

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

3 **SECTION 1. PURPOSE AND FINDINGS**

4 The City of South Pasadena finds and declares:

- 5 (a) State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste
6 Management Act of 1989 (California Public Resources Code Section 40000, et
7 seq., as amended, supplemented, superseded, and replaced from time to time),
8 requires cities and counties to reduce, reuse, and recycle (including composting)
9 Solid Waste generated in their Jurisdictions to the maximum extent feasible before
10 any incineration or landfill disposal of waste, to conserve water, energy, and other
11 natural resources, and to protect the environment.
- 12 (b) State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the
13 State of California on October 5, 2011, which amended Sections 41730, 41731,
14 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections
15 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section
16 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of,
17 the Public Resources Code, as amended, supplemented, superseded and
18 replaced from time to time), places requirements on businesses and Multi-Family
19 property owners that generate a specified threshold amount of Solid Waste to
20 arrange for recycling services and requires Jurisdictions to implement a Mandatory
21 Commercial Recycling program.
- 22 (c) State organics recycling law, Assembly Bill 1826 of 2014 (approved by the
23 Governor of the State of California on September 28, 2014, which added Chapter
24 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public
25 Resources Code, relating to Solid Waste, as amended, supplemented,
26 superseded, and replaced from time to time), requires businesses and Multi-Family
27 property owners that generate a specified threshold amount of Solid Waste,
28 Recycling, and Organic Waste per week to arrange for recycling services for that
29 waste, requires Jurisdictions to implement a recycling program to divert Organic
30 Waste from businesses subject to the law, and requires Jurisdictions to implement
31 a Mandatory Commercial Organics Recycling program.
- 32 (d) SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires
33 CalRecycle to develop regulations to reduce organics in landfills as a source of
34 methane. The regulations place requirements on multiple entities including
35 Jurisdictions, residential households, Commercial Businesses and business
36 owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food
37 Recovery Organizations, and Food Recovery Services to support achievement of
38 Statewide Organic Waste disposal reduction targets.

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

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

Commented [NV01]:
This section will need to be reviewed by the Planning &
Building Department

51 SECTION 2. TITLE OF ORDINANCE

52 This chapter shall be entitled "Mandatory Organic Waste Disposal Reduction Ordinance".

53 SECTION 3. DEFINITIONS.

54 (a) "CalRecycle" means California's Department of Resources Recycling and
55 Recovery, which is the Department designated with responsibility for developing,
56 implementing, and enforcing SB 1383 Regulations on Jurisdictions (and others).

57 (b) "California Code of Regulations" or "CCR" means the State of California Code of
58 Regulations. CCR references in this ordinance are preceded with a number that
59 refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).

60 (c) "City" means The City of South Pasadena.

61 (d) "Commercial Business" or "Commercial" means a firm, partnership, proprietorship,
62 joint-stock company, corporation, or association, whether for-profit or nonprofit,
63 strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise
64 defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that
65 consists of fewer than five (5) units is not a Commercial Business for purposes of
66 implementing this ordinance.

67 (e) "Commercial Edible Food Generator" includes a Tier One or a Tier Two
68 Commercial Edible Food Generator as defined in Sections 3 (lll) and 3 (mmm) of
69 this ordinance or as otherwise defined in 14 CCR Section 18982(a)(73) and
70 (a)(74). For the purposes of this definition, Food Recovery Organizations and Food
71 Recovery Services are not Commercial Edible Food Generators pursuant to 14
72 CCR Section 18982(a)(7).

73 (f) "Compliance Review" means a review of records by a Jurisdiction to determine
74 compliance with this ordinance.

- 75 (g) "Community Composting" means any activity that composts green material,
76 agricultural material, food material, and vegetative food material, alone or in
77 combination, and the total amount of feedstock and Compost on-site at any one
78 time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR
79 Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- 80 (h) "Compost" has the same meaning as in 14 CCR Section 17896.2(a)(4), which
81 stated, as of the effective date of this ordinance, that "Compost" means the product
82 resulting from the controlled biological decomposition of organic Solid Wastes that
83 are Source Separated from the municipal Solid Waste stream, or which are
84 separated at a centralized facility.
- 85 (i) "Compostable Plastics" or "Compostable Plastic" means plastic materials that
86 meet the ASTM D6400 standard for compostability, or as otherwise described in
87 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).
- 88 (j) "Container Contamination" or "Contaminated Container" means a container,
89 regardless of color, that contains Prohibited Container Contaminants, or as
90 otherwise defined in 14 CCR Section 18982(a)(55).
- 91 (k) "C&D" means construction and demolition debris.
- 92 (l) "Designated Source Separated Organic Waste Facility", as defined in 14 CCR
93 Section 18982(14.5), means a Solid Waste facility that accepts a Source
94 Separated Organic Waste collection stream as defined in 14 CCR Section
95 17402(a)(26.6) and complies with one of the following:
- 96 (1) The facility is a "transfer/processor," as defined in 14 CCR Section
97 18815.2(a)(62), that is in compliance with the reporting requirements of 14
98 CCR Section 18815.5(d), and meets or exceeds an annual average Source
99 Separated organic content Recovery rate of 50 percent between January 1,
100 2022 and December 31, 2024 and 75 percent on and after January 1, 2025
101 as calculated pursuant to 14 CCR Section 18815.5(f) for Organic Waste
102 received from the Source Separated Organic Waste collection stream.
- 103 (A) If a transfer/processor has an annual average Source Separated
104 organic content Recovery rate lower than the rate required in
105 Paragraph 1 of this definition for two (2) consecutive reporting
106 periods, or three (3) reporting periods within three (3) years, the
107 facility shall not qualify as a "Designated Source Separated Organic
108 Waste Facility".
- 109 (2) The facility is a "composting operation" or "composting facility" as defined in
110 14 CCR Section 18815.2(a)(13), that pursuant to the reports submitted
111 under 14 CCR Section 18815.7 demonstrates that the percent of the
112 material removed for landfill disposal that is Organic Waste is less than the
113 percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3),

114 whichever is applicable, and, if applicable, complies with the digestate
115 handling requirements specified in 14 CCR Section 17896.5.

116 (m) "Designee" means an entity that a Jurisdiction contracts with or otherwise arranges
117 to carry out any of the Jurisdiction's responsibilities of this ordinance as authorized
118 in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a
119 private entity, or a combination of those entities.

120 (n) "Edible Food" means food intended for human consumption, or as otherwise
121 defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as
122 otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid
123 Waste if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR,
124 Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that
125 does not meet the food safety requirements of the California Retail Food Code.

126 (o) "Enforcement Action" means an action of the Jurisdiction to address non-
127 compliance with this ordinance including, but not limited to, issuing administrative
128 citations, fines, penalties, or using other remedies.

129 (p) "Excluded Waste" means hazardous substance, hazardous waste, infectious
130 waste, designated waste, volatile, corrosive, medical waste, infectious, regulated
131 radioactive waste, and toxic substances or material that facility operator(s), which
132 receive materials from the Jurisdiction and its generators, reasonably believe(s)
133 would, as a result of or upon acceptance, transfer, processing, or disposal, be a
134 violation of local, State, or Federal law, regulation, or ordinance, including: land
135 use restrictions or conditions, waste that cannot be disposed of in Class III landfills
136 or accepted at the facility by permit conditions, waste that in Jurisdictions, or its
137 Designee's reasonable opinion would present a significant risk to human health or
138 the environment, cause a nuisance or otherwise create or expose Jurisdiction, or
139 its Designee, to potential liability; but not including de minimis volumes or
140 concentrations of waste of a type and amount normally found in Single-Family or
141 Multi-Family Solid Waste after implementation of programs for the safe collection,
142 processing, recycling, treatment, and disposal of batteries and paint in compliance
143 with Sections 41500 and 41802 of the California Public Resources Code. Excluded
144 Waste does not include used motor oil and filters, household batteries, universal
145 wastes, and/or latex paint when such materials are defined as allowable materials
146 for collection through the Jurisdiction's collection programs and the generator or
147 customer has properly placed the materials for collection pursuant to instructions
148 provided by Jurisdiction or its Designee for collection services

149 (q) "Food Distributor" means a company that distributes food to entities including, but
150 not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14
151 CCR Section 18982(a)(22).

152 (r) "Food Facility" has the same meaning as in Section 113789 of the Health and
153 Safety Code.

154 (s) "Food Recovery" means actions to collect and distribute food for human
155 consumption that otherwise would be disposed, or as otherwise defined in 14 CCR
156 Section 18982(a)(24).

157 (t) "Food Recovery Organization" means an entity that engages in the collection or
158 receipt of Edible Food from Commercial Edible Food Generators and distributes
159 that Edible Food to the public for Food Recovery either directly or through other
160 entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not
161 limited to:

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

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

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

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

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

173 (u) "Food Recovery Service" means a person or entity that collects and transports
174 Edible Food from a Commercial Edible Food Generator to a Food Recovery
175 Organization or other entities for Food Recovery, or as otherwise defined in 14
176 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible
177 Food Generator for the purposes of this ordinance and implementation of 14 CCR,
178 Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

179 (v) "Food Scraps" means all food such as, but not limited to, fruits, vegetables, meat,
180 poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and
181 eggshells. Food Scraps excludes fats, oils, and grease when such materials are
182 Source Separated from other Food Scraps.

183 (w) "Food Service Provider" means an entity primarily engaged in providing food
184 services to institutional, governmental, Commercial, or industrial locations of
185 others based on contractual arrangements with these types of organizations, or as
186 otherwise defined in 14 CCR Section 18982(a)(27).

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

- 190 (y) "Food Waste" means Food Scraps, and Food-Soiled Paper.
- 191 (z) "Gray Container" has the same meaning as in 14 CCR Section 18982.2(a)(28) and
192 shall be used for the purpose of storage and collection of Gray Container Waste.
- 193 (aa) "Green Container" has the same meaning as in 14 CCR Section 18982.2(a)(29)
194 and shall be used for the purpose of storage and collection of Source Separated
195 Green Container Organic Waste.
- 196 (bb) "Grocery Store" means a store primarily engaged in the retail sale of canned food;
197 dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area
198 that is not separately owned within the store where the food is prepared and
199 served, including a bakery, deli, and meat and seafood departments, or as
200 otherwise defined in 14 CCR Section 18982(a)(30).
- 201 (cc) "Hauler Route" means the designated itinerary or sequence of stops for each
202 segment of the Jurisdiction's collection service area, or as otherwise defined in 14
203 CCR Section 18982(a)(31.5).
- 204 (dd) "High Diversion Organic Waste Processing Facility" means a facility that is in
205 compliance with the reporting requirements of 14 CCR Section 18815.5(d) and
206 meets or exceeds an annual average Mixed Waste organic content Recovery rate
207 of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent
208 after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for
209 Organic Waste received from the "Mixed waste organic collection stream" as
210 defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR
211 Section 18982(a)(33).
- 212 (ee) "Inspection" means a site visit where a Jurisdiction reviews records, containers,
213 and an entity's collection, handling, recycling, or landfill disposal of Organic Waste
214 or Edible Food handling to determine if the entity is complying with requirements
215 set forth in this ordinance, or as otherwise defined in 14 CCR Section
216 18982(a)(35).
- 217 (ff) "City Enforcement Official" means the city manager, county administrative official,
218 chief operating officer, executive director, or other executive in charge or their
219 authorized Designee(s) who is/are partially or whole responsible for enforcing the
220 ordinance.
- 221 (gg) "Large Event" means an event, including, but not limited to, a sporting event or a
222 flea market, that charges an admission price, or is operated by a local agency, and
223 serves an average of more than 2,000 individuals per day of operation of the event,
224 at a location that includes, but is not limited to, a public, nonprofit, or privately
225 owned park, parking lot, golf course, street system, or other open space when
226 being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs
227 from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to
228 this ordinance.

- 229 (hh) "Large Venue" means a permanent venue facility that annually seats or serves an
230 average of more than 2,000 individuals within the grounds of the facility per day of
231 operation of the venue facility. For purposes of this ordinance and implementation
232 of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a
233 public, nonprofit, or privately owned or operated stadium, amphitheater, arena,
234 hall, amusement park, conference or civic center, zoo, aquarium, airport,
235 racetrack, horse track, performing arts center, fairground, museum, theater, or
236 other public attraction facility. For purposes of this ordinance and implementation
237 of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that
238 includes more than one Large Venue that is contiguous with other Large Venues
239 in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39)
240 differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall
241 apply to this ordinance.
- 242 (ii) "Local Education Agency" means a school district, charter school, or county office
243 of education that is not subject to the control of city or county regulations related
244 to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- 245 (jj) "Multi-Family Residential Dwelling" or "Multi-Family" means of, from, or pertaining
246 to residential premises with five (5) or more dwelling units. Multi-Family premises
247 do not include hotels, motels, or other transient occupancy facilities, which are
248 considered Commercial Businesses.
- 249 (kk) "MWELO" refers to the [Model Water Efficient Landscape Ordinance \(MWELO\)](#), 23
250 CCR, Division 2, Chapter 2.7.
- 251 (ll) "Non-Compostable Paper" includes but is not limited to paper that is coated in a
252 plastic material that will not breakdown in the composting process, or as otherwise
253 defined in 14 CCR Section 18982(a)(41).
- 254 (mm) "Non-Local Entity" means the following entities that are not subject to the
255 Jurisdiction's enforcement authority, or as otherwise defined in 14 CCR Section
256 18982(a)(42):
- 257 (1) County Transportation agencies located within the boundaries of the City
258 of South Pasadena, including Los Angeles County Metropolitan
259 Transportation Authority (Metro) Gold Line Station.
- 260 (2) School district agencies located within the boundaries of the City of South
261 Pasadena, including South Pasadena Unified School District, and its
262 associated facilities
- 263
- 264 (nn) "Non-Organic Recyclables" means non-putrescible and non-hazardous recyclable
265 wastes including but not limited to bottles, cans, metals, plastics and glass, or as
266 otherwise defined in 14 CCR Section 18982(a)(43).

- 267 (oo) "Notice of Violation (NOV)" means a notice that a violation has occurred that
268 includes a compliance date to avoid an action to seek penalties, or as otherwise
269 defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section
270 18995.4.
- 271 (pp) "Organic Waste" means Solid Wastes containing material originated from living
272 organisms and their metabolic waste products, including but not limited to food,
273 green material, landscape and pruning waste, organic textiles and carpets, lumber,
274 wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate,
275 and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids
276 and digestate are as defined by 14 CCR Section 18982(a).
- 277 (qq) "Organic Waste Generator" means a person or entity that is responsible for the
278 initial creation of Organic Waste, or as otherwise defined in 14 CCR Section
279 18982(a)(48).
- 280 (rr) "Paper Products" include, but are not limited to, paper janitorial supplies, cartons,
281 wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and
282 toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- 283 (ss) "Printing and Writing Papers" include, but are not limited to, copy, xerographic,
284 watermark, cotton fiber, offset, forms, computer printout paper, white wove
285 envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint,
286 and other uncoated writing papers, posters, index cards, calendars, brochures,
287 reports, magazines, and publications, or as otherwise defined in 14 CCR Section
288 18982(a)(54).
- 289 (tt) "Prohibited Container Contaminants"
- 290 (1) Two-container (green/gray) collection service for Source Separated Green
291 Container Organic Waste and mixed materials): "Prohibited Container
292 Contaminants" means the following: (i) discarded materials placed in a
293 Green Container that are not identified as acceptable Source Separated
294 Green Container Organic Waste for the Jurisdiction's Green Container; (ii)
295 discarded materials placed in the Gray Container that are identified as
296 acceptable Source Separated Green Container Organic Waste, which are
297 to be separately collected in Jurisdiction's Green Container; and, (iii)
298 Excluded Waste placed in any container.
- 299 (uu) "Recovered Organic Waste Products" means products made from California,
300 landfill-diverted recovered Organic Waste processed in a permitted or otherwise
301 authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).
- 302 (vv) "Recovery" means any activity or process described in 14 CCR Section
303 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

- 304 (ww) "Recycled-Content Paper" means Paper Products and Printing and Writing Paper
305 that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as
306 otherwise defined in 14 CCR Section 18982(a)(61).
- 307 (xx) "Regional Agency" means regional agency as defined in Public Resources Code
308 Section 40181.
- 309 (yy) "Regional or County Agency Enforcement Official" means a regional or county
310 agency enforcement official, designated by the Jurisdiction with responsibility for
311 enforcing the ordinance in conjunction or consultation with Jurisdiction
312 Enforcement Official.
- 313 (zz) "Renewable Gas" means gas derived from Organic Waste that has been diverted
314 from a California landfill and processed at an in-vessel digestion facility that is
315 permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as
316 otherwise defined in 14 CCR Section 18982(a)(62).
- 317 (aaa) "Restaurant" means an establishment primarily engaged in the retail sale of food
318 and drinks for on-premises or immediate consumption, or as otherwise defined in
319 14 CCR Section 18982(a)(64).
- 320 (bbb) "Route Review" means a visual Inspection of containers along a Hauler Route for
321 the purpose of determining Container Contamination, and may include mechanical
322 Inspection methods such as the use of cameras, or as otherwise defined in 14
323 CCR Section 18982(a)(65).
- 324 (ccc) "SB 1383" means Senate Bill 1383 of 2016 approved by the Governor on
325 September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and
326 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing
327 with Section 42652) to Part 3 of Division 30 of the Public Resources Code,
328 establishing methane emissions reduction targets in a Statewide effort to reduce
329 emissions of short-lived climate pollutants as amended, supplemented,
330 superseded, and replaced from time to time.
- 331 (ddd) "SB 1383 Regulations" or "SB 1383 Regulatory" means or refers to, for the
332 purposes of this ordinance, the Short-Lived Climate Pollutants: Organic Waste
333 Reduction regulations developed by CalRecycle and adopted in 2020 that created
334 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR
335 and 27 CCR.
- 336 (eee) "Self-Hauler" means a person, who hauls Solid Waste, Organic Waste or
337 recyclable material he or she has generated to another person. Self-hauler also
338 includes a person who back-hauls waste, or as otherwise defined in 14 CCR
339 Section 18982(a)(66). Back-haul means generating and transporting Organic
340 Waste to a destination owned and operated by the generator using the generator's
341 own employees and equipment, or as otherwise defined in 14 CCR Section
342 18982(a)(66)(A).

343 (fff) "Single-Family" means of, from, or pertaining to any residential premises with fewer
344 than five (5) units.

345 (ggg) "Solid Waste" has the same meaning as defined in State Public Resources Code
346 Section 40191, which defines Solid Waste as all putrescible and nonputrescible
347 solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper,
348 rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned
349 vehicles and parts thereof, discarded home and industrial appliances, dewatered,
350 treated, or chemically fixed sewage sludge which is not hazardous waste, manure,
351 vegetable or animal solid and semi-solid wastes, and other discarded solid and
352 semisolid wastes, with the exception that Solid Waste does not include any of the
353 following wastes:

354 (1) Hazardous waste, as defined in the State Public Resources Code Section
355 40141.

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

359 (3) Medical waste regulated pursuant to the State Medical Waste Management
360 Act (Part 14 (commencing with Section 117600) of Division 104 of the State
361 Health and Safety Code). Untreated medical waste shall not be disposed of
362 in a Solid Waste landfill, as defined in State Public Resources Code Section
363 40195.1. Medical waste that has been treated and deemed to be Solid
364 Waste shall be regulated pursuant to Division 30 of the State Public
365 Resources Code.

366 (hhh) "Source Separated" means materials, including commingled recyclable materials,
367 that have been separated or kept separate from the Solid Waste stream, at the
368 point of generation, for the purpose of additional sorting or processing those
369 materials for recycling or reuse in order to return them to the economic mainstream
370 in the form of raw material for new, reused, or reconstituted products, which meet
371 the quality standards necessary to be used in the marketplace, or as otherwise
372 defined in 14 CCR Section 17402.5(b)(4). For the purposes of the ordinance,
373 Source Separated shall include separation of materials by the generator, property
374 owner, property owner's employee, property manager, or property manager's
375 employee into different containers for the purpose of collection such that Source
376 Separated materials are separated from Gray Container Waste or other Solid
377 Waste for the purposes of collection and processing.

378 (iii) "Source Separated Green Container Organic Waste" means Source Separated
379 Organic Waste that can be placed in a Green Container that is specifically intended
380 for the separate collection of Organic Waste by the generator, excluding Source
381 Separated Blue Container Organic Waste, carpets, Non-Compostable Paper, and
382 textiles.

383 (jjj) "State" means the State of California.

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

388 (lll) "Tier One Commercial Edible Food Generator" means a Commercial Edible Food
389 Generator that is one of the following:

390 (1) Supermarket.

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

393 (3) Food Service Provider.

394 (4) Food Distributor.

395 (5) Wholesale Food Vendor.

396 If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible
397 Food Generator differs from this definition, the definition in 14 CCR Section
398 18982(a)(73) shall apply to this ordinance.

399 (mmm) "Tier Two Commercial Edible Food Generator" means a Commercial Edible Food
400 Generator that is one of the following:

401 (1) Restaurant with 250 or more seats, or a total facility size equal to or greater
402 than 5,000 square feet.

403 (2) Hotel with an on-site Food Facility and 200 or more rooms.

404 (3) Health facility with an on-site Food Facility and 100 or more beds.

405 (4) Large Venue.

406 (5) Large Event.

407 (6) A State agency with a cafeteria with 250 or more seats or total cafeteria
408 facility size equal to or greater than 5,000 square feet.

409 (7) A Local Education Agency facility with an on-site Food Facility.

410 If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible
411 Food Generator differs from this definition, the definition in 14 CCR Section
412 18982(a)(74) shall apply to this ordinance.

413 (nnn) “Uncontainerized Green Waste and Yard Waste Collection Service” or
414 “Uncontainerized Service” means a collection service that collects green waste
415 and yard waste that is placed in a pile or bagged for collection on the street in front
416 of a generator’s house or place of business for collection and transport to a facility
417 that recovers Source Separated Organic Waste, or as otherwise defined in 14 CCR
418 Section 189852(a)(75).

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

424 **SECTION 4. REQUIREMENTS FOR SINGLE-FAMILY GENERATORS**

425 Single-Family Organic Waste Generators shall comply with the following requirements

426 (a) Shall subscribe to The City’s Organic Waste collection services for all Organic
427 Waste generated as described below in Section 4(b). The City shall have the right
428 to review the number and size of a generator’s containers to evaluate adequacy of
429 capacity provided for each type of collection service for proper separation of
430 materials and containment of materials; and, Single-Family generators shall adjust
431 its service level for its collection services as requested by the City. Generators may
432 additionally manage their Organic Waste by preventing or reducing their Organic
433 Waste, managing Organic Waste on site, and/or using a Community Composting
434 site pursuant to 14 CCR Section 18984.9(c).

435 (b) Shall participate in the City’s Organic Waste collection service(s) by placing
436 designated materials in designated containers as described below, and shall not
437 place Prohibited Container Contaminants in collection containers.

438 (1) Green Container/Gray Container: Generator shall place only Source
439 Separated Green Container Organic Waste, including Food Waste, in a
440 Green Container. Generator shall place all other materials in a Gray
441 Container.

442 **SECTION 5. REQUIREMENTS FOR COMMERCIAL BUSINESSES**

443
444 Generators that are Commercial Businesses, including Multi-Family Residential
445 Dwellings, shall:

446 (a) [Subscribe to The City’s two -container collection services and comply with](#)
447 [requirements of those services](#) as described below in Section 6(b), except
448 Commercial Businesses that meet the Self-Hauler requirements in Section 12 of
449 this ordinance. The City shall have the right to review the number and size of a

450 generator's containers and frequency of collection to evaluate adequacy of
451 capacity provided for each type of collection service for proper separation of
452 materials and containment of materials; and, Commercial Businesses shall adjust
453 their service level for their collection services as requested by the City.

454 (b) Except Commercial Businesses that meet the Self-Hauler requirements in Section
455 12 of this ordinance, participate in the City's Organic Waste collection service(s)
456 by placing designated materials in designated containers as described below.

457 (1) Green Container/Gray Containers: Generator shall place only
458 Source Separated Green Container Organic Waste, including Food
459 Waste in a Green Container. Generator shall place all other
460 materials in a Gray Container.

461 (c) Supply and allow access to adequate number, size and location of collection
462 containers with sufficient labels or colors (conforming with Sections 6(d)(1) and
463 6(d)(2) below) for employees, contractors, tenants, and customers, consistent with
464 The City's Green Container, and Gray Container collection service or, if self-
465 hauling, per the Commercial Businesses' instructions to support its compliance
466 with its self-haul program, in accordance with Section 12.

467 (d) Excluding Multi-Family Residential Dwellings, provide containers for the collection
468 of Source Separated Green Container Organic Waste in all indoor and outdoor
469 areas where disposal containers are provided for customers, for materials
470 generated by that business. Such containers do not need to be provided in
471 restrooms. If a Commercial Business does not generate any of the materials that
472 would be collected in one type of container, then the business does not have to
473 provide that particular container in all areas where disposal containers are
474 provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers
475 provided by the business shall have either:

476 (1) A body or lid that conforms with the container colors provided through the
477 collection service provided by The City, with either lids conforming to the
478 color requirements or bodies conforming to the color requirements or both
479 lids and bodies conforming to color requirements. A Commercial Business
480 is not required to replace functional containers, including containers
481 purchased prior to January 1, 2022, that do not comply with the
482 requirements of the subsection prior to the end of the useful life of those
483 containers, or prior to January 1, 2036, whichever comes first.

484 (2) Container labels that include language or graphic images, or both, indicating
485 the primary material accepted and the primary materials prohibited in that
486 container, or containers with imprinted text or graphic images that indicate
487 the primary materials accepted and primary materials prohibited in the
488 container. Pursuant 14 CCR Section 18984.8, the container labeling
489 requirements are required on new containers commencing January 1, 2022.

- 490 (e) Multi-Family Residential Dwellings are not required to comply with container
491 placement requirements or labeling requirement in Section 6(d) pursuant to 14
492 CCR Section 18984.9(b).
- 493 (f) To the extent practical through education, training, Inspection, and/or other
494 measures, excluding Multi-Family Residential Dwellings, prohibit employees from
495 placing materials in a container not designated for those materials per the City's
496 Blue Container, Green Container, and Gray Container collection service or, if self-
497 hauling, per the Commercial Businesses' instructions to support its compliance
498 with its self-haul program, in accordance with Section 12.
- 499 (g) Excluding Multi-Family Residential Dwellings, periodically inspect Green
500 Containers, and Gray Containers for contamination and inform employees if
501 containers are contaminated and of the requirements to keep contaminants out of
502 those containers pursuant to 14 CCR Section 18984.9(b)(3).
- 503 (h) Annually provide information to employees, contractors, tenants, and customers
504 about Organic Waste Recovery requirements and about proper sorting of Source
505 Separated Green Container Organic Waste.
- 506 (i) Provide education information before or within fourteen (14) days of occupation of
507 the premises to new tenants that describes requirements to keep Source
508 Separated Green Container Organic Waste separate from Gray Container Waste
509 (when applicable) and the location of containers and the rules governing their use
510 at each property. (j) Provide or arrange access for The City or its agent to their
511 properties during all Inspections conducted in accordance with Section 16 of this
512 ordinance to confirm compliance with the requirements of this ordinance.
- 513 (j) If a Commercial Business wants to self-haul, meet the Self-Hauler requirements in
514 Section 12 of this ordinance.
- 515 (k) Nothing in this Section prohibits a generator from preventing or reducing waste
516 generation, managing Organic Waste on site, or using a Community Composting
517 site pursuant to 14 CCR Section 18984.9(c).
- 518 (l) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food
519 Generators shall comply with Food Recovery requirements, pursuant to Section 9.

520 SECTION 6. WAIVERS FOR GENERATORS

- 521 (a) De Minimis Waivers The City may waive a Commercial Business' obligation
522 (including Multi-Family Residential Dwellings) to comply with some or all of the
523 Organic Waste requirements of this ordinance if the Commercial Business
524 provides documentation that the business generates below a certain amount of
525 Organic Waste material as described in Section 8(a)(2) below. Commercial
526 Businesses requesting a de minimis waiver shall:

Commented [NVO2]: This section will need to be reviewed by the City and Athens Services.

527 (1) Submit an application specifying the services that they are requesting a
528 waiver from and provide documentation as noted in Section 8(a)(2) below.

529 (2) Provide documentation that either:

530 (A) The Commercial Business' total Solid Waste collection service is two
531 cubic yards or more per week and Organic Waste subject to
532 collection in a Blue Container or Green Container comprises less
533 than 20 gallons per week per applicable container of the business'
534 total waste; or,

535 (B) The Commercial Business' total Solid Waste collection service is less
536 than two cubic yards per week and Organic Waste subject to
537 collection in a Blue Container or Green Container comprises less
538 than 10 gallons per week per applicable container of the business'
539 total waste.

540 (3) Notify the City if circumstances change such that Commercial Business's
541 Organic Waste exceeds threshold required for waiver, in which case waiver
542 will be rescinded.

543 (4) Provide written verification of eligibility for de minimis waiver every 5 years,
544 if the City has approved de minimis waiver.

545 (b) Physical Space Waivers the City may waive a Commercial Business' or property
546 owner's obligations (including Multi-Family Residential Dwellings) to comply with
547 some or all of the recyclable materials and/or Organic Waste collection service
548 requirements if the City has evidence from its own staff, a hauler, licensed
549 architect, or licensed engineer demonstrating that the premises lacks adequate
550 space for the collection containers required for compliance with the Organic Waste
551 collection requirements of Section 6 .

552 A Commercial Business or property owner may request a physical space waiver
553 through the following process:

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

556 (2) Provide documentation that the premises lacks adequate space for Green
557 Containers including documentation from its hauler, licensed architect, or
558 licensed engineer.

559 (3) Provide written verification to the City that it is still eligible for physical space
560 waiver every five years, if the City has approved application for a physical
561 space waiver. (c) Collection Frequency Waiver the City, at its discretion
562 and in accordance with 14 CCR Section 18984.11(a)(3), may allow the
563 owner or tenant of any residence, premises, business establishment or
564 industry that subscribes to the City's two-container Organic Waste

565 collection service to arrange for the collection of their, Gray Container, or
566 both once every fourteen days, rather than once per week.

567

568 **SECTION 7. REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD**
569 **GENERATORS**

570 (a) Tier One Commercial Edible Food Generators must comply with the requirements
571 of this Section 9 commencing January 1, 2022, and Tier Two Commercial Edible
572 Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR
573 Section 18991.3.

574 (b) Large Venue or Large Event operators not providing food services, but allowing
575 for food to be provided by others, shall require Food Facilities operating at the
576 Large Venue or Large Event to comply with the requirements of this Section,
577 commencing January 1, 2024.

578 (c) Commercial Edible Food Generators shall comply with the following requirements:

579 (1) Arrange to recover the maximum amount of Edible Food that would
580 otherwise be disposed.

581 (2) Contract with, or enter into a written agreement with Food Recovery
582 Organizations or Food Recovery Services for: (i) the collection of Edible
583 Food for Food Recovery; or, (ii) acceptance of the Edible Food that the
584 Commercial Edible Food Generator self-hauls to the Food Recovery
585 Organization for Food Recovery.

586 (3) Shall not intentionally spoil Edible Food that is capable of being recovered
587 by a Food Recovery Organization or a Food Recovery Service.

588 (4) Allows designated enforcement entity or designated third party enforcement
589 entity to access the premises and review records pursuant to 14 CCR
590 Section 18991.4.

591 (5) Keep records that include the following information, or as otherwise
592 specified in 14 CCR Section 18991.4:

593 (A) A list of each Food Recovery Service or organization that collects or
594 receives its Edible Food pursuant to a contract or written agreement
595 established under 14 CCR Section 18991.3(b).

596 (B) A copy of all contracts or written agreements established under 14
597 CCR Section 18991.3(b).

598 (C) A record of the following information for each of those Food Recovery
599 Services or Food Recovery Organizations:

600 (i) The name, address and contact information of the Food
601 Recovery Service or Food Recovery Organization.

602 (ii) The types of food that will be collected by or self-hauled to the
603 Food Recovery Service or Food Recovery Organization.

604 (iii) The established frequency that food will be collected or self-
605 hauled.

606 (iv) The quantity of food, measured in pounds recovered per
607 month, collected or self-hauled to a Food Recovery Service or
608 Food Recovery Organization for Food Recovery.

609 (d) Nothing in this ordinance shall be construed to limit or conflict with the protections
610 provided by the California Good Samaritan Food Donation Act of 2017, the Federal
611 Good Samaritan Act, or share table and school food donation guidance pursuant
612 to Senate Bill 557 of 2017 (approved by the Governor of the State of California on
613 September 25, 2017, which added Article 13 [commencing with Section 49580] to
614 Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend
615 Section 114079 of the Health and Safety Code, relating to food safety, as
616 amended, supplemented, superseded and replaced from time to time).

617 **SECTION 8. REQUIREMENTS FOR FOOD RECOVERY**
618 **ORGANIZATIONS AND SERVICES.**

619 (a) Food Recovery Services collecting or receiving Edible Food directly from
620 Commercial Edible Food Generators, via a contract or written agreement
621 established under 14 CCR Section 18991.3(b), shall maintain the following
622 records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

623 (1) The name, address, and contact information for each Commercial Edible
624 Food Generator from which the service collects Edible Food.

625 (2) The quantity in pounds of Edible Food collected from each Commercial
626 Edible Food Generator per month.

627 (3) The quantity in pounds of Edible Food transported to each Food Recovery
628 Organization per month.

629 (4) The name, address, and contact information for each Food Recovery
630 Organization that the Food Recovery Service transports Edible Food to for
631 Food Recovery.

632 (b) Food Recovery Organizations collecting or receiving Edible Food directly from
633 Commercial Edible Food Generators, via a contract or written agreement
634 established under 14 CCR Section 18991.3(b), shall maintain the following
635 records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

636 (1) The name, address, and contact information for each Commercial Edible
637 Food Generator from which the organization receives Edible Food.

638 (2) The quantity in pounds of Edible Food received from each Commercial
639 Edible Food Generator per month.

640 (3) The name, address, and contact information for each Food Recovery
641 Service that the organization receives Edible Food from for Food Recovery.

642 (c) Food Recovery Organizations and Food Recovery Services shall inform
643 generators about California and Federal Good Samaritan Food Donation Act
644 protection in written communications, such as in their contract or agreement
645 established under 14 CCR Section 18991.3(b).

646 (d) Food Recovery Organizations and Food Recovery Services that have their primary
647 address physically located in the City and contract with or have written agreements
648 with one or more Commercial Edible Food Generators pursuant to 14 CCR Section
649 18991.3(b) shall report to the City it is located in the total pounds of Edible Food
650 recovered in the previous calendar year from the Tier One and Tier Two
651 Commercial Edible Food Generators they have established a contract or written
652 agreement with pursuant to 14 CCR Section 18991.3(b) no later than _____
653 (Jurisdiction to insert date).

Commented [NV03]: •This section will need to be reviewed by City staff to determine a reporting date.

654 (e) Food Recovery Capacity Planning

655 (1) Food Recovery Services and Food Recovery Organizations. In order to
656 support Edible Food Recovery capacity planning assessments or other
657 studies conducted by the County, City, special district that provides solid
658 waste collection services, or its designated entity, Food Recovery Services
659 and Food Recovery Organizations operating in the City shall provide
660 information and consultation to the City, upon request, regarding existing,
661 or proposed new or expanded, Food Recovery capacity that could be
662 accessed by the City and its Commercial Edible Food Generators. A Food
663 Recovery Service or Food Recovery Organization contacted by the City
664 shall respond to such request for information within 60 days, unless a
665 shorter timeframe is otherwise specified by the City.

666 **SECTION 9. REQUIREMENTS FOR HAULERS AND FACILITY**
667 **OPERATORS**

668 (a) Requirements for Haulers

669 Exclusive franchised hauler

670 (1) Exclusive franchised hauler providing residential, Commercial, or industrial
671 Organic Waste collection services to generators within the City's
672 boundaries shall meet the following requirements and standards as a
673 condition of approval of a contract, agreement, or other authorization with
674 the City to collect Organic Waste:

675 (A) Through written notice to the City annually on or before [redacted]
676 (Jurisdiction to insert date), identify the facilities to which they will
677 transport Organic Waste including facilities for Source Separated
678 Source Separated Green Container Organic Waste.

679 (B) Transport Source Separated Green Container Organic Waste to a
680 facility, operation, activity, or property that recovers Organic Waste
681 as defined in 14 CCR, Division 7, Chapter 12, Article 2.

682 (C) Obtain approval from the City to haul Organic Waste, unless it is
683 transporting Source Separated Organic Waste to a Community
684 Composting site or lawfully transporting C&D in a manner that
685 complies with 14 CCR Section 18989.1, Section 13 of this ordinance,
686 and the City's C&D ordinance.

687 (2) Exclusive franchised hauler authorization to collect Organic Waste shall
688 comply with education, equipment, signage, container labeling, container
689 color, contamination monitoring, reporting, and other requirements
690 contained within its franchise agreement, permit, license, or other
691 agreement entered into with City.

692 (b) Requirements for Facility Operators and Community Composting Operations

693 (1) Owners of facilities, operations, and activities that recover Organic Waste,
694 including, but not limited to, Compost facilities, in-vessel digestion facilities,
695 and publicly-owned treatment works shall, upon City request, provide
696 information regarding available and potential new or expanded capacity at
697 their facilities, operations, and activities, including information about
698 throughput and permitted capacity necessary for planning purposes.
699 Entities contacted by the City shall respond within 60 days.

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

705

706

SECTION 10. SELF-HAULER REQUIREMENTS

Commented [NV04]: This section will need to be reviewed by the City and Athens Services.

707 Guidance: The SB 1383 Regulations (14 CCR Division 7, Chapter 12, Article 7) specify
708 requirements for Self-Haulers (which includes back-haulers per the Self-Hauler definition
709 of the SB 1383 Regulations). Jurisdictions that allow for self-hauling and are using either
710 the Standard Compliance Approach or Performance-Based Compliance Approach are
711 required to adopt an ordinance or other enforceable mechanism for Self-Hauler regulation
712 requirements. This Section 12 of the Model Ordinance provides language to document
713 the Self-Hauler regulations. If Jurisdictions do not allow self-hauling, this Section 12 may
714 be deleted.

715 Jurisdictions that are exempt from the Organic Waste collection requirements pursuant
716 to rural, low-population, or high-elevation waivers granted by CalRecycle pursuant to SB
717 1383 Regulations (14 CCR Section 18984.12), and haulers and Self-Haulers operating
718 or located within exempt areas of those Jurisdictions, are not required to comply with the
719 SB 1383 Regulations for the duration of an exemption issued pursuant to 14 CCR Section
720 18984.12. As a result, these Jurisdictions may omit this Section 12.

721 (a) Self-Haulers shall source separate all recyclable materials and Organic Waste
722 (materials that Jurisdiction otherwise requires generators to separate for collection
723 in the Jurisdiction's organics and recycling collection program) generated on-site
724 from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and
725 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste
726 Processing Facility as specified in 14 CCR Section 18984.3.

727 (b) Self-Haulers shall haul their Source Separated Recyclable Materials to a facility
728 that recovers those materials; and haul their Source Separated Green Container
729 Organic Waste to a Solid Waste facility, operation, activity, or property that
730 processes or recovers Source Separated Organic Waste. Alternatively, Self-
731 Haulers may haul Organic Waste to a High Diversion Organic Waste Processing
732 Facility.

733 (c) Self-Haulers that are Commercial Businesses (including Multi-Family Residential
734 Dwellings) shall keep a record of the amount of Organic Waste delivered to each
735 Solid Waste facility, operation, activity, or property that processes or recovers
736 Organic Waste; this record shall be subject to inspection by the Jurisdiction. The
737 records shall include the following information:

738 (1) Delivery receipts and weight tickets from the entity accepting the waste.

739 (2) The amount of material in cubic yards or tons transported by the generator
740 to each entity.

741 (3) If the material is transported to an entity that does not have scales on-site,
742 or employs scales incapable of weighing the Self-Hauler's vehicle in a
743 manner that allows it to determine the weight of materials received, the Self-

744 Hauler is not required to record the weight of material but shall keep a record
745 of the entities that received the Organic Waste.

746 (d) (Optional) Self-Haulers that are Commercial Businesses (including Multi-Family
747 Self-Haulers) shall provide information collected in Section 12(c) to Jurisdiction if
748 requested. Guidance: Self-Hauler reporting is not required by the SB 1383
749 Regulations. If a Jurisdiction includes this subsection, Jurisdiction may want to
750 identify who the information should be provided to and on what dates, either in this
751 subsection or in other online or other communications to Self-Haulers. Jurisdiction
752 may also want to include a provision specifying that Self-Haulers need to register
753 with the Jurisdiction, if such a system is available or desired, in order to more
754 consistently track this information.

755 (e) A residential Organic Waste Generator that self hauls Organic Waste is not
756 required to record or report information in Section 12(c) and (d).

757 **SECTION 11. COMPLIANCE WITH CALGREEN RECYCLING**
758 **REQUIREMENTS**

759 (a) Persons applying for a permit from the City for new construction and building
760 additions and alternations shall comply with the requirements of this Section and
761 all required components of the California Green Building Standards Code, 24 CCR,
762 Part 11, known as CALGreen, as amended, if its project is covered by the scope
763 of CALGreen or more stringent requirements of the City. If the requirements of
764 CALGreen are more stringent then the requirements of this Section, the CALGreen
765 requirements shall apply.

766 Project applicants shall refer to City's building and planning code for complete
767 CALGreen requirements.

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

771 (1) Where five (5) or more Multi-Family dwelling units are constructed on a
772 building site, provide readily accessible areas that serve occupants of all
773 buildings on the site and are identified for the storage and collection of
774 Green Container materials, consistent with the two-container collection
775 program offered by the City, or comply with provision of adequate space for
776 recycling for Multi-Family and Commercial premises pursuant to Sections
777 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building
778 Standards Code, 24 CCR, Part 11 as amended provided amended
779 requirements are more stringent than the CALGreen requirements for
780 adequate recycling space effective January 1, 2020

Commented [NV05]: This section will need to be reviewed by the Planning & Building Department

781 (2) New Commercial construction or additions resulting in more than 30% of
782 the floor area shall provide readily accessible areas identified for the storage
783 and collection of Green Container materials, consistent with two-container
784 collection program offered by the City, or shall comply with provision of
785 adequate space for recycling for Multi-Family and Commercial premises
786 pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California
787 Green Building Standards Code, 24 CCR, Part 11 as amended provided
788 amended requirements are more stringent than the CALGreen
789 requirements for adequate recycling space effective January 1, 2020.

790 (3) Comply with CALGreen requirements and applicable law related to
791 management of C&D, including diversion of Organic Waste in C&D from
792 disposal. Comply with City's C&D ordinance, Section ___ of Jurisdiction's
793 municipal code, and all written and published Jurisdiction policies and/or
794 administrative guidelines regarding the collection, recycling, diversion,
795 tracking, and/or reporting of C&D.

796 **SECTION 12. MODEL WATER EFFICIENT LANDSCAPING**
797 **ORDINANCE REQUIREMENTS**

Commented [NV06]: This section will need to be reviewed by the Planning & Building Department

798 (a) Property owners or their building or landscape designers, including anyone
799 requiring a building or planning permit, plan check, or landscape design review
800 from the Jurisdiction, who are constructing a new (Single-Family, Multi-Family,
801 public, institutional, or Commercial) project with a landscape area greater than 500
802 square feet, or rehabilitating an existing landscape with a total landscape area
803 greater than 2,500 square feet, shall comply with Sections 492.6(a)(3)(B) (C), (D),
804 and (G) of the MWELo, including sections related to use of Compost and mulch
805 as delineated in this Section 14.

806 (b) The following Compost and mulch use requirements that are part of the MWELo
807 are now also included as requirements of this ordinance. Other requirements of
808 the MWELo are in effect and can be found in 23 CCR, Division 2, Chapter 2.7.

809 (c) Property owners or their building or landscape designers that meet the threshold
810 for MWELo compliance outlined in Section 14(a) above shall:

811 (1) Comply with Sections 492.6 (a)(3)(B)(C),(D) and (G) of the MWELo, which
812 requires the submittal of a landscape design plan with a soil preparation,
813 mulch, and amendments section to include the following:

814 (A) For landscape installations, Compost at a rate of a minimum of four
815 cubic yards per 1,000 square feet of permeable area shall be
816 incorporated to a depth of six (6) inches into the soil. Soils with
817 greater than six percent (6%) organic matter in the top six (6) inches
818 of soil are exempt from adding Compost and tilling.

819 (B) For landscape installations, a minimum three- (3-) inch layer of mulch
820 shall be applied on all exposed soil surfaces of planting areas except
821 in turf areas, creeping or rooting groundcovers, or direct seeding
822 applications where mulch is contraindicated. To provide habitat for
823 beneficial insects and other wildlife up to five percent (5%) of the
824 landscape area may be left without mulch. Designated insect habitat
825 must be included in the landscape design plan as such.

826 (C) Organic mulch materials made from recycled or post-consumer
827 materials shall take precedence over inorganic materials or virgin
828 forest products unless the recycled post-consumer organic products
829 are not locally available. Organic mulches are not required where
830 prohibited by local fuel modification plan guidelines or other
831 applicable local ordinances.

832 (2) The MWELO compliance items listed in this Section are not an inclusive list
833 of MWELO requirements; therefore, property owners or their building or
834 landscape designers that meet the threshold for MWELO compliance
835 outlined in Section 14(a) shall consult the full MWELO for all requirements.

836 (d) If, after the adoption of this ordinance, the California Department of Water
837 Resources, or its successor agency, amends 23 CCR, Division 2, Chapter 2.7,
838 Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWWELO September 15, 2015
839 requirements in a manner that requires Jurisdictions to incorporate the
840 requirements of an updated MWELO in a local ordinance, and the amended
841 requirements include provisions more stringent than those required in this Section,
842 the revised requirements of 23 CCR, Division 2, Chapter 2.7 shall be enforced.

843 **SECTION 13. PROCUREMENT REQUIREMENTS FOR CITY**
844 **DEPARTMENTS, DIRECT SERVICE PROVIDERS, AND VENDORS**

Commented [NV07]: This section will need to be reviewed by the Finance Department.

845 (a) City departments, and direct service providers to the City, as applicable, must
846 comply with the City's Recovered Organic Waste Product procurement policy
847 adopted on _____ and Recycled-Content Paper procurement policy
848 adopted on _____ (Jurisdiction to amend the title(s) of the "procurement
849 policy(ies)" to reflect their title and insert date in the blank).

850 (b) All vendors providing Paper Products and Printing and Writing Paper shall:

851 (1) If fitness and quality are equal, provide Recycled-Content Paper Products
852 and Recycled-Content Printing and Writing Paper that consists of at least
853 30 percent, by fiber weight, postconsumer fiber instead of non-recycled
854 products whenever recycled Paper Products and Printing and Writing Paper
855 are available at the same or lesser total cost than non-recycled items or at
856 a total cost of no more than ____% of the total cost for non-recycled items.

857 (2) Provide Paper Products and Printing and Writing Paper that meet Federal
858 Trade Commission recyclability standard as defined in 16 Code of Federal
859 Regulations (CFR) Section 260.12.

860 (3) Certify in writing, under penalty of perjury, the minimum percentage of
861 postconsumer material in the Paper Products and Printing and Writing
862 Paper offered or sold to the City. This certification requirement may be
863 waived if the percentage of postconsumer material in the Paper Products,
864 Printing and Writing Paper, or both can be verified by a product label,
865 catalog, invoice, or a manufacturer or vendor internet website.

866 (4) Certify in writing, on invoices or receipts provided, that the Paper Products
867 and Printing and Writing Paper offered or sold to the City is eligible to be
868 labeled with an unqualified recyclable label as defined in 16 Code of Federal
869 Regulations (CFR) Section 260.12 (2013).

870 (5) Provide records to the City's Recovered Organic Waste Product
871 procurement record keeping Designee, in accordance with the City's
872 Recycled-Content Paper procurement policy(ies) of all Paper Products and
873 Printing and Writing Paper purchases within thirty (30) days of the purchase
874 (both recycled-content and non-recycled content, if any is purchased) made
875 by any division or department or employee of the City. Records shall
876 include a copy (electronic or paper) of the invoice or other documentation
877 of purchase, written certifications as required in Sections 15(b)(3) and
878 15(b)(4) of this ordinance for recycled-content purchases, purchaser name,
879 quantity purchased, date purchased, and recycled content (including
880 products that contain none), and if non-recycled content Paper Products or
881 Printing and Writing Papers are provided, include a description of why
882 Recycled-Content Paper Products or Printing and Writing Papers were not
883 provided.

884 **SECTION 14. INSPECTIONS AND INVESTIGATIONS BY THE CITY**

885 (a) City representatives and/or its designated entity, including Designees are
886 authorized to conduct Inspections and investigations, at random or otherwise, of
887 any collection container, collection vehicle loads, or transfer, processing, or
888 disposal facility for materials collected from generators, or Source Separated
889 materials to confirm compliance with this ordinance by Organic Waste Generators,
890 Commercial Businesses (including Multi-Family Residential Dwellings), property
891 owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food
892 Recovery Services, and Food Recovery Organizations, subject to applicable laws.
893 This Section does not allow the City to enter the interior of a private residential
894 property for Inspection.

895 (b) Regulated entity shall provide or arrange for access during all Inspections (with the
896 exception of residential property interiors) and shall cooperate with the City's

897 employee or its designated entity/Designee during such Inspections and
898 investigations. Such Inspections and investigations may include confirmation of
899 proper placement of materials in containers, Edible Food Recovery activities,
900 records, or any other requirement of this ordinance described herein. Failure to
901 provide or arrange for: (i) access to an entity's premises (ii) access to records for
902 any Inspection or investigation is a violation of this ordinance and may result in
903 penalties described.

904 (c) Any records obtained by the City during its Inspections, and other reviews shall be
905 subject to the requirements and applicable disclosure exemptions of the Public
906 Records Act as set forth in Government Code Section 6250 et seq.

907 (d) City representatives, its designated entity, and/or Designee are authorized to
908 conduct any Inspections, or other investigations as reasonably necessary to further
909 the goals of this ordinance, subject to applicable laws.

910 (e) The City shall receive written complaints from persons regarding an entity that
911 may be potentially non-compliant with SB 1383 Regulations, including receipt of
912 anonymous complaints.

913 **SECTION 15. ENFORCEMENT**

914 (a) Violation of any provision of this ordinance shall constitute grounds for issuance of
915 a Notice of Violation and assessment of a fine by a City Enforcement Official or
916 representative. Enforcement Actions under this ordinance are issuance of an
917 administrative citation and assessment of a fine. The City's procedures on
918 imposition of administrative fines are hereby incorporated in their entirety, as
919 modified from time to time, and shall govern the imposition, enforcement,
920 collection, and review of administrative citations issued to enforce this ordinance
921 and any rule or regulation adopted pursuant to this ordinance, except as otherwise
922 indicated in this ordinance.

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

929 (c) Responsible Entity for Enforcement

930 (1) Enforcement pursuant to this ordinance may be undertaken by the City
931 Enforcement Official, which may be the Director of Public Works or their
932 designated entity, legal counsel, or combination thereof.

933 (d) Process for Enforcement

934 (1) City Enforcement Officials and or their Designee will monitor compliance
935 with the ordinance randomly and through Compliance Reviews, Route
936 Reviews, investigation of complaints, and an Inspection program Section
937 16 establishes the City's right to conduct Inspections and investigations.

938 (2) The City may issue an official notification to notify regulated entities of its
939 obligations under the ordinance.

940 (3) For incidences of Prohibited Container Contaminants found in containers,
941 the City will issue a Notice of Violation to any generator found to have
942 Prohibited Container Contaminants in a container. Such notice will be
943 provided via a cart tag or other communication immediately upon
944 identification of the Prohibited Container Contaminants or within ___ days
945 after determining that a violation has occurred. If the City observes
946 Prohibited Container Contaminants in a generator's containers on more
947 than ___ () consecutive occasion(s), the City may assess contamination
948 processing fees or contamination penalties on the generator.

Commented [NV08]: This section will need to be reviewed by the City and Athens Services.

949 (4) With the exception of violations of generator contamination of container
950 contents addressed under Section 17(d)(3), the City shall issue a Notice of
951 Violation requiring compliance within 60 days of issuance of the notice.

952 (5) Absent compliance by the respondent within the deadline set forth in the
953 Notice of Violation, the City shall commence an action to impose penalties,
954 via an administrative citation and fine, pursuant to the requirements
955 contained in Section 17(k), Table 1, List of Violations.

956 Notices shall be sent to "owner" at the official address of the owner
957 maintained by the tax collector for the City or if no such address is available,
958 to the owner at the address of the dwelling or Commercial property or to the
959 party responsible for paying for the collection services, depending upon
960 available information

961 (e) Penalty Amounts for Types of Violations

962 The penalty levels are as follows:

963 (1) For a first violation, the amount of the base penalty shall be \$50 to \$100 per
964 violation.

965 (2) For a second violation, the amount of the base penalty shall be \$100 to
966 \$200 per violation.

967 (3) For a third or subsequent violation, the amount of the base penalty shall be
968 \$250 to \$500 per violation.

969 (f) Factors Considered in Determining Penalty Amount

970 The following factors shall be used to determine the amount of the penalty for each
971 violation within the appropriate penalty amount range:

- 972 (1) The nature, circumstances, and severity of the violation(s).
- 973 (2) The violator's ability to pay.
- 974 (3) The willfulness of the violator's misconduct.
- 975 (4) Whether the violator took measures to avoid or mitigate violations of this
976 chapter.
- 977 (5) Evidence of any economic benefit resulting from the violation(s).
- 978 (6) The deterrent effect of the penalty on the violator.
- 979 (7) Whether the violation(s) were due to conditions outside the control of the
980 violator.

981 (g) Compliance Deadline Extension Considerations

982 The City may extend the compliance deadlines set forth in a Notice of Violation
983 issued in accordance with Section 17 if it finds that there are extenuating
984 circumstances beyond the control of the respondent that make compliance within
985 the deadlines impracticable, including the following:

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

993 (h) Appeals Process

994 Persons receiving an administrative citation containing a penalty for an
995 uncorrected violation may request a hearing to appeal the citation. A hearing will
996 be held only if it is requested within the time prescribed and consistent with the
997 City's procedures in the City's codes for appeals of administrative citations.
998 Evidence may be presented at the hearing. The City will appoint a hearing officer
999 who shall conduct the hearing and issue a final written order.

1000 (i) Education Period for Non-Compliance

1001 Beginning January 1, 2022 and through December 31, 2023, The City will conduct
1002 Inspections, Route Reviews or waste evaluations, and Compliance Reviews,

1003 depending upon the type of regulated entity, to determine compliance, and if the
 1004 City determines that Organic Waste Generator, Self-Hauler, hauler, Tier One
 1005 Commercial Edible Food Generator, Food Recovery Organization, Food Recovery
 1006 Service, or other entity is not in compliance, it shall provide educational materials
 1007 to the entity describing its obligations under this ordinance and a notice [that](#)
 1008 [compliance is required by January 1, 2022, and that violations](#) may be subject to
 1009 administrative civil penalties [starting on January 1, 2024](#).

1010 (j) Civil Penalties for Non-Compliance

1011 Beginning January 1, 2024, if the City determines that an Organic Waste
 1012 Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food
 1013 Generator, Food Recovery Organization, Food Recovery Service, or other entity
 1014 is not in compliance with this ordinance, it shall document the noncompliance or
 1015 violation, issue a Notice of Violation, and take Enforcement Action pursuant to
 1016 Section 17, as needed.

1017 (k) Enforcement Table

1018 **Table 1. List of Violations**

Requirement	Description of Violation
Commercial Business and Commercial Business Owner Responsibility Requirement Sections 6 and 7	Commercial Business fails to provide or arrange for Organic Waste collection services consistent with Jurisdiction requirements and as outlined in this ordinance, for employees, contractors, tenants, and customers, including supplying and allowing access to adequate numbers, size, and location of containers and sufficient signage and container color.
Organic Waste Generator Requirement Section 4, 5, 6 and 7	Organic Waste Generator fails to comply with requirements adopted pursuant to this ordinance for the collection and Recovery of Organic Waste.
Hauler Requirement Section, Section 11	A hauler providing residential, Commercial or industrial Organic Waste collection service fails to transport Organic Waste to a facility, operation, activity, or property that recovers Organic Waste, as prescribed by this ordinance.
Hauler Requirement Section 11	A hauler providing residential, Commercial, or industrial Organic Waste collection service fails to obtain applicable approval issued by the City to haul Organic Waste as prescribed by this ordinance.
Hauler Requirement Section 11	A hauler fails to keep a record of the applicable documentation of its approval by the City, as prescribed by this ordinance.

Self-Hauler Requirement Section 12	A generator who is a Self-Hauler fails to comply with the requirements of 14 CCR Section 18988.3(b).
Commercial Edible Food Generator Requirement Section 9	Tier One Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and comply with this Section commencing Jan. 1, 2022.
Commercial Edible Food Generator Requirement Section 9	Tier Two Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and comply with this Section commencing Jan. 1, 2024.
Commercial Edible Food Generator Requirement Section 9	Tier One or Tier Two Commercial Edible Food Generator intentionally spoils Edible Food that is capable of being recovered by a Food Recovery Organization or Food Recovery Service.
Organic Waste Generator, Commercial Business Owner, Commercial Edible Food Generator, Food Recovery Organization or Food Recovery Service Sections 6, 7, and 9	Failure to provide or arrange for access to an entity's premises for any inspection or investigation.
Recordkeeping Requirements for Commercial Edible Food Generator Section 9	Tier One or Tier Two Commercial Edible Food Generator fails to keep records, as prescribed by Section 9.
Recordkeeping Requirements for Food Recovery Services and Food Recovery Organizations Section 10	A Food Recovery Organization or Food Recovery Service that has established a contract or written agreement to collect or receive Edible Food directly from a Commercial Edible Food Generator pursuant to 14 CCR Section 18991.3(b) fails to keep records, as prescribed by Section 10.

1019

1020 **SECTION 16. EFFECTIVE DATE**

1021 This ordinance shall be effective commencing on January 1, 2022.