

1 Recyclable Material, and organic waste per week to arrange for recycling services for that waste,
2 requires cities to implement a recycling program to divert organic waste from businesses subject
3 to the law, and requires cities to implement a mandatory commercial organics recycling program;
4 and

5 **WHEREAS**, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016,
6 requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane.
7 The regulations place requirements on multiple entities including cities, residential households,
8 commercial businesses and business owners, commercial edible food generators, haulers, self-
9 haulers, food recovery organizations, and food recovery services to support achievement of
10 Statewide organic waste disposal reduction targets; and

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

13 **WHEREAS**, this Ordinance implements the requirements of AB 341, AB 1826, and
14 SB 1383; and

15 **WHEREAS**, Title 8 entitled, "Health and Sanitation," of the Chico Municipal Code
16 establishes the organization, authority, duties, and responsibilities for the administration of solid
17 waste disposal within the City of Chico (City).

18 **NOW, THEREFORE, BE IT ORDAINED**, by the Council of the City of Chico that

19 **SECTION 1.** Section 8.04.010-entitled "Definitions" of Chapter 8.04 entitled "Solid
20 Waste Disposal" of Title 8 of the City of Chico Municipal Code is hereby amended and
21 renumbered as follows:

22 8.04.010 Definitions.

23 For the purposes of this chapter and Chapters 5.16, 8.08, 8.12, 8.14 and 9.22, the following
24 words and phrases shall have the meanings respectively ascribed to them by this section:

- 1 A. Biohazardous or biomedical waste. A waste type consisting of any waste which may cause
2 disease or reasonably be suspected of harboring pathogenic organisms; included are waste
3 resulting from the operation of medical clinics, hospitals, and other facilities processing
4 wastes which may consist of, but are not limited to, human and animal parts, contaminated
5 bandages, pathological specimens, hypodermic needles, sharps, contaminated clothing, and
6 surgical gloves.
- 7 B. Brown goods. A waste type consisting of electronic equipment such as stereos, televisions,
8 VCRs, Personal Data Assistants (PDAs), telephones, and other similar items not containing
9 cathode ray tubes (CRTs).
- 10 C. Bulky waste. A waste type consisting of large items; large green waste; discarded furniture;
11 carpets; mattresses; household appliances including refrigerators, ranges, washers, dryers,
12 water heaters, and dishwashers and other similar items; large household goods including
13 lawn garden equipment (drained of fluids), bicycles and other similar large personal items.
14 Bulky waste does not include exempt waste and must be able to be safely lifted by two
15 people into a collection vehicle.
- 16 D. Collection/Collect. The process whereby solid waste garbage, recyclable materials, organic
17 waste, and C&D waste are removed and transported to a disposal or processing facility, as
18 appropriate.
- 19 E. Commercial edible food generator. Commercial edible food generator includes a tier one
20 or a tier two commercial edible food generator as defined herein and in 14 CCR Section
21 18982(a)(73) and (a)(74).
- 22 F. Construction and demolition debris (C&D). A waste type consisting of commonly used or
23 discarded materials removed from construction, remodeling, repair, demolition, or
24 renovation operations on any pavement, house, commercial building, or other structure, or

1 from landscaping. Such materials include, but are not limited to, dirt, sand, rock, gravel,
2 bricks, plaster, gypsum wallboard, aluminum, glass, asphalt material, plastics, roofing
3 material, cardboard, carpeting, cinder blocks, concrete, copper, electrical wire, fiberglass,
4 Formica, granite, iron, lead, linoleum, marble, plaster, plant debris, pressboard, porcelain,
5 steel, stucco, tile, vinyl, wood, masonry, rocks, trees, remnants of new materials, including
6 paper, plastic, carpet scraps, wood scraps, scrap metal, building materials, packaging and
7 rubble resulting from construction, remodeling, renovation, repair and demolition
8 operations on pavements, houses, commercial buildings and other structures. Construction
9 and Demolition Debris does not include Exempt Waste.

10 G. Disposal facility. A facility identified in a franchise agreement that is operated and legally
11 permitted for the purpose of accepting materials for disposal.

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

18 I. E-Waste. A waste type consisting of discarded electronics equipment such as cell phones,
19 PDAs, computers, monitors, televisions, and other items containing cathode ray tubes
20 (CRTs), LCD or plasma screens and monitors.

21 J. Exempt waste. A waste type consisting of biohazardous or biomedical waste (including
22 sharps), hazardous waste, sludge, automobiles, automobile parts, boats, boat parts, boat
23 trailers, internal combustion engines, and those wastes under the control of the Nuclear
24 Regulatory Commission.

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

- 5 1. A food bank as defined in Section 113783 of the Health and Safety Code.
- 6 2. A nonprofit charitable organization as defined in Section 113841 of the Health and
7 Safety code; and
- 8 3. A nonprofit charitable temporary food facility as defined in Section 113842 of the
9 Health and Safety Code.

10 L. Food recovery service. An entity that collects and transports edible food from a
11 commercial edible food generator to a food recovery organization or other entities for food
12 recovery.

13 M. Food waste. A waste type consisting of food scraps and trimmings and other putrescible
14 waste that results from food production, preparation, storage, consumption, or handling,
15 and that has been separated at the source of generation from other types of solid waste
16 including, garbage, recyclable materials, and green waste. Food waste includes but is not
17 limited to meat, fish and dairy waste, fruit and vegetable waste, and grain waste,
18 compostable paper products may be included as appropriate if processing facilities capable
19 of processing such materials are used in the future and are commercially viable. Food waste
20 does not include Exempt Waste.

21 N. Front yard service. "Front yard service" shall mean collection of a waste type such as solid
22 waste, solid waste recyclables, and recyclable organic waste in receptacles placed within
23 five feet of the edge of the street (curbside) for collection.

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1 O. Garbage. A waste type consisting of:

- 2 1. Every accumulation of animal, vegetable, or other matter that attends or results from
3 the preparation, consumption, decay or dealing in, or storage of, meats, fish, fowl,
4 birds, fruits, vegetables, or other food products. The term "garbage" includes manure
5 and other animal excrement.
- 6 2. All putrescible and non-putrescible solid, semi-solid and associated liquid waste, as
7 defined in California Public Resources Code Section 40191.

8 Garbage does not include those items defined herein as recyclable materials, organic
9 waste, or bulky waste that have been source-separated for purposes of diversion, or
10 exempt waste.

11 P. Green waste. A waste type consisting of vegetative matter resulting from normal yard and
12 landscaping maintenance that is not more than three (3) feet in its longest dimension or two
13 (2) inches in diameter, and that has been separated at the source of generation from other
14 types of solid waste including garbage, recyclable materials, and food waste. Green waste
15 includes plant debris, such as, ivy, grass clippings, leaves, pruning, weeds, branches, brush,
16 non-flocked Christmas trees, and other forms of vegetative waste generated by and at the
17 location of collection where collected. Green waste does not include items herein defined
18 as exempt waste, or succulent plants, yucca, cactus, or fibrous plant materials determined to
19 potentially cause damage to green waste collection or processing equipment.

20 Q. Hazardous waste. A waste type consisting of any material which is defined, regulated, or
21 listed as "hazardous", "toxic", a "pollutant", or words of similar import, waste under
22 California or United States law or any regulations promulgated pursuant to such law, as
23 such state or federal law or regulations may be amended from time to time; and "designated
24 waste" as defined in California Water Code Section 13173.

- 1 R. Mixed paper. A waste type consisting of white and colored paper, magazines, phone books,
2 paperback books, catalogs, junk mail, envelopes, manila folders, and paper grocery bags,
3 but specifically excluding milk cartons and other waxed paper, hardcover books, blueprints
4 or carbonless paper, and paper contaminated by food.
- 5 S. Organic waste. A waste type consisting of green waste, food waste, or both, separated at
6 the source of generation from other waste types.
- 7 T. Organic waste generator. A person or entity that is responsible for the initial creation of
8 organic waste, or as otherwise defined in 14 CCR Section 18982(a)(48) of SB 1383.
- 9 U. Outer banks. The term "outer banks," when used in the context of the outer banks of a
10 creek, channel, or other watercourse, shall mean the upper elevation of land having a slope
11 not exceeding ten percent which confines the water flowing in such creek, channel, or other
12 watercourse during normal winter flows.
- 13 V. Recyclable materials. A waste type consisting of discarded materials capable of being
14 recycled (utilized again in the waste stream) which have been separated at the source of use
15 or generation from other waste types. City may identify which recyclable materials are
16 included in a City-approved recycling program including but not limited to: paper and
17 paper products of all type and kinds; glass; metal and metal products; plastics (i.e., #1-7
18 plastics, except #6, that have commercial value regardless of form or mold). Recyclable
19 materials do not include exempt waste.
- 20 W. Recyclable solid waste. A waste type consisting of those discarded materials which are
21 capable of being recycled and which have been separated at the source of generation from
22 other types of solid waste. Recyclable materials included in the City-approved recycling
23 program include: newsprint, mixed paper, glass, aluminum cans, tin cans, bimetal
24 containers; plastic containers, cardboard boxes, and cartons.

- 1 X. Recyclable yard debris. A waste type consisting of lawn cuttings, weeds, leaves, wood
2 chips and shavings, nontreated or painted wood scraps, and remnants from tree or pruning
3 which are less than four inches in diameter and are four feet long or less, excluding palm
4 fronds, yucca plants and sod.
- 5 Y. Rubbish. A waste type consisting of painted or treated wood, woodenware, printed matter,
6 cloth, straw or hay, leather, felt, plastic, and all other combustible solid waste.
- 7 Z. SB 1383. Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016,
8 which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety
9 Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30
10 of the Public Resources Code, establishing methane emissions reduction targets in a
11 Statewide effort to reduce emissions of short-lived climate pollutants as amended,
12 supplemented, superseded, and replaced from time to time.
- 13 AA. SB 1383 regulations. For the purpose of this ordinance, SB 1383 regulations mean or
14 refers to the Short-Lived Climate Pollutants: Organic Waste Reduction regulations
15 developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12
16 and amended portions of regulations of 14 CCR and 27 CCR.
- 17 BB. Self-hauler. A person, who hauls solid waste, organic waste, or recyclable material he or
18 she has generated to another person. Self-hauler also includes a person who back-hauls
19 waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means
20 generating and transporting organic waste to a destination owned and operated by the
21 generator using the generator's own employees and equipment, or as otherwise defined in
22 14 CCR Section 18982(a)(66)(A).
- 23 CC. Service area. An area defined and approved by city in a franchise agreement by which a
24 solid waste collector may collect the waste type(s) as indicated in the franchise agreement.

1 DD. Solid waste. All waste types, including, but not limited to, garbage, recyclable materials,
2 organic waste, and C&D.

3 EE. Tier one commercial edible food generator. A commercial edible food generator that is one
4 of the following:

- 5 1. Supermarkets with gross annual sales of \$2,000,000 or more, and which sells a line of
6 dry grocery, canned goods, or nonfood items and some perishable items.
- 7 2. Grocery store with a total facility size equal to or greater than 10,000 square feet.
- 8 3. Food Service Provider - an entity primarily engaged in providing food services to
9 institutional, governmental, commercial, or industrial locations of others based on
10 contractual arrangements with these types of organizations, or as otherwise defined in
11 14 CCR Section 18982(a)(27).
- 12 4. Wholesale Food Vendor - a business or establishment engaged in the merchant
13 wholesale distribution of food, where food, (including fruits and vegetables) is received
14 shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other
15 destination, or as otherwise defined in 14 CCR Section 189852(a)(76).
- 16 5. Food Distributor – a company that distributes food to entities including, but not limited
17 to Supermarkets and Grocery Stores or as otherwise defined in 14 CCR Section
18 1892(a)(22) .

19 FF. Tier two commercial edible food generator. A commercial edible food generator that is
20 one of the following:

- 21 1. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000
22 square feet.
- 23 2. Hotel with an on-site food facility and 200 or more rooms.
- 24 3. Health facility with an on-site food facility and 100 or more beds.

- 1 4. Large Venue - a permanent venue facility that annually seats or serves an average of
- 2 more than 2,000 individuals within the grounds of the facility per day of operation.
- 3 5. Large Event - an event including but not limited to a sporting event, flea market,
- 4 festival, that charges an admission prices or is operated by the local agency and serves
- 5 an average of more than 2,000 individuals per day of operation of the event, at a
- 6 location that includes but is not limited to a public , nonprofit, or privately owned
- 7 park, parking lot, golf course, street system, or other open space when being used for
- 8 an event.
- 9 6. A state agency with a cafeteria with 250 or more seats or total cafeteria facility size
- 10 equal to or greater than 5,000 square feet.
- 11 7. A local education agency facility with an on-site food facility, such as a school district,
- 12 charter school, or county office of education that is not subject to control of city or
- 13 county regulations related to solid waste.

14 GG. Waste matter. "Waste matter" consists of soil, earth, sand, clay, gravel, loam, stones, brick,

15 plaster, cement, concrete, asphalt, crockery, screen wire, china, glass, glassware, ashes,

16 cinders, shells, metals, and all other noncombustible material.

17 SECTION 2. Title 8 entitled, "Health and Sanitation ," of the Chico Municipal Code is

18 amended to add a new Chapter 8.13 entitled, "Solid Waste Disposal – Mandatory Waste

19 Disposal Reduction" to read as follows:

20 Chapter 8.13

21 SOLID WASTE DISPOSAL – MANDATORY SOLID WASTE, RECYCLING, AND

22 ORGANIC WASTE DISPOSAL REDUCTION

23 8.13.010 Definitions.

24 A. The definitions contained in Section 8.04.010 and of this code apply to the provisions of

1 this chapter.

2 B. Additional Definitions.

- 3 1. Residential premise. A single-family residence or a multifamily residential
4 complex with less than five (5) units.
- 5 2. Commercial premise. A business, firm, partnership, proprietorship, joint-stock
6 company, corporation, or association, whether for-profit or nonprofit, strip mall,
7 industrial facility, and a multifamily residential complex with five (5) or more units.

8 8.13.120- SB 1383 Regulatory Compliance

9 Organic waste generators, haulers, and all other entities subject to the requirements of SB 1383
10 shall comply with all applicable requirements, including but not limited to those summarized
11 below, or be subject to the penalties as prescribed in 14 CCR Section 18997.2, or Section
12 8.13.190 of this Chapter.

13 8.13.130 Organic Waste Generator Requirements.

14 SB 1383 requirements that apply to organic waste generators include, but are not necessarily
15 limited to, the following:

- 16 1. All residential premises, except residential premises that meet the self-hauler
17 requirements of SB 1383 and have received a written self-haul waiver from the City,
18 shall subscribe to the City's container collection services for garbage, recyclable
19 materials, and organic waste, including food waste.
- 20 2. All commercial premises, except those that have been granted a waiver or an exemption,
21 must make arrangements for the diversion of recyclable materials and organic waste,
22 either through a collection service with a City solid waste franchised hauler, or by self-
23 hauling to a permitted facility meeting the requirements specified in 14 CCR Section
24 18984.3 and Section 8.13.170 of this Chapter. The City shall have the right to review the

1 number and size of a generator's containers and frequency of collection to evaluate
2 adequacy of capacity provided for each type of collection service for proper separation of
3 materials and containment of materials; and commercial premises shall adjust their
4 service level for their collection services as required by the City.

5 3. All organic waste generators shall place organic waste, including food waste, in the
6 designated organic waste container(s); recyclable materials in the designated recycling
7 container; and garbage in the designated garbage container. Generators shall not place
8 materials designated for the garbage container into the organic waste container or
9 recycling container.

10 4. Property owners of multifamily residential premises and commercial premises shall be
11 responsible for ensuring and demonstrating its compliance with the following
12 requirements:

13 a. Supply and allow access to adequate number, size and location of waste, recyclable
14 and organic waste collection containers with sufficient labels or colors (conforming
15 with requirements described below) for employees, contractors, tenants, and
16 customers, consistent with the City's collection service or, if self-hauling in
17 compliance with self-hauling requirements in Section 8.13.170 herein.

18 b. Except for multifamily residential premises, provide containers for organics and
19 recyclable materials in all indoor and outdoor areas where disposal containers are
20 provided for customers. Such containers do not need to be provided in restrooms. If a
21 commercial premise does not generate any of the materials that would be collected in
22 one type of container, then the business does not have to provide that particular
23 container in all areas where disposal containers are provided for customers. Pursuant
24 to 14 CCR Section 18984.9(b), the containers provided by the business shall have

1 either:

- 2 i. A body or lid that conforms with the container colors provided through the
3 collection service provided by the City's franchised haulers, with either lids
4 conforming to the color requirements or bodies conforming to the color
5 requirements, or both lids and bodies conforming to color requirements. A
6 commercial premise is not required to replace functional containers, including
7 containers purchased prior to January 1, 2022, that do not comply with the
8 requirements of the subsection prior to the end of the useful life of those
9 containers, or prior to January 1, 2036, whichever comes first.
- 10 ii. Container labels that include language or graphic images, or both, indicating the
11 primary material accepted and the primary materials prohibited in that container,
12 or containers with imprinted text or graphic images that indicate the primary
13 materials accepted and primary materials prohibited in the container. Pursuant to
14 14 CCR Section 18984.8, the container labeling requirements are required on new
15 containers commencing January 1, 2022.
- 16 a) Multifamily residential complexes (less than 5 units) are not required to
17 comply with container placement requirements or labeling requirements in
18 this Section pursuant to 14 CCR Section 18984.9(b).
- 19 b) Excluding multifamily residential complexes, to the extent practical through
20 education, training, inspection, and/or other measures, prohibit employees
21 from placing materials in a container not designated for those materials per the
22 City's collection service.
- 23 c) Excluding multifamily residential complexes, periodically inspect organic
24 waste, recycling, and garbage containers for contamination and inform

1 employees if containers are contaminated and of the requirements to keep
2 contaminants out of those containers pursuant to 14 CCR Section
3 18984.9(b)(3).

4 d) Including multifamily residential complexes, annually provide information to
5 employees, contractors, tenants, and customers about organic waste recovery
6 requirements and about proper sorting of source separated organic waste and
7 source separated recyclable materials.

8 e) Including multifamily residential complexes, provide education information
9 before or within fourteen (14) days of occupation of the premises by new
10 tenants that describes requirements to keep source separated organic waste
11 and source separated recyclable materials separate from garbage and the
12 location of containers and the rules governing their use at each property.

13 f) Including multifamily residential complexes, provide or arrange access for the
14 City or its representative to their properties during all inspections conducted in
15 accordance with SB 1383 to confirm compliance with the requirements of this
16 Chapter.

17 g) Nothing in this Chapter prohibits a generator from preventing or reducing
18 waste generation, managing organic waste on site, or using a community
19 composting site pursuant to 14 CCR Section 18984.9(c).

20 8.13.140 Waivers for Organics Waste Generators

21 A. De Minimis Waivers: The City may waive a residential and commercial premise's
22 obligation to comply with some or all of the organic waste requirements of SB 1383 if the
23 owner or occupant can demonstrate and certify to the City that waste, recycling, or
24 organic waste collection is not needed because the owner or occupant satisfies any of the

1 following requirements:

2 1. The owner or occupant requesting a de minimis waiver submits an application
3 specifying the services that they are requesting a waiver from and provides
4 documentation that either:

5 a. The residential or commercial premises' total solid waste collection service is
6 two cubic yards or more per week and organic waste subject to collection in
7 organic waste container comprises of less than 20 gallons per week of the
8 premises' total waste; or,

9 b. The residential or commercial premise's total solid waste collection service is
10 less than two cubic yards per week and organic waste subject to collection in an
11 organic waste container comprises of less than 10 gallons per week of the
12 premise' total waste.

13 c. The owner or occupant notifies the City if circumstances change such that
14 commercial customer's organic waste exceeds the thresholds required for a
15 waiver, in which case the waiver will be rescinded.

16 B. Physical Space Waivers: Owners or occupants of commercial and multifamily residential
17 premises may request a physical space waiver through the following process:

18 1. Submit an application specifying the types of services that they are requesting a
19 waiver for.

20 2. Provide documentation that the premise lacks adequate space for the organic waste
21 collection container, including documentation from its hauler, licensed architect, or
22 licensed engineer.

23 C. Waiver Term: Waivers shall apply for up to, but no longer than five (5) years, as
24 determined by the Director and/or his or her designee.

1 8.13.150 Commercial Edible Food Generator Requirements

2 A. Tier One Commercial Edible Food Generators shall comply with the requirements of 14
3 CCR Section 18991 commencing January 1, 2022.

4 B. Tier Two Commercial Edible Food Generators shall comply with the requirements of 14
5 CCR Section 18991.3 commencing January 1, 2024.

6 C. A Large Venue or Large Event operator that does not provide food services, but allows
7 for food to be provided, shall require food facilities operating at the large venue or large
8 event to comply with the requirements of 14 CCR Section 18991.3 commencing January
9 1, 2024.

10 D. All Commercial edible food generators shall comply with the following requirements:

11 1. Arrange to recover the maximum amount of edible food that would otherwise be
12 disposed.

13 2. Contract with or enter into a written agreement with food recovery organizations or
14 food recovery services for:

15 a. The collection of edible food for food recovery; or

16 b. Acceptance of the edible food that the commercial edible food generator self-
17 hauls to the food recovery organization for food recovery.

18 3. Shall not intentionally spoil edible food that is capable of being recovered by a food
19 recovery organization or a food recovery service.

20 4. Shall keep records as specified in 14 CCR Section 18991.4.

21 5. Shall provide to the City a copy of any of the information they are required to track
22 per Section 18991.4 within 30 days of request by the City.

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1 8.13.160 Food Recovery Organizations and Services Requirements

2 Food recovery services collecting or receiving edible food directly from commercial edible food
3 generators, via a contract or written agreement established under 14 CCR Section 18991.3(b),
4 shall maintain records as specified in 14 CCR Section 18991.5 and shall provide a copy of those
5 records to the City within 30 days of request by the City.

6 8.13.170 Self-hauler Requirements

7 A. Any party wishing to self-haul material must apply for and receive written approval from
8 the City.

9 B. Self-haulers shall source separate all recyclable materials and organic waste generated
10 on-site from solid waste in a manner consistent with 14 CCR Sections 18984.1 and
11 18984.2 or shall haul organic waste to a high diversion organic waste processing facility
12 as specified in 14 CCR Section 18984.3.

13 C. Self-haulers shall haul their source separated recyclable materials to a facility that
14 recovers those materials; and haul their source separated green container organic waste to
15 a solid waste facility, operation, activity, or property that processes or recovers source
16 separated organic waste. Alternatively, self-haulers may haul organic waste to a high
17 diversion organic waste processing facility.

18 1. Self-haulers that are commercial customers (including multifamily residential
19 complexes) shall keep a record of the amount of organic waste delivered to each
20 solid waste facility, operation, activity, or property that processes or recovers
21 organic waste; this record shall be subject to inspection by the City. The records
22 shall include the following information:

- 23 a. Delivery receipts and weight tickets from the entity accepting the waste.
24 b. The amount of material in cubic yards or tons transported by the generator

1 to each entity.

- 2 c. If the material is transported to an entity that does not have scales on-site
3 or employs scales incapable of weighing the Self-hauler's vehicle in a
4 manner that allows it to determine the weight of materials received, the
5 self-hauler is not required to record the weight of material but shall keep a
6 record of the entities that received the organic waste.

7 **8.13.180 Inspections and Investigations by the City**

- 8 A. The City's representatives, its designated entity, and/or designees are authorized to
9 conduct inspections and investigations, at random or otherwise, of any collection
10 container, collection vehicle loads, or transfer, processing, or disposal facility for
11 materials collected from generators, or source separated materials to confirm compliance
12 with this Ordinance by organic waste generators, commercial premises (including
13 multifamily residential complexes), property owners, commercial edible food generators,
14 haulers, self-haulers, food recovery services, and food recovery organizations, subject to
15 applicable laws. This Section does not allow the City to enter the interior of a private
16 residential property for inspection.
- 17 B. A regulated entity shall provide or arrange for access to their properties during all
18 inspections and shall cooperate with the City's employee or its designated entity/designee
19 during such inspections and investigations. Such inspections and investigations may
20 include confirmation of proper placement of materials in containers, edible food recovery
21 activities, records, or any other requirement of this Ordinance described herein. Failure to
22 provide or arrange for access to an entity's premises or access to records for any
23 inspection or investigation is a violation of this Chapter and may result in penalties
24 described.

1 C. Any records obtained by the City during its inspections and other reviews shall be subject
2 to the requirements and applicable disclosure exemptions of the Public Records Act as set
3 forth in Government Code Section 6250 et seq.

4 D. The City's representatives, its designated entity, and/or designees are authorized to
5 conduct any inspections, remote monitoring, or other investigations as reasonably
6 necessary to further the goals of this Ordinance, subject to applicable laws.

7 E. The City shall receive written complaints from persons regarding an entity that may be
8 potentially non-compliant with SB 1383 regulations, including receipt of anonymous
9 complaints.

10 8.13.190 Enforcement

11 It shall be the duty of the city manager or designee to enforce the provisions of this
12 Chapter. Violations of the provisions of this chapter may be an infraction punishable by an
13 administrative fine as authorized by Section 1505 of the Charter of the City of Chico.

14 SECTION 3. This Ordinance is consistent with the City's General Plan, Municipal Code,
15 and applicable federal and state law.

16 SECTION 4. This Ordinance will not be detrimental to the public interest, health, safety,
17 convenience, or welfare.

18 SECTION 5. CEQA. The City Council, on the basis of the whole record and exercising
19 independent judgment, finds this Ordinance is exempt from the California Environmental Quality
20 Act (CEQA) pursuant to State CEQA Guidelines Sections 15061 (b)(3) and 15308 on the grounds
21 that the Ordinance will not possibly have a significant effect on the environment and that the new
22 requirements, which strengthen requirements for the handling of solid waste, represent actions by
23 the City for the protection of the environment.

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