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CITY OF RIVERBANK
ORDINANCE 2022-001

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
AMENDING CHAPTER 50, GARBAGE, OF TITLE V, PUBLIC WORKS, OF THE
RIVERBANK MUNICIPAL CODE TO REGULATE THE DISPOSAL OF RECYCLABLE
AND ORGANIC MATERIALS**

WHEREAS, State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their Jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment; and

WHEREAS, State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and multi-family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires the City of Riverbank (the "City") to implement a Mandatory Commercial Recycling program; and

WHEREAS, State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and multi-family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires Jurisdictions to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires the city to implement a Mandatory Commercial Organics Recycling program; and

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including Jurisdictions, residential households, commercial businesses and business owners, commercial edible

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41 food generators, haulers, self-haulers, food recovery organizations, and food recovery
42 services to support achievement of Statewide Organic Waste disposal reduction targets;
43 and

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

50 (f) Requirements in this ordinance are consistent with other adopted goals and
51 policies of the City.

52 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF**
53 **RIVERBANK DOES ORDAIN AS FOLLOWS:**

54 **SECTION 1.** Chapter 50, Garbage, of Title V, Public Works, of the Riverbank Municipal
55 Code shall be repealed in its entirety and amended with a new Chapter 50 that shall read
56 as follows:

57 **CHAPTER 50: GARBAGE**

58 **§ 50.01 DEFINITIONS.**

59 For the purpose of this chapter, the following definitions shall apply unless the context
60 clearly indicates or requires a different meaning.

61 **CalRecycle** California's Department of Resources Recycling and Recovery, which is the
62 Department designated with responsibility for developing, implementing, and enforcing
63 SB 1383 Regulations on Jurisdictions (and others).

64 **California Code of Regulations** or CCR The State of California Code of Regulations.
65 CCR references in this Chapter are preceded with a number that refers to the relevant
66 Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).

67 **Collector.** A refuse collector who has entered into a contract with the city, or who has
68 received a franchise from the city, to collect solid waste within the city.

69 **City Manager.** means the City Manager of the City of Riverbank, or his or her designee,
70 which may include City employees.

71 **Collection.** To take physical possession of solid waste at, and remove from, the place of
72 generation for transport to a solid waste facility or other recovery activity.

73 **Commercial Business** or **Commercial**. A firm, partnership, proprietorship, joint-stock
74 company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial
75 facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section
76 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units
77 is not a Commercial Business for purposes of implementing this Chapter.

78 **Commercial Edible Food Generator**. A Tier One or a Tier Two Commercial Edible Food
79 Generator as defined in in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes
80 of this definition, Food Recovery Organizations and Food Recovery Services are not
81 Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).

82 **Compliance Review**. A review of records by the City of Riverbank to determine
83 compliance with this Chapter.

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

89 **Compost**. Compost has the same meaning as in 14 CCR Section 17896.2(a)(4), which
90 stated, as of the effective date of this Chapter, that “Compost” means the product resulting
91 from the controlled biological decomposition of organic Solid Wastes that are Source
92 Separated from the municipal Solid Waste stream, or which are separated at a centralized
93 facility.

94 **Compostable Plastics** or **Compostable Plastic**. Plastic materials that meet the ASTM
95 D6400 standard for composability, or as otherwise described in 14 CCR Section
96 18984.2(a)(1)(C).

97 **Container Contamination** or **Contaminated Container**. A container, regardless of
98 color, that contains Prohibited Container Contaminants, or as otherwise defined in 14
99 CCR Section 18982(a)(55).

100 **Construction and Demolition Debris** or **C&D**. Used or discarded materials resulting
101 from construction, renovation, remodeling, repair, demolition, excavation or construction
102 clean-up operations on any pavement or structure.

103 **Container** or **Collection Container**. Any bin, box or cart used for the purpose of holding
104 solid waste for collection.

105 **Containerized Service**. Service approved by the City Manager, wherein the city or the
106 collector provides a vehicle equipped for mechanical handling of one or two cubic yard
107 containers with casters; such containers shall be furnished by the customer and shall be
108 of a type approved by the City Manager, or rented from the city or the collector.

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109 **Designated Source Separated Organic Waste Facility.** As defined in 14 CCR Section
110 18982(14.5), which means a Solid Waste facility that accepts a Source Separated
111 Organic Waste collection stream as defined in 14 CCR Section 17402(a)(26.6) and
112 complies with one of the following:

113 (A) The facility is a “transfer/processor,” as defined in 14 CCR Section
114 18815.2(a)(62), that is in compliance with the reporting requirements of 14
115 CCR Section 18815.5(d), and meets or exceeds an annual average Source
116 Separated organic content Recovery rate of 50 percent between January 1,
117 2022 and December 31, 2024 and 75 percent on and after January 1, 2025
118 as calculated pursuant to 14 CCR Section 18815.5(f) for Organic Waste
119 received from the Source Separated Organic Waste collection stream.

120 (1) If a transfer/processor has an annual average Source Separated
121 organic content Recovery rate lower than the rate required in
122 Paragraph 1 of this definition for two (2) consecutive reporting
123 periods, or three (3) reporting periods within three (3) years, the
124 facility shall not qualify as a “Designated Source Separated Organic
125 Waste Facility”.

126 (B) The facility is a “composting operation” or “composting facility” as defined in
127 14 CCR Section 18815.2(a)(13), that pursuant to the reports submitted
128 under 14 CCR Section 18815.7 demonstrates that the percent of the
129 material removed for landfill disposal that is Organic Waste is less than the
130 percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3),
131 whichever is applicable, and, if applicable, complies with the digestate
132 handling requirements specified in 14 CCR Section 17896.5.

133 (1) If the percent of the material removed for landfill disposal that is
134 Organic Waste is more than the percent specified in 14 CCR Section
135 17409.5.8(c)(2) or 17409.5.8(c)(3), for two (2) consecutive reporting
136 periods, or three (3) reporting periods within three (3) years, the
137 facility shall not qualify as a “Designated Source Separated Organic
138 Waste Facility.” For the purposes of this Chapter, the reporting
139 periods shall be consistent with those defined in 14 CCR Section
140 18815.2(a)(49).

141 **Designee.** An entity that the city contracts with or otherwise arranges to carry out any of
142 the city’s responsibilities of this Chapter as authorized in 14 CCR Section 18981.2. A
143 Designee may be a government entity, a hauler, a private entity, or a combination of those
144 entities.

145 **Edible Food.** Food intended for human consumption, or as otherwise defined in 14 CCR
146 Section 18982(a)(18). For the purposes of this Chapter or as otherwise defined in 14 CCR

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147 Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not
148 discarded. Nothing in this Chapter or in 14 CCR, Division 7, Chapter 12 requires or
149 authorizes the Recovery of Edible Food that does not meet the food safety requirements
150 of the California Retail Food Code.

151 **Enforcement Action** An action of the City to address non-compliance with this Chapter
152 including, but not limited to, issuing administrative citations, fines, penalties, or using other
153 remedies.

154 **Excluded Waste.** Hazardous substance, hazardous waste, infectious waste, designated
155 waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and
156 toxic substances or material that facility operator(s), which receive materials from the city
157 and its generators, reasonably believe(s) would, as a result of or upon acceptance,
158 transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation,
159 or ordinance, including: land use restrictions or conditions, waste that cannot be disposed
160 of in Class III landfills or accepted at the facility by permit conditions, waste that in the
161 City's, or its Designee's reasonable opinion would present a significant risk to human
162 health or the environment, cause a nuisance or otherwise create or expose the City, or
163 its Designee, to potential liability; but not including de minimis volumes or concentrations
164 of waste of a type and amount normally found in Single-Family or Multi-Family Solid
165 Waste after implementation of programs for the safe collection, processing, recycling,
166 treatment, and disposal of batteries and paint in compliance with Sections 41500 and
167 41802 of the California Public Resources Code. Excluded Waste does not include used
168 motor oil and filters, household batteries, universal wastes, and/or latex paint when such
169 materials are defined as allowable materials for collection through the City's collection
170 programs and the generator or customer has properly placed the materials for collection
171 pursuant to instructions provided by the City or its Designee for collection services.

172 **Food.** Food has the same meaning as in Health and Safety Code section 113781.

173 **Food Distributor.** A company that distributes food to entities including, but not limited to,
174 Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section
175 18982(a)(22).

176 **Food Facility.** The same meaning as in Section 113789 of the Health and Safety Code.

177 **Food Recovery.** Actions to collect and distribute food for human consumption that
178 otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).

179 **Food Recovery Organization.** An entity that engages in the collection or receipt of
180 Edible Food from Commercial Edible Food Generators and distributes that Edible Food
181 to the public for Food Recovery either directly or through other entities or as otherwise
182 defined in 14 CCR Section 18982(a)(25), including, but not limited to:

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

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184 (B) A nonprofit charitable organization as defined in Section 113841 of the
185 Health and Safety code; and,

186 (C) A nonprofit charitable temporary food facility as defined in Section 113842
187 of the Health and Safety Code.

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

191 If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization
192 differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall
193 apply to this Chapter.

194 **Food Recovery Service.** A person or entity that collects and transports Edible Food from
195 a Commercial Edible Food Generator to a Food Recovery Organization or other entities
196 for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food
197 Recovery Service is not a Commercial Edible Food Generator for the purposes of this
198 Chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR
199 Section 18982(a)(7).

200 **Food Scraps.** All food such as, but not limited to, fruits, vegetables, meat, poultry,
201 seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps
202 excludes fats, oils, and grease when such materials are Source Separated from other
203 Food Scraps. Food Scraps does not include Excluded Waste.

204 **Food Service Provider.** An entity primarily engaged in providing food services to
205 institutional, governmental, commercial, or industrial locations of others based on
206 contractual arrangements with these types of organizations, or as otherwise defined in 14
207 CCR Section 18982(a)(27).

208 **Food-Soiled Paper.** Compostable paper material that has come in contact with food or
209 liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins,
210 pizza boxes, and milk cartons.

211 **Food Waste.** Food Scraps, Food-Soiled Paper, and Compostable Plastics.

212 **Black Container.** Any bin, can, receptacle, or any other type of receptacle or depository
213 designated by the City or a City-designated waste removal company for the deposit,
214 storage, and collection of solid waste not designated or collection in the Green Container.
215 A container may also be described as an automatic lift container cart, drop box, roll-off,
216 compactor container, standard automated container, drop box container or detachable
217 container or bin.

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218 **Green Container.** Green Container has the same meaning as in 14 CCR Section
219 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source
220 Separated Organic Waste.

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

226 **Hauler.** a person who collects material from a generator and delivers it to a reporting
227 entity, end user, or a destination outside of the state. Hauler includes “contractor.” A
228 person who transports material from reporting entity to another person is a transporter,
229 not a hauler.

230 **Hauler Route.** The designated itinerary or sequence of stops for each segment of the
231 city’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

232 **High Diversion Organic Waste Processing Facility.** A facility that is in compliance with
233 the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an
234 annual average Mixed Waste organic content Recovery rate of 50 percent between
235 January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as
236 calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the
237 “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5);
238 or, as otherwise defined in 14 CCR Section 18982(a)(33).

239 **Inspection.** A site visit where the City reviews records, containers, and an entity’s
240 collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food
241 handling to determine if the entity is complying with requirements set forth in this Chapter,
242 or as otherwise defined in 14 CCR Section 18982(a)(35).

243 **City.** the City of Riverbank, California, or the area within the territorial limits of the City of
244 Riverbank, California, and such territory outside of the City over which the City has
245 jurisdiction or control by virtue of any constitutional or statutory provision.

246 **City Enforcement Official.** The City Manager, or his or her designee. The City Manager,
247 or his or her designee, shall administer, implement and enforce the provisions of this
248 chapter..

249 **Large Event.** An event, including, but not limited to, a sporting event or a flea market,
250 that charges an admission price, or is operated by a local agency, and serves an average
251 of more than 2,000 individuals per day of operation of the event, at a location that
252 includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf
253 course, street system, or other open space when being used for an event. If the definition

254 in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR
255 Section 18982(a)(38) shall apply to this Chapter.

256 **Large Venue.** A permanent venue facility that annually seats or serves an average of
257 more than 2,000 individuals within the grounds of the facility per day of operation of the
258 venue facility. For purposes of this Chapter and implementation of 14 CCR, Division 7,
259 Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately
260 owned or operated stadium, amphitheater, arena, hall, amusement park, conference or
261 civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center,
262 fairground, museum, theater, or other public attraction facility. For purposes of this
263 Chapter and implementation of 14 CCR, Division 7, Chapter 12, a site under common
264 ownership or control that includes more than one Large Venue that is contiguous with
265 other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section
266 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39)
267 shall apply to this Chapter.

268 **Local Education Agency.** A school district, charter school, or county office of education
269 that is not subject to the control of city or county regulations related to Solid Waste, or as
270 otherwise defined in 14 CCR Section 18982(a)(40).

271 **Multi-Family Residential Dwelling.** or **Multi-Family.** Of, from, or pertaining to
272 residential premises with five (5) or more dwelling units. Multi-Family premises do not
273 include hotels, motels, or other transient occupancy facilities, which are considered
274 Commercial Businesses.

275 **MWELO.** The Model Water Efficient Landscape Ordinance (MWELO), 23 CCR, Division
276 2, Chapter 2.7.

277 **Non-Compostable Paper.** Non-compostable paper includes but is not limited to paper
278 that is coated in a plastic and/or metallic material that will not breakdown in the
279 composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).

280 **Non-Local Entity.** Entities that are not subject to the city's enforcement authority, or as
281 otherwise defined in 14 CCR Section 18982(a)(42), including:

282 (A) Special district(s) located within the boundaries of the city, including
283 Riverbank Unified School District, State agencies located within the
284 boundaries of the city, including Caltrans, Cal Fire or Stanislaus County
285 facilities.

286 **Non-Organic Recyclables.** non-putrescible and non-hazardous recyclable wastes,
287 including but not limited to bottles, cans, metals, plastics and glass, or as otherwise
288 defined in 14 CCR Section 18982(a)(43).

289 **Notice of Violation (NOV).** A notice that a violation has occurred that includes a
290 compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR
291 Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

292 **Organic Waste.** Solid Wastes containing material originated from living organisms and
293 their metabolic waste products, including but not limited to food, green material,
294 landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper
295 Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as
296 otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as
297 defined by 14 CCR Section 18982(a).

298 **Organic Waste Generator.** A person or entity that is responsible for the initial creation
299 of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

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

303 **Person.** Any person or persons, firm, association, corporation or other entity acting as
304 principal, agent or officer, servant or employee, for themselves or for any other person,
305 firm or corporation.

306 **Premises.** Premises includes a tract or parcel of land with or without habitable buildings
307 or appurtenant structures. For purposes of this Chapter, the word premises includes
308 residential and commercial uses of the land, whether owned, leased, rented or subrented,
309 including every dwelling house, dwelling unit, apartment house or multiple-dwelling
310 building, trailer or mobile home park, store, restaurant, rooming house, hotel, motel, office
311 building, department store, manufacturing, processing or assembling shop or plant,
312 warehouse and every other place or premises where any person resides, or any business
313 is carried on or conducted within the city.

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

319 **Prohibited Container Contaminants.:** (i) discarded materials placed in the Green
320 Container that are not identified as acceptable Source Separated Green Container
321 Organic Waste for the City's Green Container; (ii) discarded materials placed in the Black
322 Container that are acceptable Source Separated Green Container Organic Waste for the
323 City's Green Container;(iii) Excluded Waste placed in any container.

324 **Recovered Organic Waste Products.** Products made from California, landfill-diverted
325 recovered Organic Waste processed in a permitted or otherwise authorized facility, or as
326 otherwise defined in 14 CCR Section 18982(a)(60).

327 **Recovery.** Any activity or process described in 14 CCR Section 18983.1(b), or as
328 otherwise defined in 14 CCR Section 18982(a)(49).

329 **Recycled-Content Paper.** Paper products and printing and writing paper that consists of
330 at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14
331 CCR Section 18982(a)(61).

332 **Regional Agency.** Regional agency as defined in Public Resources Code Section 40181.

333 **Remote Monitoring.** The use of the internet of things and/or wireless electronic devices
334 to visualize the contents of containers, for purposes of identifying the quantity of materials
335 in containers (level of fill) and/or presence of Prohibited Container.

336 **Residential.** For the purposes of this chapter, any premise consisting of between one (1)
337 and four (4) dwelling units, and onsite domestic uses accessory to these dwelling units.
338 A multi-family dwelling that consists of fewer than five (5) dwelling units is "Residential",
339 for the purposes of this Chapter.

340 **Restaurant.** An establishment primarily engaged in the retail sale of food and drinks for
341 on-premises or immediate consumption, or as otherwise defined in 14 CCR Section
342 18982(a)(64).

343 **Route Review.** A visual inspection of containers along a Hauler Route for the purpose of
344 determining Container Contamination and may include mechanical inspection methods
345 such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

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

352 **SB 1383 Regulations.** For the purposes of this Chapter, the regulations developed by
353 CalRecycle to implement SB 1383.

354 **Self-Hauler.** A person, who hauls Solid Waste, Organic Waste or recyclable material he
355 or she has generated to another person. Self-hauler also includes a person who back-
356 hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means
357 generating and transporting Organic Waste to a destination owned and operated by the

358 generator using the generator's own employees and equipment, or as otherwise defined
359 in 14 CCR Section 18982(a)(66)(A).

360 **Single-Family.** of, from, or pertaining to any residential premises with fewer than five (5)
361 units.

362 **Solid Waste.** Solid Waste has the same meaning as defined in Public Resources Code
363 Section 40191, which defines Solid Waste as all putrescible and non-putrescible solid,
364 semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes,
365 industrial wastes, demolition and construction wastes, abandoned vehicles and parts
366 thereof, discarded home and industrial appliances, dewatered, treated, or chemically
367 fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid
368 and semi-solid wastes, and other discarded solid and semisolid wastes, with the
369 exception that solid waste does not include any of the following wastes:

370 (A) Hazardous waste, as defined in the Public Resources Code Section 40141.

371 (B) Radioactive waste regulated pursuant to the State Radiation Control Law
372 (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of
373 the State Health and Safety Code).

374 (C) Medical waste regulated pursuant to the State Medical Waste Management
375 Act (Part 14 (commencing with Section 117600) of Division 104 of the State
376 Health and Safety Code). Untreated medical waste shall not be disposed of
377 in a Solid Waste landfill, as defined in State Public Resources Code Section
378 40195.1. Medical waste that has been treated and deemed to be Solid
379 Waste shall be regulated pursuant to Division 30 of the State Public
380 Resources Code.

381 **SOLID WASTE COLLECTION SERVICE OF THE CITY.** Solid waste collection service
382 provided by the city or such service provided by a collector who has entered into a
383 contract with the city, or who holds a franchise from the city, to collect solid waste within
384 the city, depending on whether the city is providing such service with city personnel or by
385 contract or franchise with a private collector.

386 **Source Separated.** Materials, including commingled recyclable materials, that have been
387 separated or kept separate from the Solid Waste stream, at the point of generation, for
388 the purpose of additional sorting or processing those materials for recycling or reuse in
389 order to return them to the economic mainstream in the form of raw material for new,
390 reused, or reconstituted products, which meet the quality standards necessary to be used
391 in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the
392 purposes of the Chapter, Source Separated shall include separation of materials by the
393 generator, property owner, property owner's employee, property manager, or property
394 manager's employee into different containers for the purpose of collection such that

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395 Source Separated materials are separated from Black Container Waste or other Solid
396 Waste for the purposes of collection and processing.

397 **Source Separated Green Container Organic Waste.** Source Separated Organic Waste
398 that can be placed in a Green Container that is specifically intended for the separate
399 collection of Organic Waste by the generator, excluding pet waste, carpets, non-
400 compostable paper, and textiles.

401 **Source Separated Recyclable Materials.** Source Separated Non-Organic Recyclables.

402 **State.** the State of California.

403 **Supermarket.** A full-line, self-service retail store with gross annual sales of two million
404 dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or
405 nonfood items and some perishable items, or as otherwise defined in 14 CCR Section
406 18982(a)(71).

407 **Tier One Commercial Edible Food Generator** means a Commercial Edible Food
408 Generator that is one of the following as defined in 14 CCR Section 18982(a)(73):

409 (A) Supermarket.

410 (B) Grocery Store with a total facility size equal to or greater than 10,000 square
411 feet.

412 (C) Food Service Provider.

413 (D) Food Distributor.

414 (E) Wholesale Food Vendor.

415 If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible
416 Food Generator differs from this definition, the definition in 14 CCR Section
417 18982(a)(73) shall apply to this Chapter.

418 **Tier Two Commercial Edible Food Generator.** A Commercial Edible Food Generator
419 that is one of the following as defined in 14 CCR Section 18982(a):

420 (A) Restaurant with 250 or more seats, or a total facility size equal to or greater
421 than 5,000 square feet.

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

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

424 (D) Large Venue.

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- 425 (E) Large Event.
- 426 (F) A State agency with a cafeteria with 250 or more seats or total cafeteria
427 facility size equal to or greater than 5,000 square feet.
- 428 (G) A Local Education Agency facility with an on-site Food Facility.
- 429 If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible
430 Food Generator differs from this definition, the definition in 14 CCR Section
431 18982(a)(74) shall apply to this Chapter.

432 **Wholesale Food Vendor.** A business or establishment engaged in the merchant
433 wholesale distribution of food, where food (including fruits and vegetables) is received,
434 shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other
435 destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

436 **§ 50.02 REQUIREMENT TO USE SOLID WASTE COLLECTION SERVICE;**
437 **NONCOMPLIANCE.**

- 438 (A) All dwellings, apartment houses and places of business in which refuse
439 accumulates within the city shall be required to use Solid Waste Collection service
440 of the city and to pay the charges therefor. It shall be unlawful for any person, firm
441 or corporation, except as provided in this chapter, to collect or gather Solid Waste
442 within the city.
- 443
- 444 (B) The City Council may contract for the collection or disposal, or both, of solid waste
445 under such terms and conditions as the City Council may prescribe by resolution
446 or ordinance, as provided in Cal. Pub. Res. Code § 49300. The contract may be
447 "exclusive or nonexclusive." The collector shall comply with the terms and
448 conditions of the city code as well as such other terms and conditions as may be
449 prescribed by resolution.
- 450
- 451 (C) In the event that trash, garden waste, lawn and tree trimmings, and the like, are
452 piled adjacent to an alley or city street without the benefit of a suitable container,
453 the property owner or responsible tenant shall, upon written notification by the city,
454 promptly deposit the litter in adequate containers for refuse pick-up. Failure to
455 respond after ten days to a written request made by the city shall serve as
456 authorization to the city to remove the litter and subject the property owner or
457 responsible tenant to the charges specified in the nonconforming refuse collection
458 fees.
- 459
- 460 (D) Nothing in this Chapter prohibits a generator from preventing or reducing waste
461 generation, managing Organic Waste on site, or using a Community Composting
462 site pursuant to 14 CCR Section 18984.9(c).

463

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464 **§ 50.03 TRASH ACCUMULATIONS PROHIBITED.**

465 It shall be unlawful for any occupant or owner of any building, lot or premises in the city
466 to allow or permit to collect or remain upon such premises any solid waste in such manner
467 or quantity as is a fire menace or a health hazard to the people of the city.

468 **§ 50.04 OPEN BURNING PROHIBITED.**

469 (A) *Public places.* It shall be unlawful for any person to cause, allow, aid, suffer or
470 maintain any open burning of any kind upon any public place, street or alley within
471 the city at any time.

472 (B) *Private premises.* It shall be unlawful for any person to cause, allow, suffer or
473 maintain any open burning of any kind or the burning of any solid waste in any
474 incinerator, barrel, can, pit, outdoor fireplace or similar container or enclosure upon
475 any private premises within the city.

476 (C) *Nonapplicability.* The provisions of this section shall not apply to the following:

477 (1) An indoor or outdoor barbecue or similar heating or cooking device while
478 being used for the heating or cooking of food for human consumption, or for
479 recreational purposes, and not being used primarily for the burning of waste
480 materials or solid waste;

481 (2) Comfort heating by use of a fireplace inside a residence, which fireplace is
482 not being used primarily for the burning of waste materials or solid waste;

483 (3) An approved type incinerator or furnace used by a hospital or similar
484 establishment for the incineration of body parts, bandages or related solid
485 waste;

486 (4) Controlled fires for the purpose of training fire fighters;

487 (5) A fire set or permission given by an official of the fire district personnel for
488 the purpose of prevention of a fire or health hazard or the disposal of waste
489 materials which cannot be abated or disposed of by other reasonable
490 means; or

491 (6) Fires used as safety flares for the combustion of waste gases.

492 **§ 50.05 BURNING, BURYING OR DUMPING GARBAGE.**

493 (A) It shall be unlawful for any person to burn, bury or dump, or permit to be burned,
494 buried or dumped, any solid waste in any place within the city.
495

496 (B) It is hereby declared to be a nuisance and it shall be unlawful to deposit or allow
497 to remain on any premises, vacant lot, street, alley, or in any excavation, any offal,
498 garbage, dead animals, or any putrid, decaying, or offensive animal or vegetable
499 matter.

500
501 (C) It is hereby declared to be a nuisance and it shall be unlawful to deposit or allow
502 to remain in any street, alley, public park or other publicly-owned property, any of
503 the following: scrap building materials, discarded boxes, cartons, earth, concrete,
504 bricks, waste construction materials, tin or metal cans, bottles, glass, rags, paper,
505 lawn trimmings or clippings, garden trimmings, garden refuse, small tree or shrub
506 prunings, any waste materials resulting from gardening, and any and all household
507 items which have been discarded or are no longer desired by the owner thereof.
508

509 **§ 50.06 SOLID COLLECTION SERVICE; RESIDENTIAL**

510 (A) Containers.

511 (1) Prior to collection, all solid waste shall be stored in approved automated
512 collection containers provided by the city's collector, unless an alternative
513 is approved pursuant to § 50.07.

514 (2) The city's collector will not remove or cause to be removed from the
515 premises any refuse which is not so contained, except as otherwise
516 provided in this section.

517 (B) Single Family Organic Waste Generators shall subscribe to city's Organic Waste
518 collection services for all Organic Waste generated. The city shall have the right to
519 review the number and size of a generator's containers to evaluate adequacy of
520 capacity provided for each type of collection service for proper separation of
521 materials and containment of materials; and, Single-Family generators shall adjust
522 its service level for its collection services as requested by the city. Generators may
523 additionally manage their Organic Waste by preventing or reducing their Organic
524 Waste, managing Organic Waste on site, and/or using a Community Composting
525 site pursuant to 14 CCR Section 18984.9(c).

526 (C) Single Family Organic Waste Generators shall participate in the City's Organic
527 Waste collection service(s) by placing designated materials in designated
528 containers as described below, and shall not place Prohibited Container
529 Contaminants in collection containers.

530 (1) A two-container collection service (Green Container and Black Container)

531 (a) Generator shall place Source Separated Green Container Organic
532 Waste, including Food Waste, in the Green Container; and Black

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533 Container Waste in the Black Container. Generators shall not place
534 materials designated for the Black Container into the Green
535 Container.

536 (D) *Frequency of collection.* The city's collector shall collect Solid Waste a minimum of
537 once each week from all dwelling units in the city. The city's collector shall collect
538 recyclables in the city once every week based on a scheduling calendar approved
539 by the City Manager and provided to city residents each year by the city's collector.

540 (E) *Types of residential service.*

541 (1) *Curb service.* All curb and alley service customers shall place the refuse
542 container at the curb in the street or in the alley not later than 6:00 a.m. on
543 the day of collection and shall remove the refuse containers from the curb
544 or alley on the same day as collection.

545 (2) *Alley service.* Where alley service is provided, containers must be placed
546 upon the customer's premises, immediately adjacent to and accessible from
547 the alley without the necessity of entering the premises. Containers shall
548 be placed to provide the necessary clearance from obstructions on either
549 side of the container as well as overhead clearance needed for the
550 collection vehicle to empty the contents of the container without causing
551 damage to public or private property.

552 (3) *Walk-in service.* Walk-in service is available to those customers who have
553 applied to and have been approved by the City Manager. This service shall
554 be limited to only those dwellings where there is no able-bodied resident
555 capable of placing the container in the approved location. If approved by
556 the City Manager, there shall be no additional charge for this service.

557 (4) *Containerized service.* Containerized service may be used for apartments,
558 multiple-dwellings, single-family dwellings, and for places of business.

559 **§ 50.07 REFUSE COLLECTION SERVICE; COMMERCIAL**

560 Commercial Businesses, which includes Multi-Family Residential Dwellings, shall comply
561 with the following:

562 (A) Containers. Prior to collection, all Solid Waste shall be stored in approved locked,
563 front-loaded bins provided by the city's collector, unless an alternative is approved
564 pursuant to this section.

565 (B) Except Commercial Businesses that meet the Self-Hauler requirements in §
566 50.12, be automatically enrolled in the city's two-container Organic Waste
567 collection. As approved by the City Manager, or his or her designee, the City shall

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568 have the authority to change the minimum required service levels over time. The
569 Commercial Business' Organic Waste service level must be sufficient for the
570 amount of Source Separated Green Container Organic Waste generated by the
571 Commercial Business. The City The city shall have the right to review the number,
572 size, and location of a generator's containers and frequency of collection to
573 evaluate adequacy of capacity provided for each type of collection service for
574 proper separation of materials and containment of materials; and, Commercial
575 Business shall adjust its service level for its collection services as requested by the
576 City.

577 (C) Except Commercial Businesses that meet the Self-Hauler requirements in §
578 50.12 of this Chapter, participate in and comply with the city's two-container (Green
579 Container and Black Container) collection service by placing designated materials
580 in designated containers. Generator shall place Source Separated Green
581 Container Organic Waste, including Food Waste, in the Green Container; and
582 Black Container Waste in the Black Container. Generators shall not place
583 materials designated for the Black Container into the Green Container.

584 (D) Supply and allow access to adequate number, size, and location of collection
585 containers with sufficient labels or colors (conforming with § 50.12, subdivision
586 (E)(1) and (E)(2) below), for employees, contractors, tenants and customers,
587 consistent with city's Green Container and Black Container collection service.

588 (E) Excluding Multi-Family Residential Dwellings, provide containers for the collection
589 of Source Separated Green Container Organic Waste, and Source Separated
590 Recyclable Materials in all indoor and outdoor areas where disposal containers are
591 provided for customers, for materials generated by that business. Such containers
592 do not need to be provided in restrooms. If a Commercial Business does not
593 generate any of the materials that would be collected in one type of container, then
594 the business does not have to provide that particular container in all areas where
595 disposal containers are provided for customers. Pursuant to 14 CCR Section
596 18984.9(b), the containers provided by the business shall have either:

597 (1) A body or lid that conforms with the container colors provided through the
598 collection service provided by the city with either lids conforming to the color
599 requirements or bodies conforming to the color requirements or both lids
600 and bodies conforming to color requirements. A Commercial Business is
601 not required to replace functional containers, including containers
602 purchased prior to January 1, 2022, that do not comply with the
603 requirements of the subsection prior to the end of the useful life of those
604 containers, or prior to January 1, 2036, whichever comes first.

605 (2) Container labels that include language or graphic images or both indicating
606 the primary material accepted and the primary materials prohibited in that

607 container or containers with imprinted text or graphic images that indicate
608 the primary materials accepted and primary materials prohibited in the
609 container. Pursuant 14 CCR Section 18984.8, the container labels are
610 required on new containers commencing January 1, 2022.

611 (F) Excluding Multi-Family Residential Dwellings, prohibit employees from placing
612 materials in a container not designated for those materials per the City's Organic
613 Waste, and non-Organic Waste collection service to the extent practical through
614 education, training, inspection, and/or other measures.

615 (G) Excluding Multi-Family Residential Dwellings, periodically inspect Green Container
616 and Black Containers for contamination and inform employees if containers are
617 contaminated and of the requirements to keep contaminants out of those
618 containers pursuant to 14 CCR Section 18984.9(b)(3).

619 (H) Annually provide information to employees, contractors, tenants, and customers
620 about Organic Waste Recovery requirements and about proper sorting of Source
621 Separated Green Container Organic Waste.

622 (I) Provide education information before or within fourteen (14) days of occupation of
623 the premises to new tenants that describes requirements to keep Source
624 Separated Green Container Organic Waste separate from Black Container Waste
625 (when applicable) and the location of containers and the rules governing their use
626 at each property.

627 (J) Provide or arrange access for the city or its agent to their properties during all
628 inspections conducted in accordance with § 50.19 to confirm compliance with the
629 requirements of this Chapter.

630 (K) At Commercial Business' option and subject to any approval required from the City,
631 implement a Remote Monitoring program for inspection of the contents of its Green
632 Containers and Black Containers for the purpose of monitoring the contents of
633 containers to determine appropriate levels of service and to identify Prohibited
634 Container Contaminants. Generators may install Remote Monitoring devices on or
635 in the Green Containers and Black Containers subject to written notification to or
636 approval by the City or its Designee.

637 (L) If a Commercial Business wants to self-haul, meet the Self-Hauler requirements in
638 § 50.12 of this Chapter.

639 (M) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food
640 Generators shall comply with Food Recovery requirements, pursuant to § 50.09.

641 (N) *Frequency of collection.* Collection of refuse shall be made at least once a week
642 from all businesses in the city, but as many times per week as the City Manager
643 may order, from all businesses which generate garbage as defined in this chapter.

644 **§ 50.08 Waivers for Generators.**

645 (A) De Minimis Waivers: The City may waive a Commercial Business' obligation
646 (including Multi-Family Residential Dwellings) to comply with some or all of the
647 Organic Waste requirements of this Chapter if the Commercial Business provides
648 documentation that the business generates below a certain amount of Organic
649 Waste material as described in § 50.08, subdivision (a)(2). Commercial
650 Businesses requesting a de minimis waiver shall:

651 (1) Submit an application specifying the services that they are requesting a
652 waiver from and provide documentation as noted in § 50.08, subdivision
653 (a)(2).

654 (2) Provide documentation that either:

655 (a) The Commercial Business' total Solid Waste collection service is two
656 cubic yards or more per week and Organic Waste subject to
657 collection in a Green Container comprises less than 20 gallons per
658 week per applicable container of the business' total waste; or,

659 (b) The Commercial Business' total Solid Waste collection service is less
660 than two cubic yards per week and Organic Waste subject to
661 collection in a Green Container comprises less than 10 gallons per
662 week per applicable container of the business' total waste.

663 (3) Notify the City within thirty (30) days if circumstances change such that
664 Commercial Business's Organic Waste exceeds threshold required for
665 waiver, in which case waiver will be rescinded.

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

668 (B) Physical Space Waivers: The City may waive a Commercial Business' or property
669 owner's obligations (including Multi-Family Residential Dwellings) to comply with
670 some or all of Organic Waste collection service requirements if the City has
671 evidence from its own staff, a hauler, licensed architect, or licensed engineer
672 demonstrating that the premises lacks adequate space for the collection containers
673 required for compliance with the Organic Waste collection requirements of § 50.06
674 and § 50.07.

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

- 677 (1) Submit an application specifying the type(s) of collection services for which
678 they are requesting a compliance waiver.
- 679 (2) Provide documentation that the premises lacks adequate space for Green
680 Containers including documentation from its hauler, licensed architect,
681 licensed engineer or by verification after a site visit from a city enforcement
682 official.
- 683 (3) Provide written verification to the City that it is still eligible for physical space
684 waiver every five years, if the City has approved application for a physical
685 space waiver.

686 **.§ 50.09 Requirements for Commercial Edible Food Generators.**

- 687 (A) Tier One Commercial Edible Food Generators must comply with the requirements
688 of this Section commencing January 1, 2022, and Tier Two Commercial Edible
689 Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR
690 Section 18991.3.
- 691 (B) Large Venue or Large Event operators not providing food services, but allowing
692 for food to be provided by others, shall require Food Facilities operating at the
693 Large Venue or Large Event to comply with the requirements of this Section,
694 commencing January 1, 2024.
- 695 (C) Commercial Edible Food Generators shall comply with the following requirements:
- 696 (1) Arrange to recover the maximum amount of Edible Food that would
697 otherwise be disposed.
- 698 (2) Contract with or enter into a written agreement with Food Recovery
699 Organizations or Food Recovery Services for: (i) the collection of Edible
700 Food for Food Recovery; or, (ii) acceptance of the Edible Food that the
701 Commercial Edible Food Generator self-hauls to the Food Recovery
702 Organization for Food Recovery.
- 703 (3) Shall not intentionally spoil Edible Food that is capable of being recovered
704 by a Food Recovery Organization or a Food Recovery Service.
- 705 (4) Allow the City's designated enforcement entity or designated third party
706 enforcement entity to access the premises and review records pursuant to
707 14 CCR Section 18991.4.

- 708 (5) Keep records that include the following information, or as otherwise
709 specified in 14 CCR Section 18991.4:
- 710 (a) A list of each Food Recovery Service or organization that collects or
711 receives its Edible Food pursuant to a contract or written agreement
712 established under 14 CCR Section 18991.3(b).
- 713 (b) A copy of all contracts or written agreements established under 14
714 CCR Section 18991.3(b).
- 715 (c) A record of the following information for each of those Food Recovery
716 Services or Food Recovery Organizations:
- 717 (i) The name, address and contact information of the Food
718 Recovery Service or Food Recovery Organization.
- 719 (ii) The types of food that will be collected by or self-hauled to the
720 Food Recovery Service or Food Recovery Organization.
- 721 (iii) The established frequency that food will be collected or self-
722 hauled.
- 723 (iv) The quantity of food, measured in pounds recovered per
724 month, collected or self-hauled to a Food Recovery Service or
725 Food Recovery Organization for Food Recovery.
- 726 (6) No later than April of each year commencing no later than April 2023 for
727 Tier One Commercial Edible Food Generators and April 2025 for Tier Two
728 Commercial Edible Food Generators provide an annual Food Recovery
729 report to the City that includes the information from § 50.09 (C)(5).
- 730 (C) Nothing in this Chapter shall be construed to limit or conflict with the protections
731 provided by the California Good Samaritan Food Donation Act of 2017, the Federal
732 Good Samaritan Act, or share table and school food donation guidance pursuant
733 to Senate Bill 557 of 2017 (approved by the Governor of the State of California on
734 September 25, 2017, which added Article 13 [commencing with Section 49580] to
735 Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend
736 Section 114079 of the Health and Safety Code, relating to food safety, as
737 amended, supplemented, superseded and replaced from time to time).

738 **§ 50.10 Requirements for Food Recovery Organizations and Services, and**
739 **Regional Agencies.**

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

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

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

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

750 (4) The name, address, and contact information for each Food Recovery
751 Organization that the Food Recovery Service transports Edible Food to for
752 Food Recovery.

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

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

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

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

763 (C) Food Recovery Organizations and Food Recovery Services shall inform
764 generators about California and Federal Good Samaritan Food Donation Act
765 protection in written communications, such as in their contract or agreement
766 established under 14 CCR Section 18991.3(b).

767 (D) Food Recovery Organizations and Food Recovery Services that have their primary
768 address physically located in the City and contract with or have written agreements
769 with one or more Commercial Edible Food Generators pursuant to 14 CCR Section
770 18991.3(b) shall report to the City it is located in the total pounds of Edible Food
771 recovered in the previous calendar year from the Tier One and Tier Two

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772 Commercial Edible Food Generators they have established a contract or written
773 agreement with pursuant to 14 CCR Section 18991.3(b) no later than April of each
774 year.

775 (E) Food Recovery Capacity Planning

776 (1) Food Recovery Services and Food Recovery Organizations. In order to
777 support Edible Food Recovery capacity planning assessments or other
778 studies conducted by the County, City, special district that provides solid
779 waste collection services, or its designated entity, Food Recovery Services
780 and Food Recovery Organizations operating in the City shall provide
781 information and consultation to the City, upon request, regarding existing,
782 or proposed new or expanded, Food Recovery capacity that could be
783 accessed by the City and its Commercial Edible Food Generators. A Food
784 Recovery Service or Food Recovery Organization contacted by the City
785 shall respond to such request for information within 60 days, unless a
786 shorter timeframe is otherwise specified by the city.

787 **§ 50.11 Requirements for Haulers and Facility Operators.**

788 (A) Requirements for Haulers

789 (1) Exclusive franchise hauler, non-exclusive franchised haulers, permitted
790 haulers, and licensed haulers providing residential, commercial, or
791 industrial Organic Waste collection services to generators within the City's
792 boundaries shall meet the following requirements and standards as a
793 condition of approval of a contract, agreement, or other authorization with
794 the City to collect Organic Waste:

795 (a) Through written notice to the City annually on or before April 1,
796 identify the facilities to which they will transport Organic Waste
797 including facilities for Source Separated Recyclable Materials, and
798 Source Separated Green Container Organic Waste.

799 (b) Transport Source Separated Recyclable Materials, and Source
800 Separated Green Container Organic Waste to a facility, operation,
801 activity, or property that recovers Organic Waste as defined in 14
802 CCR, Division 7, Chapter 12, Article 2.

803 (c) Obtain approval from the City to haul Organic Waste, unless it is
804 transporting Source Separated Organic Waste to a Community
805 Composting site or lawfully transporting C&D in a manner that
806 complies with 14 CCR Section 18989.1 , and the Riverbank
807 Municipal Code.

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808 (2) Exclusive franchise hauler, non-exclusive franchised haulers, permitted
809 haulers, and licensed haulers authorization to collect Organic Waste shall
810 comply with education, equipment, signage, container labeling, container
811 color, contamination monitoring, reporting, and other requirements
812 contained within its franchise agreement, permit, license, or other
813 agreement entered into with the City.

814 (B) Requirements for Facility Operators and Community Composting Operations

815 (1) Owners of facilities, operations, and activities that recover Organic Waste,
816 including, but not limited to, compost facilities, in-vessel digestion facilities,
817 and publicly-owned treatment works shall, upon the City's request, provide
818 information regarding available and potential new or expanded capacity at
819 their facilities, operations, and activities, including information about
820 throughput and permitted capacity necessary for planning purposes.
821 Entities contacted by the City shall respond within 60 days.

822 (2) Community Composting operators, upon the City's request, shall provide
823 information to the City to support Organic Waste capacity planning,
824 including, but not limited to, an estimate of the amount of Organic Waste
825 anticipated to be handled at the Community Composting operation. Entities
826 contacted by the City shall respond within 60 days.

827 **§ 50.12 Self-Hauler Requirements.**

828 (A) Self-Haulers shall source separate Organic Waste (materials that the City
829 otherwise requires generators to separate for collection in the City's organics and
830 collection program) generated on-site from Solid Waste in a manner consistent
831 with 14 CCR 18984.2, or shall haul Organic Waste to a High Diversion Organic
832 Waste Processing Facility as specified in 14 CCR Section 18984.3.

833 (B) Self-Haulers shall haul their Source Separated Green Container Organic Waste to
834 a Solid Waste facility, operation, activity, or property that processes or recovers
835 Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic
836 Waste to a High Diversion Organic Waste Processing Facility.

837 (C) Self-Haulers that are Commercial Businesses (including Multi-Family Residential
838 Dwellings) shall keep a record of the amount of Organic Waste delivered to each
839 Solid Waste facility, operation, activity, or property that processes or recovers
840 Organic Waste; this record shall be subject to Inspection by the city's enforcement
841 official. The records shall include the following information:

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

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

845 (3) If the material is transported to an entity that does not have scales on-site,
846 or employs scales incapable of weighing the Self-Hauler's vehicle in a
847 manner that allows it to determine the weight of materials received, the Self-
848 Hauler is not required to record the weight of material but shall keep a record
849 of the entities that received the Organic Waste.

850 (D) A residential Organic Waste Generator that self-hauls Organic Waste is not
851 required to record or report information in § 50.012, subdivision (c).

852 **§ 50.13 Anti-Scavenging.**

853 It shall be unlawful for anyone other than the authorized refuse collector to remove
854 any recyclable material placed in a container provided and maintained by the
855 authorized solid waste collector.

856 **§ 50.14 City May Designate Location of Disposal; Franchised Collector to Furnish**
857 **Containers.**

858 (A) The city may, by written notice to the franchised solid waste collector, designate
859 the location, including waste-to-energy facilities, where solid waste from the city
860 shall be delivered for disposal.

861 (B) The franchised solid waste collector shall furnish and maintain all containers at his
862 sole cost and expense. All bins one yard and greater in size located within the
863 public right-of-way shall have reflective tape a minimum of 24 square inches in
864 area placed on the corners of the bin and three feet from the bottom of the bin.

865 **§ 50.15 Rates to Be Charged.**

866 The rates for Solid Waste collection shall be set by resolution of the City Council.

867 **§ 50.16 Payment.**

868 (A) The rates herein provided for shall be payable monthly in advance from the date
869 of issuance of a temporary occupancy permit for each dwelling or structure or from
870 date of occupancy, whichever first occurs.

871 (B) However, rendered bills may be cancelled or adjusted to reflect vacancies of
872 units or structures on the following basis:

873 (1) *Commercial and industrial buildings and single-family residence.* A credit
874 shall be allowed against subsequent billings for each period consisting of
875 not less than a week during which the premises are vacant provided an

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876 affidavit is delivered to the City Clerk within 30 days following the end of
877 the month for which the credit is claimed stating the fact of the vacancy
878 and the period for which it existed.

879 (2) *Multiple dwellings, including duplexes.* A credit shall be allowed against
880 subsequent billings for each period consisting of not less than a week
881 during which all units are vacant, and one-half credit shall be allowed
882 against subsequent billings for each period of not less than a week during
883 which more than half of the units are vacant, provided an affidavit is
884 delivered to the City Clerk within 30 days following the end of the month
885 for which the credit is claimed stating the fact of the vacancy and the
886 period for which it existed.

887 (3) *Credit converted to refund.* In the event there is no subsequent billing, the
888 credit shall be converted to a refund upon filing of an affidavit by the
889 person entitled to the credit with the City Clerk within 30 days following
890 termination of affiant's liability for subsequent billings stating the fact and
891 amount of the entitlement to credit and the facts terminating affiant's
892 liability for subsequent billings.

893 **§ 50.17 Method of Collection of Rates by City.**

894 The following provisions shall be applicable to and determine the method of collection of
895 such solid waste rates by the city:

896 (A) The charge for solid waste service shall be added to the charges for water
897 service and/or sewer service and payment of the total amount must be made in
898 accordance with city rules regulating the payment of water service charges.

899 (B) Delinquent payment of charges for solid waste service shall be treated in the
900 same manner as delinquency for payment of water service charges and/or sewer
901 service charges.

902 (C) All charges for solid waste collection shall be billed to the following persons:

903 (1) In the case of any person whose premises are connected with the
904 municipal water system, then to the person who requested such
905 connection to the municipal water system or his successor in interest, to
906 any person requesting that such bill be charged to him.

907 (2) In the case of any person whose premises are not connected to the
908 municipal water system, then to the person who requested the connection
909 to the sewage system or his successor in interest, or if no such request
910 was made, then to the owner of record of such premises on the date on
911 which such premises are required hereby to commence garbage and trash

912 collection services, or to the successors in interest to such person, or to
913 any person requesting that such bill be charged to him.

914 (D) Each charge for solid waste collection service levied pursuant to this section on
915 any premises within the city is hereby made a lien upon such premises, and any
916 steps authorized by law may be taken by the city to enforce payment of such lien.

917 (E) In each case where a bill for solid waste collection service shall become
918 delinquent, the City Manager shall cause the premises to be disconnected from
919 the municipal water and/or sewage system pursuant to the procedures set forth
920 in §52.66 herein. Whenever premises have been disconnected from either or
921 both the municipal water system and the municipal sewage system for
922 nonpayment of garbage and trash collection charges, such premises shall not be
923 reconnected to either the municipal water system or the municipal sewage
924 system until all delinquent fees, charges and rates have been paid, together with
925 such reasonable charges for reconnection as may be established from time to
926 time by resolution adopted by the City Council.

927 **§ 50.18 Owners; Liability for Payment of Services to Multiple Dwellings.**

928 Owners of multiple dwellings or apartments (two or more families) shall be responsible
929 for the payment of solid waste collection services rendered to premises owned by them,
930 although payments will be accepted from tenants. However, for convenience to the city,
931 persons billed for water service will also be billed for solid waste collection service.

932 **§ 50.19 Inspections and Investigations by City.**

933 (A) The City Manager, or his or her designee, are authorized to conduct Inspections
934 and investigations, at random or otherwise, of any collection container, collection
935 vehicle loads, or transfer, processing, or disposal facility for materials collected
936 from generators, or Source Separated materials to confirm compliance with this
937 Chapter by Organic Waste Generators, Commercial Businesses (including Multi-
938 Family Residential Dwellings), property owners, Commercial Edible Food
939 Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery
940 Organizations, subject to applicable laws. This Section does not allow the City to
941 enter the interior of a private residential property for inspection.

942 (B) A Person shall provide or arrange for access during all inspections (with the
943 exception of residential property interiors) and shall cooperate with the City
944 Manager, or his or designee, during such Inspections and investigations. Such
945 inspections and investigations may include confirmation of proper placement of
946 materials in containers, Edible Food Recovery activities, records, or any other
947 requirement of this Chapter described herein. Failure to provide or arrange for: (i)

948 access to an entity's premises; or (ii) access to records for any Inspection or
949 investigation is a violation of this Chapter and may result in penalties described.

950 (C) Any records obtained by the City Manager, or his or designee, during its
951 inspections, and other reviews, shall be subject to the requirements and applicable
952 disclosure exemptions of the Public Records Act as set forth in Government Code
953 Section 6250 et seq.

954 (D) The City Manager, or his or her designee, are authorized to conduct any
955 inspections, or other investigations as reasonably necessary to further the goals
956 of this Chapter, subject to applicable laws.

957 (E) The City shall receive written complaints from persons regarding an entity that may
958 be potentially non-compliant with SB 1383 Regulations, including receipt of
959 anonymous complaints.

960 **§ 50.20 Enforcement.**

961 (A) The City Manager, or his or her designee, shall enforce the provisions of this
962 Chapter, subject to the approval of the City Council, and shall have the power to
963 establish rules and regulations, consistent with the provisions of this Chapter,
964 governing the keeping, collection, removal and disposal of Solid Waste.

965 (B) Violation of any provision of this Chapter shall constitute an infraction and will be
966 grounds for issuance of a Notice of Violation and assessment of a fine by a City
967 Manager, or his or her designee. . Absent compliance by the respondent within
968 the deadline set forth in the Notice of Violation, the City Manager or designated
969 enforcement agency shall commence an action to impose penalties, pursuant to
970 the City's standard procedures or the standard procedures.

971 (C) A violation may be punishable by:

972 (1) A fine of one hundred dollars for a first violation;

973
974 (2) A fine of two hundred dollars for a second violation of the same provision
975 of this code within any twelve consecutive month period;

976
977 (3) A fine of five hundred dollars for each additional violation of the same
978 provision of this code within any twelve consecutive-month period. Any
979 violation after the third violation of the same provision of this Chapter within
980 any twelve consecutive-month period may be charged so each day that a
981 violation of this Chapter continues shall constitute a separate and distinct
982 offense.
983

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

990
991 (E) Compliance Deadline Extension Considerations

992 The City may extend the compliance deadlines set forth in a Notice of Violation
993 issued in accordance with this Section if it finds that there are extenuating
994 circumstances beyond the control of the respondent that make compliance within
995 the deadlines impracticable, including the following:

996 (1) Acts of God such as earthquakes, wildfires, flooding, and other
997 emergencies or natural disasters;

998 (2) Delays in obtaining discretionary permits or other government agency
999 approvals; or,

1000 (3) Deficiencies in Organic Waste recycling infrastructure or Edible Food
1001 Recovery capacity and the city is under a corrective action plan with
1002 CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

1003 (F) Appeals Process

1004 Persons assessed a penalty for an uncorrected violation may request a hearing to
1005 appeal the citation within thirty (30) days of the assessment of the penalty by filing
1006 a notice of appeal with the City Clerk. Evidence may be presented at the hearing.
1007 The City will appoint a hearing officer who shall conduct the hearing and issue a
1008 final written order. The hearing shall be conducted in accordance with City's
1009 procedure.

1011 **SECTION 2.** If any section, subsection, sentence, clause, phrase, or word of this
1012 Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional
1013 or invalid for any reason, such decision shall not affect the validity of the remaining
1014 portions of the Ordinance. The City Council of the City of Riverbank hereby declares that
1015 it would have passed this Ordinance and each section, subsection, sentence, clause,
1016 phrase, and word thereof, irrespective of the fact that any one or more section(s),
1017 subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

1018 **SECTION 3.** This Ordinance shall become effective thirty (30) days from and after its
1019 final passage and adoption, and publication of the Ordinance shall occur in a newspaper
1020 of general circulation at least fifteen (15) days prior to its effective date, or a summary of

1021 the Ordinance published in a newspaper of general circulation at least five (5) days prior
1022 to adoption and again at least fifteen (15) days prior to its effective date.

1023 The foregoing ordinance was given its first reading and introduced by title only at a regular
1024 meeting of the City Council of the City of Riverbank held on the 22nd day of March, 2022.
1025 Said Ordinance was given a second reading by title only and adopted.
1026

1027 **PASSED, APPROVED AND ADOPTED** by the City Council of the City of Riverbank at a
1028 regular meeting on the 12th day of April, 2022; motioned by Councilmember District 1
1029 Luis Uribe, seconded by Councilmember District 4 Darlene Barber-Martinez, by a City
1030 Council roll call vote of 4/0:

1031
1032 **AYES:** Councilmember District 1 Luis Uribe
1033 Councilmember District 4 Darlene Barber-Martinez
1034 Councilmember District 2 Rachel Hernandez
1035 Vice Mayor (CM-D3) Cal Campbell
1036

1037 **NAYS:** None
1038

1039 **ABSENT:** Mayor Richard D. O'Brien
1040

1041 **ABSTAINED:** None
1042

1043 **ATTEST:** **APPROVED:**
1044

1045  
1046 _____
1047 **Kathy L. Teixeira** **Cal Campbell**
1048 **Interim City Clerk** **Vice Mayor (CM-D3)**
1049

1050 **APPROVED AS TO FORM:**
1051

1052 
1053 _____
1054 **Tom P. Hallinan**
1055 **City Attorney**
1056