operations, the collector must immediately clean it up. A collector must pay all expenses incurred by the City if the City cleans up the collector's operations.
4. Is inspected by the California Highway Patrol annually, and maintains certificates for the inspections on file annually with the City.
5. Is kept clean and sanitary, in good repair and uniformly painted to the satisfaction of the Director.
6. Is available to the San Diego County Health Department for inspection at any time, if requested.
7. Is equipped with high intensity fog lamps, consisting of two red tail lamps in addition to the standard tail lamps, if the vehicle is 80 inches or wider. Each collector must use the fog lamps when visibility is less than 50 feet.
8. Is equipped with an audible backup warning device.

D. Collectors must operate and maintain all collection and transportation equipment in compliance with all applicable Federal, State and local laws and with the following requirements:

1. All equipment must be maintained at all times in a manner to prevent unnecessary noise during operation.
2. All vehicles and equipment must be maintained in a safe and operable condition and collectors must maintain accurate records of repair, including the date, mileage, nature of repair, and the signature of a maintenance supervisor verifying that the repair has been properly performed.
3. No vehicle used for collection may be loaded in excess of the manufacturer's gross vehicle weight rating or in excess of the maximum weight specified by the California Vehicle Code, whichever is less. Evidence of the gross vehicle weight rating must be maintained in or upon every vehicle.

E. Collector Vehicle and Equipment Standards Violations. If the Director gives notification to a collector that any of the collector's equipment is not in compliance with the standards of this chapter, the collector must immediately remove such equipment from service and must not use that equipment in the City until it has been inspected and approved by the Director. The collector must maintain its regular collection schedule regardless of such action.

9.02.345 Employee standards.

A. Collectors must hire employees without regard to race, religion, color, national origin, sex, or any other nonmerit factor as delineated by the Equal Employment Opportunity Act.

B. Collectors must ensure that any employee providing collections services fulfills the following requirements:

1. Presents a neat appearance, which may include a uniform approved by the City;
2. Acts courteously at all times;
3. Carries collector-issued identification approved by the City;
4. If driving a vehicle, is trained and qualified in the operation of collection vehicles, and has a valid license of the appropriate class issued by the California Department of Motor Vehicles.

C. Collectors must provide suitable operational and safety training for all employees who use or operate vehicles or equipment and who are directly involved in collections services. Collectors must train their employees involved in collections to identify, and not to collect, hazardous, biohazardous, or biomedical waste.

9.02.350 Mandatory reporting of waste management activities.

A. Franchisees and Permittees. All franchisees and permittees must provide reports to the City regarding the franchisee's or permittee's operations containing information sufficient for the City to report its progress to the State regarding the implementation of City's SRRE and HHWE pursuant to the California Public Resources Code. At a minimum, franchisees and permittees must provide the following reports:

1. Quarterly Program Reports. Quarterly program reports are due within 20 calendar days after the end of each quarter ending on March 31, June 30, September 30, and December 31. If the 20th calendar day falls on a weekend or holiday, the report is due on the next working day. At a minimum, the quarterly program report must indicate, by residential, commercial, and roll-off categories:
 - a. The number of customers receiving services, and the types of services;
 - b. The total tons of refuse collected and the manner in which it was disposed;
 - c. The total recyclables and organic waste weights, and the respective weights of recyclables collected by material;
 - d. The types and weights of recyclable materials collected and disposed of due to contamination;
 - e. Residential recycling program monthly set-out rates on each collection route;
 - f. Discussion of public education activities and their impacts on program participation and recovered volumes;

- g. Detailed data and analysis of changes or modifications to collection and processing activities; and
 - h. Other information deemed necessary by the City to determine the effectiveness and the progress of the overall waste management program.
2. Annual Program Reports. Annual program reports are due on or before January 31 following the end of each calendar year of operations. At a minimum, the annual program report must include:
- a. All report items identified in subsection (A)(1) of this section presented in an annual summary format;
 - b. An updated list of all vehicles used in waste management services in the City including the make, type, year, license number, and ownership;
 - c. The names, titles and addresses of the owners, officers, directors and major stockholders holding five percent or more stock of the firm;
 - d. The names and titles of all supervisory personnel used in providing waste management services in the City;
 - e. A description of all cases of public and private property damage and personal injury that have occurred while providing waste management services in the past year, including a copy of the accident or incident report filed with the company or with the appropriate authorities; and
 - f. A description of any violations of applicable laws and their dispositions.
3. Failure by a franchisee or permittee to provide the reports required under this chapter, or any other information required by the City, allows the City, at a minimum, to employ a qualified consultant to prepare such reports, and to hold the franchisee or permittee liable for payment of the costs therefor.
4. The failure, refusal, or neglect of a franchisee or permittee to file any of the reports required by this chapter, or the inclusion of any materially false or misleading statement or representation in such a report, may result in the termination of the franchise agreement or permit, and the imposition of liquidated damages, including assessments against the performance bond.

9.02.355 Suspension or revocation of permit.

A. Notice. If any permittee performance does not conform to the standards, laws, ordinances and requirements set forth in the permit or this chapter, the City may advise the permittee in writing of such deficiencies. The City may, in such written instrument, set a reasonable time within which correction of all such deficiencies is to be made. Unless otherwise specified, a reasonable time for correction is 60 days from the receipt by the permittee of such notice.

B. Hearing. If the deficiencies noted in subsection A of this section are not corrected in accordance with the written notice, the Director may set a hearing on the revocation or suspension of the permit in accordance with the procedures set forth in Section 1.14.030. The Director must provide at least 14 days' notice of the hearing by any means set forth in Section 1.08.030. The hearing will address the existence of the deficiencies in the written notice provided pursuant to subsection A and whether those deficiencies have been remedied. The Director will determine whether or not the permittee's permit should be revoked or suspended. In the event of revocation or suspension of a permit, the Director will notify the permittee in writing of the reasons by any means set forth in Section 1.08.030.

C. Cessation of Operations. A permittee must cease collection operations within five days after receiving a notice described in subsection B.

D. Appeals. A permittee may appeal a decision to revoke or suspend a permit under this section following procedures set forth in Chapter 1.14.

E. Interim Suspension. The Director, without a hearing, may suspend a permit for not more than 60 days, if the Director determines that the continued operation by a permittee will constitute a threat to the public health, safety, or general welfare. If a permittee's permit is suspended pursuant to this section, the permittee must immediately cease all collection operations in the City.

9.02.360 Liquidated damages.

A. If any permittee fails to provide collection services in accordance with this chapter, the Director may assess liquidated damages in an amount established by resolution of the City Council, and if no amount has been established, in an amount not to exceed \$5,000.00 per day, for each calendar day that the permittee fails to provide service in accordance with this chapter.

B. The permittee must pay any liquidated damages assessed by the Director within 10 days after they are assessed or appeal the assessment in accordance with Chapter 1.14.

C. If the permittee does not pay the liquidated damages within 10 days after assessment after confirmation of the assessments through the appeal process in Chapter 1.14, the City may withdraw the amount of liquidated damages from the security fund established by the performance bond required by Section 9.02.330, collect the liquidated damages through the courts, order the termination of the permit granted by this section, or any combination of these remedies.

9.02.365 Suspension or revocation of franchise.

A. The City may suspend or revoke a franchise agreement in accordance with the terms of that agreement.

B. Notwithstanding subsection A, the City may pursue any remedies set forth in this chapter or in a franchise agreement for a franchisee's violations of this chapter.

Chapter 9.02 SOLID WASTE MANAGEMENT

Article 1. General Provisions

9.02.100 Purpose and intent.

A. The City Council hereby finds and determines, in order to meet the requirements of the California Integrated Waste Management Act of 1989, including requirements for source reduction of the solid waste stream, diversion of solid waste from landfills and conservation of natural resources, it is necessary to regulate the collection of solid waste from residential and commercial premises and to encourage recycling of solid waste and organic materials.

B. The City Council further finds and determines that the storage, accumulation, collection and disposal of solid waste and recyclables is a matter of great public concern because improper control of such matters may create a public nuisance, air or water pollution, fire hazard, rat and insect infestation and other problems affecting the public health, safety and welfare. Regulating the collection of recyclable materials and solid waste within the City will best solve such problems and promote public health, safety and welfare. Regulating such activities in the City will also promote public health, safety, and welfare by, among other things, requiring newer and safer vehicles, regular vehicular and facility maintenance, reduction of solid waste spillage and litter, accountability for cleaning solid waste bins and containers, recycling activities and accountability to the public for solid waste services.

C. The City Council hereby finds and determines that the public health, safety and welfare will be served by providing for a franchised or permitted system for solid waste collection and recycling services.

9.02.110 Definitions.

When used in this chapter, the following definitions apply unless the context or a more specific definition indicates otherwise:

In this chapter:

“Blue container” has the same meaning as in 14 CCR Section 18982(a)(5) and shall be used for the purpose of storage and collection of source separated recyclable materials or source separated blue container organic waste.

“Biohazardous waste” means any of the following:

1. Laboratory waste, including, but not limited to, specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biological agents, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate and mix cultures or material which may contain infectious agents and may pose a substantial threat to health;

2. Recognizable fluid blood elements and regulated body fluids, and containers and articles contaminated with blood elements or regulated body fluids that readily separate from the solid portion of the waste under ambient temperature and pressure. Regulated body fluids are cerebrospinal fluid, synovial fluids, pleural fluid, peritoneal fluid, pericardial fluid, and amniotic fluid;
3. Sharps, which are objects or devices having acute rigid corners, edges, or protuberances capable of cutting or piercing, including, but not limited to, hypodermic needles, blades and slides;
4. Contaminated animal carcasses, body parts, excrement and bedding of animals including materials resulting from research, production of biologicals, or testing of pharmaceuticals which are suspected of being infected with a disease communicable to humans;
5. Any specimens sent to a laboratory for microbiological analysis;
6. Surgical specimens including human or animal parts or tissues removed surgically or by autopsy;
7. Such other waste materials that result from the administration of medical care to a patient by health care providers and are found by the administering agency or the local health officer to pose a threat to human health or the environment. If there is a difference in opinion between the administering agency and the local health officer, the local health officer's view will prevail.

“Biomedical waste” means any waste which is generated or has been used in the diagnosis, treatment or immunization of human beings or animals, in research pertaining thereto, in the production or testing of biologicals, or which may contain infectious agents and may pose a substantial threat to health. Biomedical waste includes biohazardous waste and medical solid waste. Biomedical waste does not include hazardous waste as defined in California Health and Safety Code Section 25117 and California Code of Regulations Title 22, Division 4.5, or radioactive waste as regulated in Division 104, Part 9 of California Health and Safety Code.

“Bulky items” means large items of solid waste, such as appliances, furniture, large auto parts, ~~trees, branches, stumps~~ and other oversize waste whose size precludes or complicates their handling by normal waste management methods.

[“C&D” means construction and demolition debris.](#)

[“CalRecycle” means the California Department of Resources Recycling and Recovery or its successor.](#)

[“California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references in this chapter are preceded with a number that refers to the relevant Title of the CCR \(e.g., “14 CCR” refers to Title 14 of CCR\).](#)

~~“Business” means any commercial or public entity, including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as for profit or nonprofit entity, or a multifamily residential dwelling containing more than five units.~~

~~“Buy back/drop-off center” means a facility that is operated by a private business and which pays a fee for the delivery and transfer of ownership to the facility of recyclable materials for the purpose of recycling, or accepts at no charge selected recyclable materials, as defined by this chapter.~~

~~“City enforcement official” means the Ceity Mmanager or their authorized designee(s) who is/are partially or wholly responsible for enforcing the SB 1383 regulations implemented in article 2 of this chapter.~~

~~“City manager” means the City Manager of the City of Santee or designee.~~

~~“Collect” or “collection” means the operation of taking physical possession of and/or transporting by means of a motor vehicle or other means, any organics, solid waste or recyclables to a transfer, disposal or processing facility, where the materials are subsequently disposed of or processed, operation of gathering together and/or transporting by means of a motor vehicle or other means, any solid waste, recyclable material or yard waste.~~

~~“Collector” means any person who has been issued a franchise or a permit by the City to provide waste management services.~~

~~“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 multifamily residential dwelling that consists of fewer than five units is not a commercial business for purposes of implementing this chapter.~~

~~“Commercial business owner” means any person, firm, corporation or other enterprise or organization holding or occupying, singly or with others, commercial premises, whether or not the holder of the title of the commercial premises.~~

~~“Commercial edible food generator” includes a tier one or a tier two commercial edible food generator as defined in this chapter or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, food recovery organizations and food recovery services are not commercial edible food generators pursuant to 14 CCR Section 18982(a)(7).~~

~~“Commercial premises” means all occupied real property in the City except property occupied by governmental agencies which do not consent to their inclusion, and except residential premises which receive solid waste collection services using single-family residential solid waste containers, and includes, without limitation, multiple housing, of greater than four-five or more units, wholesale or retail establishments, restaurants, other food establishments, bars, stores, shops, offices, manufacturing, repair, research and development, professional services, sports or recreational facilities, and construction and demolition sites.~~

“Commercial solid waste” means all types of solid waste generated by a store, office, or other commercial or public entity source, including a business or a multifamily dwelling of five-~~(5)~~ or more units.

“Commercial solid waste container” means a bin or refuse container used in connection with commercial premises with a one and one-half to six cubic yard capacity, designed for mechanical pick-up by collection vehicles and equipped with a lid or, where appropriate for the commercial premises being served, a 10 to 40 cubic yard roll-off body or compactor. This section also includes other types of containers suitable for the storage and collection of commercial solid waste if approved in writing by the Director.

“Community composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).

“Compliance review” means a review of records by the City to determine compliance with article 2 of this chapter.

“Compost” means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility or as otherwise defined in 14 CCR Section 17896.2(a)(4).

“Composting” means the natural process of decomposition and recycling of organic material into a humus rich soil amendment.

“Container” means any vessel, tank, receptacle, box or bin used or intended to be used for the purpose of holding organic waste, solid waste, or recyclable materials for storage or collection.

“Container contamination” or “contaminated container” means a container, regardless of color, that contains prohibited container contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).

“Designee” means, when used in reference to the City, an entity that a the City contracts with or otherwise arranges to carry out any of the City’s responsibilities under SB 1383 Regulations and implemented in this chapter as authorized in 14 CCR Section 18981.2. A designee may be a government entity, a hauler, a private entity, or a combination of those entities.

“Designated recyclables” mean those recyclable materials designated in Section 9.02.250.

“Director” means the Director of the Department of Development Services of the City of Santee or designee.

“Edible food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this chapter or as otherwise defined in 14 CCR Section 18982(a)(18), “edible food” is not solid waste if it is recovered and not discarded. Nothing in this

chapter or in 14 CCR, Division 7, Chapter 12 requires or authorizes the recovery of edible food that does not meet the food safety requirements of the California Retail Food Code.

“Enforcement action” means an action of the City to address non-compliance with article 2 of this chapter including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies in accordance with the provisions of Title 1.

“Excluded waste” means biohazardous radioactive, or biomedical waste, hazardous substance, hazardous waste, universal waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, toxic substances, sharps, sludge, stable matter, tires, lead-acid batteries, automobile, boat, or boat trailer parts, internal combustion engines 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 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 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 California Public Resources Code.

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

“Food facility” has the same meaning as in Section 113789 of the Health and Safety Code.

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

“Food recovery organization” means an entity that engages in the collection or receipt of edible food from commercial edible food generators and distributes that edible food to the public for food recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

1. A food bank as defined in Section 113783 of the Health and Safety Code;
2. A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
3. A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A food recovery organization is not a commercial edible food generator for the purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7). If the definition in 14 CCR Section 18982(a)(25) for food recovery organization

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differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this chapter,

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“Food recovery service” means a person or entity that collects and transports edible food from a commercial edible food generator to a food recovery organization or other entities for food recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A food recovery service is not a commercial edible food generator for the purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

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“Food-soiled paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.

“Food waste” means those discarded materials that will readily decompose and/or putrefy including: (i) all kitchen and table food waste; (ii) animal or vegetable waste that is generated during or results from the storage, preparation, cooking or handling of food stuffs; (iii) fruit waste, grain waste, dairy waste, meat, and fish waste; (iv) vegetable trimmings and other compostable organic waste common to the occupancy of residential premises. Food waste is a subset of organic waste.

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“Franchise” means the right to provide waste management services of any class or type within all or any part of the City, granted by the City Council pursuant to this chapter.

“Franchisee” means the person who provides waste management services under a franchise granted by the City Council.

“Garbage” means kitchen and table wastes, and animal or vegetable wastes that attend or result from the storage, preparation, cooking, or handling of food or edible items.

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

“Gray container waste” means solid waste that is collected in a gray container that is part of a three-container organic waste collection service 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” has the same meaning as in 14 CCR Section 18982(a)(29) and shall be used for the purpose of storage and collection of source separated green container organic waste.

“Green waste” includes leaves, grass, weeds, houseplant trimmings, and wood materials from trees and shrubs, and similar material generated at any premises that fit within a cart. Green waste does not include palm fronds, or tree trunks or limbs more than two (2) feet in diameter.

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

“Hauler route” means the designated itinerary or sequence of stops for each segment of the City’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

“Hazardous waste” has the same meaning set forth in Health and Safety Code Section 25117, and includes: 1) a waste or combination of wastes which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may either (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or (b) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of, or otherwise managed; (2) a waste which meets any of the criteria for the identification of a hazardous waste adopted by the California Environmental Protection Agency’s Division of Toxic Substances Control pursuant to Health and Safety Code Section 25141; (3) any chemical, pollutant, contaminant, hazardous or toxic substance, constituent or material that under applicable law is considered to be hazardous or toxic or is or may be required to be remediated, including, without limitation, (a) any petroleum or petroleum products and their derivatives, radioactive materials, asbestos in any form that is or could become friable, transformers or other equipment that contain dielectric fluid containing polychlorinated biphenyls and processes and certain cooling systems that use chlorofluorocarbons, or (b) any chemicals, materials or substances which are now or hereafter become defined as or included in the definition of "hazardous substances," "hazardous wastes," "hazardous materials," "extremely hazardous wastes," "restricted hazardous wastes," "toxic substances," "toxic pollutants," or any words of similar import pursuant to applicable law.(4) a waste or combination of wastes which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may either: (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or (b) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of, or otherwise managed; (2) a waste which meets any of the criteria for the identification of a hazardous waste adopted by the California Environmental Protection Agency’s Division of Toxic Substances Control pursuant to Health and Safety Code Section 25141. Hazardous waste includes extremely and acutely hazardous waste, unless expressly provided otherwise.

“High diversion organic waste processing facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average mixed waste organic content recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for organic waste received from the “mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).

“HHWE” means the Household Hazardous Waste Element for the City prepared and updated pursuant to the Public Resources Code.

“Holiday” means New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and any other day designated as such in a contract between a collector and the labor union serving as the exclusive representative of said collector’s employees, provided such holiday is approved by the City Council.

“Industrial solid waste” means solid waste originating from mechanized manufacturing facilities, factories, refineries, construction and demolition projects, publicly operated treatment centers, or solid waste placed in commercial collection bins, excluding hazardous waste.

“Inspection” means a site visit where the City 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 article 2 of this chapter, or as otherwise defined in 14 CCR Section 18982(a)(35).

“Landfill” means a disposal facility that accepts solid waste for land disposal as defined in Section 40195.1 of the Public Resources Code.

“Large event” 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 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. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this chapter.

“Large venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one large venue that is contiguous with other large venues in the site, is a single large venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this chapter.

“Local education agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to solid waste, or as otherwise defined in 14 CCR Section 18982(a)(40).

“Multifamily residential dwelling” or “multifamily residential premises” means of, from, or pertaining to a structure or structures containing ~~greater than four~~ five or more dwelling units in any vertical or horizontal arrangement on a single lot or building site. Multifamily premises do not include hotels, motels, or other transient occupancy facilities, which are considered commercial businesses.

“Organic waste” means solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a). ~~means~~ Organic

waste includes food waste, ~~food waste~~, green waste, ~~landscape and pruning waste~~, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

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

“Non-organic recyclables” means 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).

“Notice of violation (NOV)” means 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.

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

“Permittee” means a person who holds a valid, unrevoked, and unexpired permit to collect or transport solid waste and recyclables issued pursuant to this chapter.

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

“Prohibited container contaminants” means the following: (i) discarded materials placed in the blue container that are not identified as acceptable source separated recyclable materials for the City’s blue container; (ii) discarded materials placed in the green container that are not identified as acceptable source separated green container organic waste for the City’s green container; (iii) discarded materials placed in the gray container that are acceptable source separated recyclable materials and/or source separated green container organic wastes to be placed in City’s green container and/or blue container; and, (iv) excluded waste placed in any container.

“Public agency” means any governmental agency or department thereof.

“Public education” means any and all efforts to enhance, increase or improve the knowledge of customers of collectors or residents of the City regarding solid waste, recycling, source reduction or any other aspect of waste management services.

“Recovery” means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

“Recyclables” means 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 which shall include-, but not be limited to: newspaper (including inserts, coupons, and store advertisements); mixed paper (including office paper, computer paper, magazines, junk mail, catalogs, brown paper bags, brown paper, paperboard, paper egg cartons, telephone books, paper grocery bags, colored paper, construction paper, envelopes, shoe boxes, cereal, and other similar food boxes yet excluding paper tissues, paper towels, paper with plastic coating, paper contaminated with food, wax paper, foil-lined paper and cartons, Tyvex non-tearing paper envelopes); chipboard; corrugated cardboard; glass containers of any color (including brown, clear, and green glass bottles and jars); aluminum (including beverage containers); steel, tin or bi-metal cans; mixed plastics such as plastic containers (no. 1 to 7), except expanded Polystyrene (EPS); bottles including containers made of HDPE, or PET; and, those materials added from time to time, materials generated on or emanating from residential or commercial premises, no longer useful or wanted thereon, and which are separated from the solid waste stream for the purpose of recycling into other useable product(s), and includes organic waste.

“Recycling” means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become refuse, and returning 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. Recycling does not include transformation as defined in Public Resources Code Section 40201.

“Refuse” means garbage and rubbish.

“Remote monitoring” means the use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of blue containers, green containers, and gray containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of prohibited container contaminants.

“Residential householder” means any person holding and/or occupying a residential premises, whether or not the owner, singly or with his or her family, in the City.

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

“Route review” means a visual inspection of containers along a hauler route for the purpose of determining container contamination, and may include mechanical inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

“Rubbish” means nonputrescible solid waste that is not recyclable such as ashes, soiled paper and cardboard, certain wood, glass, plastics and metals, bedding, crockery, rubber and rubber by-products, textiles, inert products, and litter.

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

emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.

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

“Scavenging” means the uncontrolled or unauthorized removal of solid waste, recyclables or ~~yard-organic~~ waste pursuant to this chapter.

“Self-hauler” means a person, who hauls solid waste, organic waste, or recyclable material he or she has generated to another person. 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 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 “Self-hauling” means the act of a residential householder or commercial business owner collecting and legally disposing of solid waste, recyclables, or yard waste generated in or on their premises.

“Single-family residential premises” means of, from, or pertaining to any residential property with fewer than five (5) units within the City utilizing solid waste containers of 96 gallons or less capacity for the provision of waste management services.

“Single-family residential solid waste container” means a container made of metal, hard rubber or plastic not exceeding 96 gallons in capacity.

“Solid waste” means all putrescible and nonputrescible solid and semisolid wastes, generated in or upon, related to the occupancy of, remaining in or emanating from residential premises or commercial premises, including garbage, rubbish, trash, refuse, ashes, industrial wastes, demolition and construction wastes, manure, vegetable or animal solid or semisolid wastes, and other solid and semisolid wastes. This excludes recyclables, source-separated organic waste, liquid wastes, abandoned vehicles, and excluded waste, hazardous, biohazardous and biomedical wastes, sharps, or any item excluded from the definition of bulky items. This excludes liquid wastes, abandoned vehicles, and hazardous, biohazardous and biomedical wastes.

“Solid waste management or collection services” means the collection, transportation, storage, transfer, disposal, or processing of solid waste, recyclables, or ~~yard-organic~~ waste.

“Source separated” means 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 the chapter 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.

"Source separated blue container organic waste" means source separated organic wastes that can be placed in a blue container that is limited to the collection of those organic wastes and non-organic recyclables as defined in 14 CCR Section 18982(a)(43), or as otherwise defined by 14 CCR Section 17402(a)(26.7).

"Source separated green container organic waste" means source separated organic waste that can be placed in a green container that is specifically intended for the separate collection of organic waste by the generator, excluding source separated blue container organic waste, carpets, non-compostable paper, and textiles.

"Source separated recyclable materials" means source separated non-organic recyclables and source separated blue container organic waste.

"SRRE" means the Source Reduction and Recycling Element for the City prepared and updated pursuant to the Public Resources Code.

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

"Tier one commercial edible food generator" means a commercial edible food generator that is one of the following:

1. Supermarket.
2. Grocery store with a total facility size equal to or greater than 10,000 square feet.
3. Food service provider.
4. Food distributor.
5. Wholesale food vendor.

If the definition in 14 CCR Section 18982(a)(73) of tier one commercial edible food generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this chapter.

"Tier two commercial edible food generator" means a commercial edible food generator that is one of the following:

1. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
2. Hotel with an on-site food facility and 200 or more rooms.

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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 total cafeteria facility size equal to or greater than 5,000 square feet.

7. A local education agency facility with an on-site food facility.

If the definition in 14 CCR Section 18982(a)(74) of tier two commercial edible food generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this chapter.

“Transfer or processing station,” as defined in Public Resources Code Section 40200, means those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport, and those facilities used for transformation.

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

“Yard waste” means lawn clippings, leaves, weeds, and woody materials from trees and shrubs.

9.02.120 Promulgation of rules and regulations.

A. The storage, removal, collection, and transportation of solid waste, recyclables and ~~yard~~ organic waste in the City is under the supervision of the Director, who has the authority and duty to promulgate rules and regulations regulating these activities. A copy of the rules and regulations, and all amendments thereto, must be kept on file by all persons having a franchise or permit to collect solid waste, recyclables and ~~yard-organic~~ waste in the City.

B. All persons are encouraged to utilize waste management services from a collector authorized by the City. However, nothing in this chapter prohibits a person from self-hauling solid waste, organic waste and recyclables generated on the person’s own property to a properly permitted receiving facility for final disposal provided that:

1. Such solid waste is source separated, removed in a continuous and timely manner, and disposed of in accordance with Sections 9.02.175 and 9.02.210 of this chapter;

2. Weight receipts or other justification of proper disposal are maintained by the self-hauler for a 12-month period and can be made available upon request to a public agency charged with solid waste reporting requirements to the State; and

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3. All commercial and industrial businesses not using the services of a permittee must submit solid waste disposal and [organic waste and recycling tonnage documentation](#) annually to the City. Reports are due on or before January 31 for the previous year. Annual reporting must be on a form provided by the Director.

9.02.130 Enforcement.

A. Violation—General. Violations of this chapter are declared to be a public nuisance and a misdemeanor and may be addressed by any means available to the City, including those means set forth in Title 1.

B. Enforcement of SB 1383 Regulations—Administrative Citations and Fine.

1. Violation of any of the provision of article 2 of this chapter shall constitute grounds for issuance of a notice of violation and assessment of a fine. Enforcement actions under this subsection B are issuance of an administrative citation and assessment of a fine. The City’s procedures on imposition of administrative fines in Chapter 1.08 of Title 1 are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, and collection of administrative citations issued to enforce violations of article 2 of this chapter and any rule or regulation adopted pursuant thereto, except as otherwise indicated in this chapter.

2. Enforcement of article 2 of this chapter pursuant to this subsection B may be undertaken by the City enforcement official, which may be the city manager or their designated entity, legal counsel, or combination thereof. The City enforcement officials will interpret the provisions of article 2 of this chapter; determine the applicability of waivers, if violation(s) have occurred; implement enforcement actions; determine if compliance standards are met; and may issue notices of violation.

3. Process for Enforcement.

a. Compliance Monitoring. The City enforcement officials or their designee will monitor compliance with article 2 of this chapter randomly and through compliance reviews, route reviews, investigation of complaints, and an inspection program (that may include remote monitoring). Section 9.02.280 establishes City’s right to conduct inspections and investigations.

b. Notice of Violation. With the exception of violations of generator contamination of container contents, the City shall issue a notice of violation requiring compliance within 60 days of issuance of the notice.

c. Failure to Comply. Absent compliance by the respondent within the deadline set forth in the notice of violation, the City shall commence an action to impose the penalties set forth in this subsection B, via an administrative citation and fine, pursuant to the procedures set forth in Chapter 1.08 of Title 1. Notices shall be provided to “owner” at the official address of the owner maintained by the tax collector for the City or if no such address is available, to the owner at the address of

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the dwelling or commercial property or to the party responsible for paying for the collection services, depending upon available information

4. Fine Amount. The penalties for violations of article 2 of this chapter are as follows:

a. For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.

b. For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.

c. For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 per violation.

5. Criteria. The City may consider the criteria set forth in subsection F of Section 1.08.020, when determining the amount of the administrative fine.

6. Compliance Deadline Extension—Considerations. The City may extend the compliance deadlines set forth in a notice of violation issued in accordance with this subsection B if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

a. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;

b. Delays in obtaining discretionary permits or other government agency approvals; or,

c. 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.

7. Appeals. Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with the City's Administrative Hearing and Judicial Review procedures set forth in Chapter 1.14 of Title 1.

8. Education Period for Non-Compliance. Beginning January 1, 2022, and through December 31, 2023, the 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 article 2 of this chapter and a

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notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

9. Civil Penalties for Non-Compliance. 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 article 2 of this chapter, it shall document the noncompliance or violation, issue a notice of violation, and take enforcement action pursuant to this subsection B, as needed.

10. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. The City may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. The City may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of City staff and resources.

C. The City may issue an official notification to notify regulated entities of its obligations under this chapter. This chapter shall only apply to those entities subject to the City's regulatory authority.

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Article 2. Regulation of Solid Waste, Organic Waste, and Recyclables-Generators

9.02.160 Requirements for single-family generators.

Single-family organic waste generators shall comply with the following requirements except single-family generators that meet the self-hauler requirements in Section 9.02.175:

A. Shall subscribe to the City's organic waste collection services for all organic waste generated as described below in Subdivision B. The City shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, single-family generators shall adjust its service level for its collection services as requested by the City. Generators may additionally manage their organic waste by preventing or reducing their organic waste, managing organic waste on site, and/or using a community composting site pursuant to 14 CCR Section 18984.9(c).

B. Shall participate in the City's organic waste collection services by placing designated materials in designated containers as described below, and shall not place prohibited container contaminants in collection containers.

1. Generator shall place source separated green container organic waste, including food waste, in the green container; source separated recyclable materials in the blue container; and gray container waste in the gray container. Generators shall not place materials designated for the gray container into the green container or blue container.

9.02.165 Requirements for commercial businesses.

Generators that are commercial businesses, including multifamily residential dwellings, shall:

A. Subscribe to the City's three-container collection services and comply with requirements of those services as described below in Subdivision B, except commercial businesses that meet the self-hauler requirements in Section 9.02.175. 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, commercial businesses shall adjust their service level for their collection services as requested by the City.

B. Except commercial businesses that meet the self-hauler requirements in Section 9.02.175, participate in the City's organic waste collection services by placing designated materials in designated containers as described below.

1. Generator shall place source separated green container organic waste, including food waste, in the green container; source separated recyclable materials in the blue container; and gray container waste in the gray container. Generator shall not place materials designated for the gray container into the green container or blue container.

C. Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming with subsection D below) for employees, contractors, tenants, and customers, consistent with the City's blue container, green container, and gray container collection service or, if self-hauling, per the commercial businesses' instructions to support its compliance with its self-haul program, in accordance with Section 9.02.175.

D. Excluding multifamily residential dwellings, provide containers for the collection of source separated green container organic waste and source separated recyclable materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a commercial business does not generate any of the materials that would be collected in one type of container, then the 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), the containers provided by the business shall have either:

1. A body or lid that conforms with the container colors provided through the collection service provided by the City, 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 the requirements of this subsection 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. Multifamily residential dwellings are not required to comply with container placement requirements or labeling requirement in subsection D, above, pursuant to 14 CCR Section 18984.9(b).

F. Excluding multifamily residential dwellings, to the extent practical through education, training, inspection, and/or other measures, prohibit employees from placing materials in a container not designated for those materials per the City's blue container, green container, and gray container collection service or, if self-hauling, per the commercial businesses' instructions to support its compliance with its self-haul program, in accordance with Section 9.02.175.

G. Excluding multifamily residential dwellings, periodically inspect blue containers, green containers, and gray containers for contamination 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).

H. Annually provide information to employees, contractors, tenants, and customers about organic waste recovery requirements and about proper sorting of source separated green container organic waste and source separated recyclable materials.

I. Provide education information before or within 14 days of occupation of the premises to new tenants that describes requirements to keep source separated green container organic waste and source separated recyclable materials separate from gray container waste (when applicable) and the location of containers and the rules governing their use at each property.

J. Provide or arrange access for the City or its agent to their properties during all inspections conducted in accordance with Section 9.02.280 to confirm compliance with the requirements of this article.

K. Accommodate and cooperate with the City's remote monitoring program for inspection of the contents of containers for prohibited container contaminants, which may be implemented at a later date, to evaluate generator's compliance with subsection B. The remote monitoring program shall involve installation of remote monitoring equipment on or in the blue containers, green containers, and gray containers.

L. At commercial business's option and subject to any approval required from the City, implement a remote monitoring program for inspection of the contents of its blue containers, green containers, and gray containers for the purpose of monitoring the contents of containers to determine appropriate levels of service and to identify prohibited container contaminants. Generators may install remote monitoring devices on or in the blue containers, green containers, and gray containers subject to written notification to or approval by the City or its designee.

M. If a commercial business wants to self-haul, meet the self-hauler requirements in Section 9.02.175.

N. 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).

O. Commercial businesses that are tier one or tier two commercial edible food generators shall comply with food recovery requirements, pursuant to Section 9.02.190.

9.02.170 Waivers for generators.

A. De Minimis Waivers. The City may waive a commercial business' (including multifamily residential dwellings) obligation to comply with some or all of the organic waste requirements of this article if the commercial business provides documentation that the business generates below a certain amount of organic waste material as described in subdivision 2 of subsection A, below. Commercial businesses requesting a de minimis waiver shall:

1. Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in subdivision 2, below.

2. Provide 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 blue container or green 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 blue container or green 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 waste exceeds the threshold required for waiver, in which case waiver will be rescinded.

4. Provide written verification of eligibility for a de minimis waiver every five years, if the City has approved a de minimis waiver.

B. Physical Space Waivers. The City may waive a commercial business' (including multifamily residential dwellings) or property owner's obligations to comply with some or all of the recyclable materials and/or organic waste collection service requirements if the City has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the organic waste collection requirements of Section 9.02.165.

A commercial business or property owner may request a physical space waiver through the following process:

1. Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.

2. Provide documentation that the premises lacks adequate space for blue containers and/or green containers including documentation from its hauler, licensed architect, or licensed engineer.

3. Provide written verification to the City that it is still eligible for a physical space waiver every five years, if the City has approved an application for a physical space waiver.

C. Review and Approval of Waiver. The City may, but is not required to, provide any of the waivers listed in this section. Issuance of any waiver pursuant to this section shall be at the discretion of the Director.

9.02.175 Requirements for self-haulers.

A. Self-haulers 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 from solid waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul organic waste to a high diversion organic waste processing facility as specified in 14 CCR Section 18984.3.

B. Self-haulers shall haul their source separated recyclable materials to a facility that recovers those materials; and haul their source separated green container organic waste to a solid waste facility, operation, activity, or property that processes or recovers source separated 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 multifamily residential dwellings) shall keep a record of the amount of organic waste delivered to each solid waste facility, operation, activity, or property that processes or recovers organic waste; this record shall be subject to inspection by the City. 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. Self-haulers that are commercial businesses (including multifamily self-haulers) shall provide information collected in Subdivision C to the City in accordance with Section 9.02.120.

E. A residential organic waste generator that self-hauls organic waste is not required to record or report information in Subdivisions C or D.

9.02.180 Requirements for haulers and facility operators.

A. Requirements for Haulers. Franchise or permitted haulers providing residential, commercial, or industrial organic waste collection services to generators within the City's boundaries shall meet the following requirements and standards as a condition 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 _____, identify the facilities to which they will transport organic waste including facilities for source separated recyclable materials and source separated green container organic waste.
2. 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.
3. Obtain approval from the City to haul organic waste, unless it is transporting source separated organic waste to a community composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1 and the City's C&D ordinance.
4. Franchise and permitted haulers authorization to collect organic waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement, permit, license, or other agreement entered into with the City.

B. 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.

9.02.190 Requirements for commercial edible food generators.

A. Tier one commercial edible food generators must comply with the requirements of this section commencing January 1, 2022, and tier two commercial edible food generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.

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 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 the 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. 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.

6. No later than _____ of each year commencing no later than _____ for tier one commercial edible food generators and _____ for tier two commercial edible food generators, provide an annual food recovery report to the City that includes the following information:_____.

D. Nothing in this chapter 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).

9.02.195 Requirements for food recovery organizations and services.

A. Food recovery services collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

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.

B. Food recovery organizations collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

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.

C. Food recovery organizations and food recovery services shall inform generators about California and Federal Good Samaritan Food Donation Act protection in written communications, such as in their contract or agreement established under 14 CCR Section 18991.3(b).

D. 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 commercial edible food generators pursuant to 14 CCR Section 18991.3(b) shall report to the City it is located in the total pounds of edible food recovered in the previous calendar year from the tier one and tier two commercial edible food generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than _____ and upon the City's request.

A-E. Food Recovery Capacity Planning. In order to support edible food recovery capacity planning assessments or other studies conducted by the County, City, special district that provides solid waste collection services, or its designated entity, 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.

9.02.200 Illegal disposal.

A. It is illegal to place or allow to be placed or remain any solid waste, recyclable material, organic waste, garbage, dead animal, diseased, putrid, or offensive animal or vegetable matter, rubbish, construction wastes, or bulky items upon any vacant lot, park, public or private property, camping place, street, road, highway, alley, sidewalk, curb, gutter, stormwater conveyance, or on the bank of any stream or drywater course, or in any standing water, stream, or drywater course.

B. It is illegal to tamper with, modify, remove from, or deposit organic wastes, solid wastes, or recyclables into or adjacent to any container without the permission of the container owner.

9.02.210 Frequency of removal.

A. The owner, operator and/or occupant of any residence, business establishment, or industry must remove or cause the removal of all solid waste accumulated on the property or premises. Excepting disruptions in normal solid waste collection schedules, garbage-solid waste must not remain on any premises for more than seven days. Where the City deems necessary to further the purposes of this chapter, more frequent removal of garbage-solid waste may be required. ~~When garbage and rubbish are containerized together, the period of removal is the period applied to garbage.~~

B. All single-family residents and multifamily residents using single-family residential solid waste containers must use the services of a franchisee for recyclables and ~~yard waste~~organic waste collection services.

9.02.220 Placement, collection and transportation of hazardous and biohazardous wastes.

A. It is unlawful for any person to place any hazardous, flammable, or explosive materials, poisons, insecticides, liquid or dry caustics or acids, operable hypodermic needles, drugs, infectious, biomedical, electronic, or biohazardous waste material, or any similar substances dangerous to collection and disposal personnel in any solid waste, organic waste, or recyclables receptacle.

B. It is unlawful for any person to collect or transport hazardous and biohazardous wastes without compliance with applicable Federal, State and local laws.

9.02.230 Storage and containers.

A. Storage. The owner, operator, and/or occupant of any premises, business establishment, industry, or other property, vacant or occupied, is responsible for the safe and sanitary storage of all solid waste accumulated on the property. ~~Anytime garbage and rubbish are combined, the standards for garbage prevail.~~ The property owner or occupant must store solid waste, organic waste, and recyclables on the premises or property in such a manner so as not to constitute a fire, health, or safety hazard, and must ensure it does not to promote the propagation, harborage, or attraction of flies, rodents or other vermin, or create litter or other nuisances.

B. Containers—General. Property owners and tenants must deposit solid waste, organic waste, and recyclables in containers approved for the property and designed for the express purpose of solid waste storage and disposal and must not cause containers to overflow or be loaded heavier than the collector specifies for the type of container being used. In addition, property owners and tenants must ensure the following:

~~1.—Containers for garbage and putrescible matter or mixed garbage and rubbish must conform to the requirements established in Title 14, Division 7, Article 5, Section 17315 of the California Code of Regulations. This includes a safe handling design and a construction that is nonabsorbent, watertight, resistant to flies, rodents and other vermin, durable, easily cleanable, and provided with tight fitting lids, covers, or doors.~~

12. Containers must be kept in a clean condition at all times. Offensive material on the outside of containers, including graffiti, must be removed by the container owner within 72 hours of notification by the City.

~~3.—Where single use plastic and paper bags or container liners are used, they must be constructed of such thickness and strength to resist punctures and tears, and must be manufactured expressly for the storage of waste.~~

~~4.—Any business generating food waste must prevent leaking of food waste from trash containers, at a minimum by ensuring food waste is double bagged.~~

~~25.~~ Containers used for any animal manure must be kept tightly covered at all times and must be kept sealed at all times to prevent access by flies, rodents and other vermin.

C. Containers—Single-Family Residential. Every single-family residential householder must comply with the following requirements:

1. Place source separated ~~refusesolid waste~~, recyclables, and yard-organic waste in individual containers of 96 gallons or less capacity provided by or for each single-family residential premises. Containers must be of an adequate size and in sufficient numbers to contain, without overflowing, all the separated ~~refusesolid waste~~, recyclables, and yard-organic waste that a resident generates within the designated removal period.

2. Follow rules established by the collector for single-family residential solid waste containers. If permitted by the collector, any solid waste not suitable for placement in a single-family residential solid waste container may be placed for collection at the same place and time as the container if it is securely tied in bundles not heavier than 40 pounds, not longer than three feet in length, and not more than 24 inches in diameter.

3. Place each container for collection at the curb prior to 6:30 a.m. on the day of collection, but in no case more than 12 hours before the earliest regularly scheduled collection time, without creating a hazardous or safety problem.

4. Remove each container from the curb no later than 12 hours after the latest regularly scheduled collection time except for unscheduled or unanticipated service interruptions. In such a case, the time frame for the removal of containers may be extended for an additional 24 hours.

D. Containers—Commercial. Every commercial business owner and the person responsible for multifamily residential premises must comply with the following requirements:

1. Utilize a container or containers for solid waste, organic waste, and recyclables provided by a franchisee or permittee or, in the alternative, utilize existing functional their own approved containers approved by the City until the end of the containers useful life or January 1, 2036, whichever comes first. Any such solid waste container must be a commercial solid waste container of one and one-half to six cubic yards capacity, with a leak-proof, insect-proof, and rodent-proof construction and tight fitting lid, which is compatible with the franchisee or permittee's collection equipment. Where appropriate for the commercial or industrial premises, a 10 to 40 cubic yard roll-off body or compactor may be used. Containers must be of an adequate size and in sufficient numbers to contain all solid waste generated on the commercial or industrial property within the designated removal period without overflowing.

2. Maintain solid waste containers, which are not provided by the collector, in a clean and healthful condition.
3. Provide a location on the premises for the containers and keep the area in good repair, clean and free of solid waste, organic waste, or recyclables outside of their designated containers.

9.02.240 Mandatory recycling.

~~A.— All generators of solid waste in the City must separate from solid waste, for recycling purposes, all designated recyclables as defined in Section 9.02.250 and otherwise participate in recycling programs.~~

~~B.— Each generator must separate recyclable materials from other solid waste, place recyclable materials in appropriate containers designated for such recyclables, and place the containers for collection in the same manner as regular collection occurs.~~

~~C.— Collection of designated recyclables from residences using single family residential solid waste containers must occur at least once weekly. For commercial premises, including multifamily residential premises as defined in Section 9.02.110 of this chapter, and industrial businesses, collection must be provided as needed to meet demand.~~

9.02.250 Designated recyclable materials.

A. The materials designated by land use category in Table 9.02.250A must be separated from general refuse/solid waste.

Table 9.02.250A

| Residential (Includes Multifamily) & Commercial <u>RECYCLE CART/BIN</u> | | Industrial <u>(in addition to all other items listed)</u> |
|--|---|--|
| Newspaper | <u>Aluminum Cans</u> <u>Newspaper</u> | Dirt |
| Corrugated Cardboard | <u>Aluminum Foil</u> <u>Corrugated Cardboard</u> | Asphalt |
| Mixed Paper | <u>PET#1 and HDPE#2 Plastic</u> <u>Mixed Paper</u> | Sand |
| Magazines and Catalogs | <u>Soda Bottles</u> <u>Magazines and Catalogs</u> | Concrete |
| Junk Mail and Envelopes | <u>Milk/Water/Juice Jugs</u> <u>Junk Mail and Envelopes</u> | Rock |
| Telephone Books | <u>Some Detergent Bottles</u> <u>Telephone Books</u> | Brick/Tile |
| Cereal Boxes | <u>Empty Motor Oil Cans</u> <u>White and Colored Paper</u> | Re-Bar |
| Cake Mix Boxes | <u>35 mm Film Containers</u> <u>Computer Paper</u> | Pallets |
| Shoe Boxes | <u>Noncarbon Forms</u> | Land Clearing Brush |
| Detergent Boxes | <u>Steel/Tin Cans</u> <u>Post-It Notes</u> | Salvageable Building Materials |
| White and Colored Paper | <u>Empty Paint Cans</u> <u>Aluminum Cans</u> | <u>Pallets</u> |

| Residential (Includes Multifamily) & Commercial <u>RECYCLE CART/BIN</u> | | Industrial <u>(in addition to all other items listed)</u> |
|---|----------------------------------|--|
| Paper Gift Wrap | Empty Aerosol Cans | Steel/Tin Cans |
| Computer Paper | Glass Bottles (All Colors) | Glass Bottles (All Colors) |
| Core Tubes from Paper Towels, Etc. | Glass Jars | Glass Jars |
| Noncarbon Forms | Aluminum Cans | PET#1 and HDPE#2 Plastic |
| Post-It Notes | Aluminum Foil | Soda Bottles |
| Steel/Tin Cans | | Milk/Water/Juice Jugs |
| Empty Paint Cans | | Pallets |
| Empty Aerosol Cans | | Yard Waste |
| Glass Bottles (All Colors) | | Grass Clippings |
| Glass Jars | | Leaves |
| PET#1 and HDPE#2 Plastic | | Limbs/Branches < 4' |
| Soda Bottles | | |
| Milk/Water/Juice Jugs | | |
| Some Detergent Bottles | | |
| Empty Motor Oil Cans | | |
| 35 mm Film Containers | | |
| Appliances/White Goods | | |
| <u>Organics – all generators</u> <u>(including food waste/scraps)</u> <u>RECYCLE CART/BIN</u> | | |
| Yard Waste | All Food – scraps & spoiled, any | Incidental material – 10% or less; Yard Waste |
| Grass Clippings | Produce | <ul style="list-style-type: none"> Fats, oils, greases (cooking related) |
| Leaves | Meat | <ul style="list-style-type: none"> Soiled paper goods: coffee filters, napkins, paper towels, uncoated take-out containers, pizza and donut boxes, etc. |
| Weeds | Dairy | Weeds |
| Limbs/Branches < 4' | Baked & Dry Goods | Limbs/Branches < 4' |

B. — Organic waste must be separated from general refuse, as follows:

1. — A business that generates four cubic yards or more of organic waste per week, and any business that generates four cubic yards or more of commercial solid waste per week, must arrange for recycling of organic waste by one of the following ways:

a. — Source separate organic waste from other waste and subscribe to a basic level of organic waste recycling service;

b. — Recycle on-site or self-haul its own organic waste for recycling;

c. — Subscribe to an organic waste recycling service that may include mixed waste processing that specifically recycles organic waste;

~~d.— Make other arrangements consistent with any franchised collector.~~

~~2.— On-site organic waste recycling (i.e., composting) is exempt from the disposal requirements of this chapter, provided that the on-site organic waste recycling does not propagate, harbor, or attract flies, rodents, other vermin, or create a nuisance. (Ord. 562 § 3, 2019)~~

9.02.260 Exclusions—Recyclable materials.

A. Residential Householders. No provision of this chapter prevents residential householders from self-hauling [in accordance with Sections 9.02.120 and 9.02.175 of this chapter](#), from composting [organicyard](#) waste, or from selling or disposing of recyclables generated in or on their residential premises.

B. Gardeners. No provision of this chapter prevents a gardener, tree trimmer or person providing a similar service from collecting and disposing of yard waste as an incidental portion of providing such gardening, tree trimming or similar service [in accordance with the provisions of this chapter, including the self-hauler provisions of Sections 9.02.120 and 9.02.175 of this chapter](#).

C. Commercial.

1. No provision of this chapter prevents a commercial business owner from selling to a buyer, donating, or giving away any designated recyclable materials generated in, on, or by a commercial premises or business and no longer useful to such commercial business; provided, however, that the buyer is not engaged in the business of collecting solid waste for a fee, charge, or consideration and that no such materials are transported to a landfill or transfer station for disposition. Source separated recyclables within the meaning of this subsection mean recyclables separated on the commercial premises from solid waste for the purpose of sale, not mixed with or containing more than incidental or minimal solid waste and having a market value.

2. No provision of this chapter prevents a recycler, junk dealer, or other enterprise engaged in the business of buying and marketing such materials and who is not engaged in the business of collecting solid waste or providing collection services for a fee or other charge, or consideration, from buying any materials described in this subsection for a monetary or other valuable consideration. No provision of this chapter prevents a recycler, junk dealer, or enterprise who buys such materials from removing and transporting such materials to a destination for marketing. No such buyer may buy or transport such material without a permit issued by the City.

D. Renovation, Rebuilding, Repairs. No provision of this chapter prevents a commercial business owner from arranging for any equipment used in the commercial to be picked up, renovated, rebuilt, recharged, regenerated or otherwise restored and repaired and returned to the commercial business owner. No provision of this chapter prevents any person engaged in the business of renovating, rebuilding, recharging, regenerating, or otherwise restoring or repairing equipment from transporting the same from or returning it to the commercial

business or from removing, transporting or disposing of any such part or equipment replaced as a part of a repair or equipment service contract.

E. **Building Materials/Demolition.** No provision of this chapter prevents a licensed contractor who has a contract for the demolition and/or reconstruction of a building, structure, pavement, or concrete from marketing any saleable items salvaged from such activity, or from having salvageable items or demolition waste removed and transported from the premises on which such waste is generated, pursuant to the provisions of the demolition and/or construction contract. If such contractor subcontracts the transporting and disposition of demolition waste, however, only a franchisee or permittee, if any, is authorized to transport and dispose of such demolition waste.

F. **Charitable or Nonprofit Organization.** No provision of this chapter prevents a charitable or nonprofit organization as defined by the laws of the State of California, from collecting and marketing any source separated recyclables, provided that the following conditions are met:

1. The organization is not engaged in the business of collecting recyclables for a fee or other consideration; and
2. The organization does not transport such materials to a landfill or transfer station for disposition; and
3. That recyclables are donated, without fee or any other consideration, to the charitable or nonprofit organization.

G. **Document Destruction Service.** No provision of this chapter prevents a confidential or sensitive document destruction service from transporting or disposing of documents by shredding, incinerating, or other means, as a part of such document destruction service.

9.02.270 Illicit scavenging.

A. It is unlawful for any person to remove material from a container at any premises, except for a collector who is authorized to provide collection services at the premises, the residential householder or owner of such premises, the commercial business owner or employee of a business on such commercial premises, or the owner or employee of the owner of the container.

B. Where separate collection or a salvaging operation is initiated anywhere in the City or in any legally designated facility to further the recovery of reusable or recyclable items, the following apply:

1. It is unlawful for any unauthorized person to remove any separated salvageable commodity from any curb, alley, street, designated pickup location, or any storage area or container.

2. It is unlawful for any person to disturb, tamper with, or remove any container containing salvageable material, or the contents thereof, unless authorized by the owner of the container.

3. It is unlawful for any person other than a franchised or permitted solid waste collector to charge a fee for the collection of separated recyclable or salvageable commodities.

C. All processors of recyclable materials must prominently post on their premises the following in both English and Spanish:

WARNING, STOLEN MATERIALS WILL NOT BE PURCHASED

9.02.280 Inspections and Investigations.

A. The City and its designee are authorized to conduct inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, source separated materials or other investigations as reasonably necessary to confirm compliance with this article by organic waste generators, commercial businesses (including multifamily residential dwellings), property owners, commercial edible food generators, haulers, self-haulers, food recovery services, and food recovery organizations, subject to applicable laws. This section does not allow the City to enter the interior of a private residential property for inspection.

B. For the purposes of inspecting commercial business containers for compliance with Section 9.02.165, the City may conduct container inspections for prohibited container contaminants using remote monitoring, and commercial businesses shall accommodate and cooperate with the remote monitoring pursuant to subdivision K of Section 9.02.165.

C. 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 designee 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: (i) access to an entity's premises; (ii) installation and operation of remote monitoring equipment; or (iii) access to records for any inspection or investigation is a violation of this article and may result in penalties described.

D. Any records obtained by the City during its inspections, remote monitoring, 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.

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.

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Article 3. Regulation of Collectors

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9.02.300 Franchise or permit required.

- A. It is unlawful for any person to contract for or provide solid waste collection services in the City or to contract for or provide single-family residential, multifamily residential, commercial, or industrial solid waste collection services, whether permanent or temporary, unless the person holds a franchise from the City.
- B. The terms and conditions of any franchise agreement between the City and a franchisee, in conjunction with this chapter, govern the work of the franchisee. Said franchise agreement may contain terms and conditions which are more restrictive than those of this chapter.

9.02.305 Collection operations.

A. General.

1. Each collector must conduct its operations so as to cause the least possible obstruction and inconvenience to public traffic or disruption to the peace and quiet.
2. After collection, a collector must replace each container upright in the same location where it was found. Collectors must remove any solid waste or litter that is spilled or deposited on the ground as a result of any activities of the collector.
3. Each collector must comply with the noise regulations in Chapter 5.04 and in no event emit any noise within 500 feet of occupied residential property that exceeds 75 decibels when measured at a distance of 25 feet.
4. Each collector must perform all work in a manner that provides safety to the public and meets or exceeds all applicable occupational safety and health standards, rules, regulations and orders established by the State.
5. No vehicle or equipment used in collections may be stored on any public street or other public property in the City. All such vehicles and equipment, if kept within the boundaries of the City, must be kept on property of the proper zoning within a building or fenced yard at all times when not in use.
6. No collector is permitted to transfer waste materials from one vehicle to another on any public street unless such transfer is essential to the operation and is approved by the Director, or is necessitated by mechanical failure or accidental damage.
7. Each collector must maintain an office and telephone at a fixed location and have some person at the office to answer inquiries and receive complaints at all times during the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, except holidays. The telephone number must be toll-free and be listed in a Citywide directory in the name under which it conducts business in the City.

8. A collector must maintain any containers it provides in a clean condition and may charge appropriate fees or any agreed upon rate for this service.

9. Each collector operating in the City must make recycling containers and services available to their customers. A franchisee has the responsibility for all recyclables and ~~yard~~ [organic](#) waste collection services from single-family residential premises within the City. For multifamily, commercial and industrial generators, collectors must develop, in cooperation with each generator, an individual recycling plan suitable for each such generator.

B. Residential.

1. Each collector must perform collections from each residential premises served by the collector not less than once every seven days or as approved by the Director.

2. Residential collections must be made only between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday. Hours and days of collection are subject to change by the City Council.

3. When the collection day falls on a holiday, the collector must collect on the holiday, or collect one day prior to or one day after the holiday.

4. If requested by a residential householder, a collector must provide special collection of solid waste at such times and at such rates as may be agreed upon by the collector and the person requesting the service. If no agreement is reached, such special collections, charges and times will be determined by the Director.

5. If a residential collector ceases to provide services to any resident, the residential collector must provide seven days written notice of termination to the customer. This notice must also include the name and telephone number of the City's residential franchisee.

C. Commercial/Industrial.

1. Each collector must provide collections from commercial/industrial premises on a schedule which is agreed upon between the commercial/industrial business owner and the collector. In no event may the collection schedule permit the accumulation of garbage on the premises for more than seven days or the accumulation of solid waste in quantities detrimental to public health or safety.

2. All collections from multifamily residential property or within 500 feet of occupied residential property must be made between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. Hours and days of collection are subject to change by the City Council.

3. Collectors must collect and dispose of all solid waste, [organic waste](#), and recyclable material presented for collection at each commercial/industrial premises in conformity with the provisions of this chapter. Any such collection or disposal must

be in accordance with all applicable laws and any controlling franchise agreement between the City and a franchisee. All solid waste, organic waste, and recyclable material collected by a collector is the property of the collector.

4. A collector who provides any container or other equipment used for the storage of commercial or industrial solid waste must place and maintain on the outside of such container or other equipment the collector's name or firm name and telephone number in legible letters and numerals not less than four inches high and in a color contrasting with the container's color. A collector must provide containers on casters and/or with locks upon request by the commercial or industrial business owner or the Director.

5. A business that has its own recycling or resource recovery program for recyclable materials generated by such business may be excluded from utilizing a franchised or permitted collector provided that the business complies with Section 9.02.260 of this chapter and provided that the business reports its recycling tonnage to the City in accordance with Section 9.02.350.

9.02.310 Annual renewal of collector permits.

- A. No residential or industrial collector is permitted to operate in the City without a franchise agreement or a valid commercial permit from the Director.
- B. A collector must obtain or renew the permit required by subsection A annually by submitting an application and all requested information related thereto no later than October 31 of the year preceding the permit period, which begins January 1 and ends December 31.)

9.02.315 Customer rates.

The City Council may from time to time review and, by resolution, establish rates to be charged to customers by a franchisee. No franchisee or permittee is permitted to charge any rate except the rate established by the City Council.

9.02.320 Remittances of franchise and permit fees to City.

- A. Each collector must remit fees to the City in amounts determined by resolution of the City Council and set forth in franchise and/or permit agreements required of all collectors.
- B. The City may increase or decrease collector fees to any amount, if, in the sole discretion of the City, it is necessary to defray City waste management costs.
- C. A franchisee must pay franchise and permit fees quarterly, not later than 20 calendar days after the end of each quarter ending on March 31, June 30, September 30, and December 31. If the 20th calendar day falls on a weekend or holiday, the quarterly remittance is due on the next working day.
- D. Each remittance required by this section must be accompanied by a report setting forth the basis and calculations used for computing the amount due. The figures used in the report

must agree with the collector's general books of account. The collector's books of account must be made available to the City upon demand for the purposes of auditing quarterly and annual reports. Audits will take place at the collector's administrative facility. If the figures used in the report disagree with the collector's general books of account, the collector is liable for all audit costs, including City staff charges. If the figures used in the report agree with the collector's general books of account, the City will pay the costs of the audit.

E. If a collector fails to remit fees as required by this section, the collector must pay a penalty in the amount established by the City Council. After the 30th day following the due date, failure to remit the required payments to the City, or failure to make books of account available to the City on demand, whether by willful act or omission, or willful falsification of the figures used to determine permit fee remittances to the City, may result in the termination or revocation of the franchise or permit.

9.02.325 Transfer of franchise or permit.

A franchise or permit issued pursuant to this chapter must not be transferred, delegated, sublet, subcontracted to or assigned without the advance approval of the City Council. This restriction includes the transfer of ownership or the majority of the ownership or control of the franchisee or permittee or transfer of a majority of the franchisee's or permittee's stock to another person.

9.02.330 Administrative requirements.

A. Compliance with Statutes, Ordinances and Regulations.

1. Collectors must provide collections in accordance with standards for similar sized cities in southern California. Collectors must comply with all current statutes, ordinances, and requirements of all government entities, relating to the collector's performance pursuant to this chapter, including, but not limited to, the laws governing transfer, storage or disposal of hazardous waste, as well as the requirements of the California Integrated Waste Management Board (CIWMB). CIWMB requirements include, but are not limited to, source reduction and recycling.

2. Collectors are responsible for the payment of fines, surcharges and fees levied by the County of San Diego for any violations of the San Diego County Code of Regulatory Ordinances.

B. Insurance. Collectors must at all times maintain in full force and effect insurance in the types and amounts approved by the City Attorney. Prior to commencing collections, collectors must deliver to the City copies of all required insurance policies. ~~The policies of insurance must cover all risks expected to arise during or from the performance of the work, but in no case be less than the following:~~

~~1. Commercial General Liability Insurance. Commercial general liability insurance, that includes coverage for premises operations and contractual personal injury, comprehensive automobile liability, comprehensive protection of its officers, boards, commissioners, agents and employees, protection of the City and all persons against liability for loss or damage for personal injury, death and property damage, occasioned~~

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~~by the operations of the collector. The commercial general liability insurance policy must have minimum limits of \$5,000,000.00 in aggregate and \$2,000,000.00 combined single limit for bodily injury, including accidental death and property damage. The insurance company must be a California admitted liability insurance carrier with not less than an A minus (A-) rating, and having a financial size of not less than Class VI, according to the most recent version of the A.M. Best Insurance Guide. The commercial general liability policy must also:~~

~~a.— Contain an endorsement extending coverage to the City as an insured, in the same manner as the named insured as respects liabilities arising out of the performance of any work under this chapter.~~

~~b.— Be primary with respect to the interests of the City, and provide that any other insurance maintained by the City is excess and does not contribute to the insurance required herein.~~

~~c.— An endorsement that written notice will be given to the City at least 30 days prior to any change, termination, cancellation, or reduction of coverage in the policy.~~

~~2.— Workers' Compensation Insurance. Collectors must secure, maintain in full force and effect at all times and bear the cost of complete workers' compensation insurance in accordance with the laws of the State. A certificate evidencing workers' compensation insurance coverage for each collector must be on file with the City at all times during the term of the permit or franchise. The workers' compensation policy must also contain an endorsement extending coverage to the City as an additional insured, in the same manner as the named insured as respects liabilities arising out of the performance of any work under this chapter.~~

C. Performance Bond. Prior to beginning collections, collectors must provide, and at all times during the provision of collection services maintain, a faithful performance surety bond in a form and amount approved by the Director to secure the full and faithful performance of the terms, obligations and agreements on the part of the collector.

D. Failure to Provide or Cancellation of Insurance Policies or Performance Bond. The City may terminate any permit or franchise issued pursuant to this chapter in accordance with the provisions of the permit or franchise or Chapter 1.08 if the collector fails to provide or maintain insurance policies or performance bonds required by this chapter. If a permit or franchise is terminated pursuant to this section, the collector is liable to the City for any and all monetary damages suffered by the City arising out of the termination.

E. Indemnification.

1. Collectors must indemnify and hold the City harmless from and against any and all loss, damages, liability, claims, suits, costs and expenses, fines, charges or penalties whatsoever, including reasonable attorney's fees, regardless of the merit or outcome of any such claim or suit, arising from or in any manner related to the services or work provided under this chapter.

2. Collectors must indemnify, defend with counsel approved by the City, protect and hold harmless the City, its officers, employees, agents, assigns, and any successor in interest from and against all claims, damages, including, but not limited to, special and consequential damages, natural resource damage, punitive damages, injuries, costs, response remediation and removal costs, losses, demands, debts, liens, liabilities, causes of action, suits, legal or administrative proceedings, interest, fines and charges, penalties and expenses, including, but not limited to, attorneys' and expert witness fees and costs arising from or attributable to any repair, remediation, cleanup or detoxification, or preparation and implementation of any removal, remedial, response, or closure or other plan, regardless of whether undertaken due to governmental action, and concerning any hazardous substance or hazardous waste at any place where the collector stores or disposes of solid or hazardous waste pursuant to Section 9.02.110. The foregoing indemnity is intended to operate as an agreement pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 United States Code Section 9607(e), and California Health and Safety Code Section 25364, to insure, protect, hold harmless, and indemnify the City from liability.

3. Permittees must sign an affidavit supplied by the City affirming the indemnifications described in this section prior to the City's approval of any permit.

9.02.335 Ownership of refuse, recyclables and ~~yard-organic~~ waste.

A. All solid waste, recyclables or ~~yard-organic~~ waste becomes the property of the collector upon placement by the customer for collection.

B. On 30 days' written notice, the City has the right to direct a franchisee to deliver any solid waste, recyclables or ~~yard-organic~~ waste it collects to a legal disposal facility designated by the City.

C. A franchisee may not enter into any agreement for the sale or disposal of any material, whether or not recyclable, for more than 30 days, without the written consent of the City.

D. Notwithstanding the provisions of subsection A of this section, the City has the option of assuming ownership of solid waste, recyclables or ~~organicyard~~ waste collected by a collector pursuant to this chapter by providing collectors with 30 days' notice of the City's assumption of ownership.

9.02.340 Collector vehicle and equipment standards.

A. A collector must print or paint the collector's name, telephone number and vehicle identification number at least six inches in height on both sides of every vehicle used for collections.

B. At the option of the collector or at the request of the City, a collector may display removable sign panels that advertise special solid waste programs, provided that such special advertising panels are not used cumulatively more than 180 days out of each calendar year.

C. Collectors must ensure that each vehicle used for collections satisfies the following requirements:

1. Is equipped with a watertight collection material body that has close fitting metal covers.
2. Is constructed and used so that no solid waste, oil, grease, or other substances blow, fall, or leak out.
3. Is equipped with a broom, shovel and appropriate fire extinguisher at all times. If any solid waste, oil, grease or other substance drops or is spilled during the collector's operations, the collector must immediately clean it up. A collector must pay all expenses incurred by the City if the City cleans up the collector's operations.
4. Is inspected by the California Highway Patrol annually, and maintains certificates for the inspections on file annually with the City.
5. Is kept clean and sanitary, in good repair and uniformly painted to the satisfaction of the Director.
6. Is available to the San Diego County Health Department for inspection at any time, if requested.
7. Is equipped with high intensity fog lamps, consisting of two red tail lamps in addition to the standard tail lamps, if the vehicle is 80 inches or wider. Each collector must use the fog lamps when visibility is less than 50 feet.
8. Is equipped with an audible backup warning device.

D. Collectors must operate and maintain all collection and transportation equipment in compliance with all applicable Federal, State and local laws and with the following requirements:

1. All equipment must be maintained at all times in a manner to prevent unnecessary noise during operation.
2. All vehicles and equipment must be maintained in a safe and operable condition and collectors must maintain accurate records of repair, including the date, mileage, nature of repair, and the signature of a maintenance supervisor verifying that the repair has been properly performed.
3. No vehicle used for collection may be loaded in excess of the manufacturer's gross vehicle weight rating or in excess of the maximum weight specified by the California Vehicle Code, whichever is less. Evidence of the gross vehicle weight rating must be maintained in or upon every vehicle.

E. Collector Vehicle and Equipment Standards Violations. If the Director gives notification to a collector that any of the collector's equipment is not in compliance with the

standards of this chapter, the collector must immediately remove such equipment from service and must not use that equipment in the City until it has been inspected and approved by the Director. The collector must maintain its regular collection schedule regardless of such action.

9.02.345 Employee standards.

A. Collectors must hire employees without regard to race, religion, color, national origin, sex, or any other nonmerit factor as delineated by the Equal Employment Opportunity Act.

B. Collectors must ensure that any employee providing collections services fulfills the following requirements:

1. Presents a neat appearance, which may include a uniform approved by the City;
2. Acts courteously at all times;
3. Carries collector-issued identification approved by the City;
4. If driving a vehicle, is trained and qualified in the operation of collection vehicles, and has a valid license of the appropriate class issued by the California Department of Motor Vehicles.

C. Collectors must provide suitable operational and safety training for all employees who use or operate vehicles or equipment and who are directly involved in collections services. Collectors must train their employees involved in collections to identify, and not to collect, hazardous, biohazardous, or biomedical waste.

9.02.350 Mandatory reporting of waste management activities.

A. Franchisees and Permittees. All franchisees and permittees must provide reports to the City regarding the franchisee's or permittee's operations containing information sufficient for the City to report its progress to the State regarding the implementation of City's SRRE and HHWE pursuant to the California Public Resources Code. At a minimum, franchisees and permittees must provide the following reports:

1. Quarterly Program Reports. Quarterly program reports are due within 20 calendar days after the end of each quarter ending on March 31, June 30, September 30, and December 31. If the 20th calendar day falls on a weekend or holiday, the report is due on the next working day. At a minimum, the quarterly program report must indicate, by residential, commercial, and roll-off categories:
 - a. The number of customers receiving services, and the types of services;
 - b. The total tons of refuse collected and the manner in which it was disposed;
 - c. The total recyclables and ~~yard~~ organic waste weights, and the respective weights of recyclables collected by material;

- d. The types and weights of recyclable materials collected and disposed of due to contamination;
 - e. Residential recycling program monthly set-out rates on each collection route;
 - f. Discussion of public education activities and their impacts on program participation and recovered volumes;
 - g. Detailed data and analysis of changes or modifications to collection and processing activities; and
 - h. Other information deemed necessary by the City to determine the effectiveness and the progress of the overall waste management program.
2. Annual Program Reports. Annual program reports are due on or before January 31 following the end of each calendar year of operations. At a minimum, the annual program report must include:
- a. All report items identified in subsection (A)(1) of this section presented in an annual summary format;
 - b. An updated list of all vehicles used in waste management services in the City including the make, type, year, license number, and ownership;
 - c. The names, titles and addresses of the owners, officers, directors and major stockholders holding five percent or more stock of the firm;
 - d. The names and titles of all supervisory personnel used in providing waste management services in the City;
 - e. A description of all cases of public and private property damage and personal injury that have occurred while providing waste management services in the past year, including a copy of the accident or incident report filed with the company or with the appropriate authorities; and
 - f. A description of any violations of applicable laws and their dispositions.
3. Failure by a franchisee or permittee to provide the reports required under this chapter, or any other information required by the City, allows the City, at a minimum, to employ a qualified consultant to prepare such reports, and to hold the franchisee or permittee liable for payment of the costs therefor.
4. The failure, refusal, or neglect of a franchisee or permittee to file any of the reports required by this chapter, or the inclusion of any materially false or misleading statement or representation in such a report, may result in the termination of the franchise agreement or permit, and the imposition of liquidated damages, including assessments against the performance bond.

9.02.355 Suspension or revocation of permit.

- A. Notice. If any permittee performance does not conform to the standards, laws, ordinances and requirements set forth in the permit or this chapter, the City may advise the permittee in writing of such deficiencies. The City may, in such written instrument, set a reasonable time within which correction of all such deficiencies is to be made. Unless otherwise specified, a reasonable time for correction is 60 days from the receipt by the permittee of such notice.
- B. Hearing. If the deficiencies noted in subsection A of this section are not corrected in accordance with the written notice, the Director may set a hearing on the revocation or suspension of the permit in accordance with the procedures set forth in Section 1.14.030. The Director must provide at least 14 days' notice of the hearing by any means set forth in Section 1.08.030. The hearing will address the existence of the deficiencies in the written notice provided pursuant to subsection A and whether those deficiencies have been remedied. The Director will determine whether or not the permittee's permit should be revoked or suspended. In the event of revocation or suspension of a permit, the Director will notify the permittee in writing of the reasons by any means set forth in Section 1.08.030.
- C. Cessation of Operations. A permittee must cease collection operations within five days after receiving a notice described in subsection B.
- D. Appeals. A permittee may appeal a decision to revoke or suspend a permit under this section following procedures set forth in Chapter 1.14.
- E. Interim Suspension. The Director, without a hearing, may suspend a permit for not more than 60 days, if the Director determines that the continued operation by a permittee will constitute a threat to the public health, safety, or general welfare. If a permittee's permit is suspended pursuant to this section, the permittee must immediately cease all collection operations in the City.

9.02.360 Liquidated damages.

- A. If any permittee fails to provide collection services in accordance with this chapter, the Director may assess liquidated damages in an amount established by resolution of the City Council, and if no amount has been established, in an amount not to exceed \$5,000.00 per day, for each calendar day that the permittee fails to provide service in accordance with this chapter.
- B. The permittee must pay any liquidated damages assessed by the Director within 10 days after they are assessed or appeal the assessment in accordance with Chapter 1.14.
- C. If the permittee does not pay the liquidated damages within 10 days after assessment after confirmation of the assessments through the appeal process in Chapter 1.14, the City may withdraw the amount of liquidated damages from the security fund established by the performance bond required by Section 9.02.330, collect the liquidated damages through the courts, order the termination of the permit granted by this section, or any combination of these remedies.

9.02.365 Suspension or revocation of franchise.

A. The City may suspend or revoke a franchise agreement in accordance with the terms of that agreement.

B. Notwithstanding subsection A, the City may pursue any remedies set forth in this chapter or in a franchise agreement for a franchisee's violations of this chapter.