

ORDINANCE NO. 1560
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING
SOLID WASTE MANAGEMENT PROVISIONS OF THE ARCATA MUNICIPAL
CODE TO INCORPORATE MANDATORY ORGANIC WASTE DISPOSAL
REDUCTION REQUIREMENTS

The City Council of the City of Arcata does hereby ordain as follows:

Section 1. Chapter 3, Solid Waste Management, of Title V, Sanitization and Health, Sections 5400 - 5475, is hereby repealed in its entirety and replaced with the following:

TITLE V—SANITATION & HEALTH
CHAPTER 3—SOLID WASTE MANAGEMENT
ARTICLE 1 – GENERAL PROVISIONS

SEC. 5400. Findings and Purposes.

The City finds and determines:

- A. State recycling law adopted in 1989 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 (Assembly Bill 939, the California Integrated Waste Management Act of 1989, Public Resources Code Sections 40000, et seq.). In compliance with this law, Arcata adopted a Source Reduction and Recycling Element and Household Hazardous Waste Element in 1992.
- B. State recycling law adopted in 2011 places requirements on businesses and multi-family property owners that generate a specified threshold amount of solid waste to arrange for recycling service and requires jurisdictions to implement a mandatory commercial recycling program (Assembly Bill 341, Public Resources Code Sections 40004, 41730 - 41736, 41780.01, 41800, 42926, and 42649 et seq.). In compliance with this law, Arcata adopted a mandatory curbside solid waste and recycling program for all residents and businesses in 2009 and adopted a Zero Waste Plan in 2017.
- C. State organics recycling law adopted in 2016 establishes statewide organic waste disposal reduction targets of 50 percent by 2020 and 75 percent by 2025, based on 2014 organics waste disposal baselines, and directed the California Department of Resources Recycling and Recovery (CalRecycle) to develop regulations to reduce organic materials in landfills as a source of methane (Senate Bill 1383, the Short-lived Climate Pollutant Reduction Act of 2016, “SB 1383”), Health and Safety Code Sections 39730.5 - 39730.8, and 42652 et. seq). The CalRecycle regulations implementing SB 1383 place requirements on multiple parties, including counties, cities, residential households, commercial businesses, commercial edible food

generators, haulers, self-haulers, food recovery organizations and services, and community composting organizations to support achievement of statewide organic waste disposal reduction targets.

- D. In furtherance of the food recovery objectives of the laws noted above and to reduce legal risks associated with food recovery, the California Good Samaritan Food Donation Act of 2017 was adopted to provide additional protections for entities that donate and distribute food for human consumption (Assembly Bill 1219, Civil Code Section 1714.25, Food and Agricultural Code Section 58502, and Health and Safety Code Sections 114432 - 114435).
- E. The CalRecycle SB 1383 regulations require jurisdictions to adopt and enforce an ordinance or other enforceable mechanism to implement relevant provisions of the SB 1383 regulations concerning regulation of organic waste collection services, generators of organic waste, waste haulers, and generators and processors of edible food, together with enforcement mechanisms and administrative civil penalties for violations of local regulations.
- F. The City adopts this Ordinance in order to comply with SB 1383 requirements in a manner that is consistent with and continues to implement the City's previously adopted programs, policies and goals including the following:
 - 1. To continue a cost-effective curbside collection program of solid waste and recyclable materials, in order to maximize the diversion of recyclable materials from landfill disposal, which will now include food waste, green waste, and other organic materials.
 - 2. To continue to provide an enforcement mechanism to ensure that residential properties, businesses, commercial and non-residential properties, and multifamily dwellings provide for the proper storage and curbside collection of solid waste and recyclable materials, including the proper storage and collection of food waste, green waste and other organic materials.
 - 3. To continue to maintain a funding stream to create and improve programs to help achieve the Council's goals of zero waste and greenhouse gas reduction.
 - 4. To continue to protect the public health, safety, and welfare of the City by reducing or eliminating health hazards, fire hazards, offensive odors, and unsightly litter attributable to accumulations of solid waste.

SEC. 5401. Exclusive Rights of City, City Responsibility.

The City maintains exclusive authority to manage and regulate Solid Waste, including but not limited to regulations regarding the storage, collection, transportation, processing and disposal of Solid Waste. Such authority includes the right to determine the methods by which such regulation occurs, for example, through contract, permit, franchise, or another method. The

City may enter into exclusive or non-exclusive contracts or franchises for the collection and transportation of Solid Waste, including Recyclable Materials and Organic Waste. No person, entity, organization or firm is authorized to collect such Solid Waste without authorization or permission from the City. Nothing in this Chapter shall be construed as restricting or interfering with a Generator's right to transport Recyclable Materials not regulated in this Chapter produced by such person or on such person's premises to a recycling facility, provided that transportation occurs in accordance with the provisions of this Chapter. Further, nothing in this Chapter shall be construed as restricting or interfering with a Generator engaging in the backyard Composting of Organic Waste, the Self-Hauling of Organic Waste in excess of collection container capacity, or a Generator's use of a Community Compost Operator, provided such activities are carried out in compliance with the Chapter and State and local law and regulation.

SEC. 5402. Duty to Assure Removal of Solid Waste.

Every Generator of Solid Waste has the duty to provide, as herein required, for the storage, removal, and/or Composting, or Recycling of all Solid Waste materials produced on the premises occupied by them in compliance with the provisions of this Chapter where applicable, and in a manner that does not create a public nuisance or health hazard.

SEC. 5403. Definitions.

Unless the context requires otherwise, the definitions in this Section govern the construction of this Chapter. A term not defined in this Chapter shall have the meaning defined by State law and regulation. If term defined herein differs from an applicable definition in State law or regulation, the definition in State law or regulation shall apply. The definition of a word applies to any of that word's variants.

- A. "Authorized Collection Contractor" means any person or entity that the City has authorized to collect Solid Waste or Recyclable materials in the City pursuant to franchise, contract, or permit granted in accordance with the provisions of this Chapter.
- B. "Authorized Recycling Collection Contractor" means any person or entity that the City has authorized to collect Recyclable Materials in the City pursuant to franchise, contract or permit granted in accordance with the provisions of this Chapter.
- C. "Authorized Solid Waste Collection Contractor" means any person or entity that the City has authorized to collect Solid Waste for Landfill Disposal in the City pursuant to franchise, contract or permit granted in accordance with the provisions of this Chapter.
- D. "Commercial Business," means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling. A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of this Chapter.
- E. "Commercial Edible Food Generator" includes a Tier One, or a Tier Two Commercial Edible Food Generator as defined herein. For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food

Generators.

- F. “Commercial Facility” means facilities that are not residential, including but not limited to, commercial facilities, restaurants, retail facilities, offices, manufacturing or industrial facilities, markets, office buildings, hotels, motels, shopping centers, and theaters located within the boundaries of the City.
- G. “Community Composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet.
- H. “Community Composting Operator” means any for profit or nonprofit entity that offers hauling and collection of Food Waste for the purpose of Community Composting. A Community Composting Operator may charge Generators a fee for providing services.
- I. “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), which means the product resulting from the controlled biological decomposition of organic Solid Waste that is Source Separated from the municipal Solid Waste stream, or which is separated at a centralized facility.
- J. “Compost Container” has the same meaning as “Green Container” in 14 CCR Section 18982(a)(29) and shall be used for the purpose of storage and collection of Source Separated Compost Container Organic Waste.
- K. “Compostable” means Solid Waste materials capable of being processed into Compost. Compostable materials include, but are not limited to, Food Waste, green waste, and wood waste, provided such materials are not Hazardous Wastes.
- L. “Compostable Plastics” or “Compostable Plastic” means plastic materials that meet the ASTM D6400 standard for compostability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).
- M. “Customer” means a natural person, business or entity who has signed up to receive collection services by the Authorized Solid Waste or Recyclable Materials Collection Contractor.
- N. “Designated Recyclable Materials” means Recyclable Materials designated by the Director as subject to mandatory curbside collection.
- O. “Director” means the Director of Environmental Services for the City.
- P. “Drop-off Center” means a location designated by the Director where residents may leave Recyclable Materials without receiving payment for such Recyclable Materials.
- Q. “Edible Food” means food intended for human consumption. For the purposes of this

Ordinance, “Edible Food” is not Solid Waste if it is recovered and not discarded. Nothing in this Ordinance requires or authorizes the recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code, Health and Safety Code Sections 113700, et seq.

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

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

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this Chapter.

S. “Food Recovery Service” means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery. A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this Chapter.

T. “Food Scraps” means all edible or inedible food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, coffee grounds, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.

U. “Food-Soiled Paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, napkins, and pizza boxes, and is approved by the Director for placement in the Compost Container.

V. “Food Waste” means Food Scraps, Food-Soiled Paper, and Compostable Plastics in combination or separately.

W. “Generator” means any person, firm, or entity that generates Solid Waste.

X. “Hazardous Waste” means a waste defined as a "hazardous waste" pursuant to Public Resources Code Section 40141, or a combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may do either of the following:

1. Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

2. Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Unless expressly provided otherwise, "Hazardous Waste" includes extremely hazardous waste and acutely hazardous waste.

- K. "Household Hazardous Waste" means Hazardous Waste commonly occurring in households, including but not limited to motor oils, latex paints, solvents or oil-based paints, batteries, pesticides and cleansers.
- L. "Landfill Container" has the same meaning as "Gray Container" in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of Landfill Container Waste.
- M. "Landfill Disposal Facility" means any state permitted facility or location where landfill disposal of Solid Waste occurs or where Solid Waste for Landfill Disposal may be deposited and includes a transfer station where Solid Waste is consolidated and transferred to vehicles for transportation to a disposal facility.
- N. "Landfill Container Waste" means Solid Waste that is collected in a Landfill Container.
- O. "Large Event" means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by the City, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, street system, or other open space when being used for an event.
- P. "Large Venue" means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation. For purposes of this Chapter, a Large Venue includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, performing arts center, theater, or other public attraction facility.
- Q. "Multi-Family Residential Dwelling," or "Multi-Family," means residential premises, with five (5) or more residential units, irrespective of whether residents therein are temporary or permanent. Multi-Family Residential Dwellings do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.
- R. "Non-Organic Recyclables" means non-putrescible and non-hazardous Recyclable Materials including but not limited to bottles, cans, metals, plastics and glass.
- S. "Organic Waste" means Solid Waste containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges. Biosolids and digestate are as defined by 14 CCR Section 18982(a).

- T. “Recyclable Materials” means materials that have been Source Separated from the Solid Waste stream prior to disposal and returning them for use or reuse in the form of raw materials for new, used or reconstituted products in the market place and that are not land-filled. Recyclable Materials include any materials identified by the Director for which a market exists, including but not limited to: plastic bottles and jars, paper, cardboard, glass, newspaper, metal containers, cans, as well as Compostable materials such as green waste, yard waste or food waste.
- U. “Recycle” or “Recycling” means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise be disposed of, and returning them to the economic mainstream in the form of raw material for new, re-used, or reconstituted products which meet the quality standards necessary to be used in the market place.
- V. “Recycling Container” has the same meaning as “Blue Container” in 14 CCR Section 18982(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials and Source Separated Recycling Container Organic Waste.
- W. “Recycling Facility” means a facility permitted by the City to recycle Solid Waste material. A recycling facility may pay or offer redemption for Recyclable Materials to persons or Authorized Recycling Collection Contractors who bring Recyclable Materials to such recycling facility.
- X. “Self-Hauler” means a Generator who hauls Solid Waste, Organic Waste or Recyclable Material it has generated to another person, firm, entity or Community Compost Operator for disposition as allowed by the City and otherwise in accordance with all applicable laws.
- Y. “Single-Family Unit” means premises used for or designated as a single-family residential dwelling, irrespective of whether residents therein are transient, temporary, or permanent.
- Z. “Solid Waste,” is defined in Public Resources Code Section 40191 and means: all putrescible and non-putrescible solid, semi-solid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, de-watered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid or semi-solid wastes, yard waste and other discarded solid and semi-solid wastes, with the exception that Solid Waste does not include any of the following wastes:
1. Radioactive waste regulated pursuant to Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code.
 2. Medical waste regulated pursuant to the Medical Waste Management Act, Part 14

(commencing with Section 117600) of Division 104 of the Health and Safety Code. Untreated medical waste shall not be disposed of at a Solid Waste Landfill Disposal Facility. Medical waste that has been treated and which is deemed to be Solid Waste shall be regulated pursuant to Division 30 of the Public Resources Code.

3. Hazardous or Household Hazardous Waste.

- AA. "Solid Waste Collection Services" means services provided by an Authorized Solid Waste Collection Contractor for the collection of Solid Waste for Landfill Disposal.
- BB. "Solid Waste for Landfill Disposal" means Solid Waste material intended by the Generator for landfill disposal.
- CC. "Source Separated," or "Source Separate" means materials, including commingled Recyclable Materials, that have been separated or kept separate from the Solid Waste stream at the point of generation for the purpose of additional sorting or processing for Recycling or reuse. For the purposes of this Chapter, Source Separated shall include separation of materials by the Generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source Separated materials are separated from Solid Waste for Landfill Disposal or other Solid Waste for purposes of collection and processing.
- DD. "Source Separated Compost Container Organic Waste" means Source Separated Organic Waste that is placed into a Compost Container intended by the Generator for separate collection as Organic Waste. Source Separated Compost Container Organic Waste excludes Source Separated Recycling Container Organic Waste, carpets, textiles, and non-compostable paper such as paper that is coated, lined or treated with a non-compostable material or which is otherwise unacceptable to the facility processing the Compost material.
- EE. "Source Separated Recycling Container Organic Waste" means Source Separated Organic Waste placed into a Recycling Container intended by the Generator for separate collection as Recyclable Materials. Source Separated Recycling Container Organic Waste is limited to the collection of those Organic Wastes capable of being Recycled including non-organic recyclables such as unsoiled Paper Products and Printing and Writing Paper.
- FF. "Special Waste" means non-rotting Solid Waste material from dwelling units, institutional, commercial, industrial, or agricultural establishments that requires special collection, handling, treatment, and/or disposal techniques or permit changes for disposal.
- GG. "Tier One Commercial Edible Food Generator," or "Tier One," means a Commercial Edible Food Generator that is one of the following:

1. Supermarket. For purposes herein, a “Supermarket” is a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000) or more, and which sells dry grocery, canned goods or nonfood items and some perishable items.
2. Grocery Store with a total facility size equal to or greater than 10,000 square feet. For purposes herein, a “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish and poultry; and any area that is not separately owned within the store where food is prepared and served, including bakery, deli, and meat or seafood departments.
3. Food Service Provider. For purposes herein, a “Food Service Provider” means an entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements.
4. Food Distributor. For purposes herein, a “Food Distributor” means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores.

HH. “Tier Two Commercial Edible Food Generator,” or “Two Tier,” means a Commercial Edible Food Generator that is one of the following:

1. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
2. Hotel with an on-site Food Facility and 200 or more rooms.
3. Health facility with an on-site Food Facility and 100 or more beds.
4. Large Venue.
5. Large Event.

ARTICLE 2 -- COLLECTION SERVICES

SEC. 5410. Mandatory Collection Service.

- A. Use of City’s Authorized Collection Contractor Required. Subscription to mandatory collection service is required for all Solid Waste for Landfill Disposal, Designated Recyclable Materials, Organic Waste, and such other materials as designated by the City, which is generated on all occupied properties within the City as further specified in this Chapter. The owner of each parcel subject to this Section shall be responsible

for entering into a collection service agreement with an Authorized Collection Contractor. Nothing herein is intended to prevent the property owner from allowing a tenant to obtain the collection services, and make payments therefor. However, such arrangement will not affect the property owner's obligation to the City or to the Authorized Collection Contractor for payment for such service.

- B. Phase-In of Mandatory Programs. At the City Manager's discretion, implementation of mandatory collection programs of different materials may occur in phases. The property owner of each occupied premise, whether residential, commercial, or industrial, shall enter into a collection service agreement within the time specified in written notification from the City Manager. Mandatory collection service shall be required as the service for the material becomes available to each affected property.
- C. Failure to Subscribe. If the City Manager has reason to believe that any person required to subscribe for collection services has failed to subscribe or failed to maintain a subscription for any required service, the City Manager may cause written notice to be mailed to the owner of the real property so affected directing the owner to subscribe for such service within ten (10) days after the date of the notice. Any such notice shall state that if the person to whom it is directed fails within the ten-day period to subscribe for collection service or fails to appear and show cause why such person should not be required to subscribe, the City Manager may authorize collection service at the level appropriate for the occupancy and use of the property, and the charges will be assessed against the real property to which the service is provided. After notice and a public hearing, unpaid delinquent accounts may be confirmed by the City Council, and the amount confirmed shall constitute a lien on the property. The lien shall continue until the amount of the charges and interest is paid in full or discharged.
- D. Waivers. Any property owner or tenant who believes that they should be excluded from mandatory collection requirements may arrange to appear before the Director at a time specified, to show cause as to why they should be excluded. Any waiver granted by the Director is revocable for cause, as determined by the Director. Waivers may be granted on conditions as deemed necessary by the Director to ensure continuing eligibility. Violations of such conditions may result in the revocation of the waiver. The Director may waive mandatory requirements only if the Director is able to find at least one of the following conditions or circumstances exists:
1. Uninhabited. That the property is unimproved or uninhabitable.
 2. Vacancy. That a Single-Family residential unit or other structure on the property is vacant or temporarily unoccupied for a period in excess of four (4) months.
 3. Parcel-specific Conditions. That unique parcel-specific conditions exist which prevent that parcel from being serviced by the Authorized Collection Contractor, and the property owner or tenant self-hauls Solid Waste for Landfill Disposal to a Designated Transfer Facility, and reuses, recycles or composts Recyclable

Materials. Parcel-specific conditions include, but are not limited to, properties with narrow, steep driveways or access over which the Collection Contractor may not safely travel. A waiver under this provision is subject to confirmation by the Authorized Collection Contractor.

4. Physical Space Waivers. That the lack of adequate space exists on the premises for the required Recycling Containers and/or Compost Containers. A waiver under this provision is subject to confirmation by the Authorized Collection Contractor that such parcel-specific conditions prevent collection services.
5. Application. A person or Commercial Business that requests a waiver shall:
 - a. Submit an application to the Director specifying the service or requirements for which it is requesting a waiver.
 - b. Provide documentation to support the requested waiver.
 - c. If the waiver is granted, promptly notify the Director if the circumstances for which the waiver was granted change, in which case the waiver may be rescinded.
6. Self-Haulers.
 - a. A Generator may self-haul Solid Waste for Landfill Disposal that is generated on-site to a facility approved by the City.
 - b. A Generator may self-haul their Source Separated Recyclable Materials to a facility that recovers those materials.
 - c. A Generator may self-haul their Source Separated Compost Container Organic Waste to a facility that processes or recovers Source Separated Organic Waste and is approved by the City.
 - d. A Self-Hauling Generator shall not be relieved of the obligation to subscribe to mandatory collection services solely because the Generator Self-Hauls.

SEC. 5411. Collection Containers.

- A. Containers, All Collections. All Solid Waste for Landfill Disposal, Organic Waste and Recyclable Materials for collection shall be placed in the appropriate containers and at the location designated by the Director. Containers shall be maintained at all times in good repair and in a clean, neat and sanitary condition. Containers shall be kept covered at all times except when depositing or removing Solid Waste, Organic Waste, or Recyclable Materials. Containers shall be stored on private property unless the owner has been granted written permission by the City to use public property for such purposes.

- B. Source Separation Required. Each Generator shall Source Separate Designated Recyclable Materials and Organic Waste and place the materials into the appropriate container provided for collection. Source Separated material shall not be placed into any Collection Container other than the Collection Container intended for such Source Separated materials.
- C. Containers, Mandatory Collection. The Authorized Collection Contractor shall provide each Customer, without expense to the City or Customer, a sufficient number of adequate containers for storage and collection of all Solid Waste for Landfill Disposal, Organic Waste, and Designated Recyclable Materials, based on the subscribed level of service. The cost of replacing containers due to the Customer's negligent or intentional actions may be charged to the Customer. The weight of any individual Solid Waste container and contents when such container is filled to within four inches of the top shall not exceed 1.25 pounds per gallon. Customers may be charged a refundable deposit for containers.
- D. Storage, General. The area used for storage of any Solid Waste, Organic Waste, and Recyclable Material shall be maintained at all times in a clean, neat and sanitary condition, in such a manner that does not create a health or safety hazard, and does not litter public or private property, including the premises of the Generator. Solid Waste, Organic Waste, and Recyclable Material may not be stored on or in front of any premise in an unsightly manner. The Director may establish additional container and/or storage requirements as needed to maintain the public health and safety.
- E. Use of Unauthorized Containers. Each use of a Landfill Container, Recycling Container, or Compost Container other than that provided by the Authorized Collection Contractor, and each use of such Container which does not meet the weight limitations, shall constitute a separate and distinct offense punishable as provided in this Chapter. In all situations of non-conforming containers, a warning notice shall be mailed to the Customer and/or property owner advising of applicable provisions of this Chapter.

SEC. 5412. Collection Requirements, General.

- A. Point of Collection. The Director may specify the placement of Landfill Containers, Recycling Containers, and Compost Containers on the curb or alley, and may also specify the size, type, or kind of Container for collection. When space restraints exist, the Director may require Customers to utilize combined collection containers. It shall be presumed that materials placed in specified collection containers at a point of collection in accordance with this Chapter are to be collected by an Authorized Collection Contractor.
- B. Collection Intervals. Solid Waste for Landfill Disposal shall be collected weekly, monthly, bi-monthly or more frequently as determined necessary by the Director to protect the public health and safety. Organic Waste and Recyclable Materials shall be

collected at frequencies established by the City in the collections service contract or franchise agreement.

- C. Time Limit on Container Placement at Curb. Landfill Containers, Recycling Containers, and Compost Containers placed on the curb for collection shall be placed not more than twelve (12) hours prior to the collection date and shall be removed not more than twelve (12) hours subsequent to the collection date.
- D. Authority To Enter Upon Private Property. The City, its employees, and Authorized Collection Contractors are authorized to enter upon and/or across private property for the sole purpose of collecting Solid Waste, Recyclable Materials, and Organic Waste as required by this Chapter. Authorized Collection Contractors shall not enter dwelling units or other residential buildings for collection purposes. Owners of Commercial Business premises may provide written permission for an Authorized Collection Contractor to enter such premises for collection purposes.
- E. Responsibilities at Point of Collection.
 - 1. Authorized Collection Contractors shall be responsible for the collection of Solid Waste, Organic Waste, and Recyclable Materials from the point of collection to the transportation vehicle provided that Solid Waste and Recyclable Materials are placed in containers as required by this Chapter. Any spillage or blowing litter occurring prior to the arrival of Authorized Solid Waste Collection Contractor at the point of collection shall be collected and cleaned up by the Generator of such Solid Waste. Any spillage or blowing litter caused as a result of the Authorized Solid Waste Collection Contractor shall be collected and cleaned up by the Solid Waste Collection Contractor.
 - 2. Authorized Collection Contractors shall not be required to reach into containers to remove any contents.
 - 3. Containers emptied by Authorized Collection Contractors shall be returned to the point of collection.
- F. Special Collections. The Director may require an Authorized Collection Contractor to make collections in addition to those ordinarily scheduled, when necessary, to protect the public health and safety. Fees for such special collections shall be established by resolution of the City Council.
- G. Vehicle Standards. Vehicles used by Authorized Collection Contractors to transport Solid Waste for Landfill Disposal, Organic Waste, or Recyclable Materials shall be maintained in a safe, clean, and sanitary condition, and shall be constructed, maintained, and operated to prevent litter spillage, leakage, emission of offensive odors, or creation of a health or safety hazard.
- H. Liability Insurance. No contracts or franchises for Solid Waste, Organic Waste, or

Recyclable Materials collection services shall be entered into by the City until and unless the prospective contractor or franchiser shall procure and maintain for the duration of the contract or franchise, workers' compensation insurance and insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work thereunder by the contractor or franchiser, its agents, representatives, employees or subcontractors. Coverages, minimum limits of insurance, deductibles, self-insured retentions, as well as all other insurance provisions, shall be in a form and amount satisfactory to the City. Persons applying for permits for Solid Waste collection services may be required to procure and maintain liability insurance as deemed appropriate by the City.

SEC. 5413. Ownership of Solid Waste and Source Separated Materials.

- A. Solid Waste. Solid Waste for Landfill Disposal shall remain the property of the Generator even after such Solid Waste is placed at a point of collection or into a bulk container for collection or is deposited in violation this Chapter. The Generator of Solid Waste shall retain ownership of such Solid Waste even after its collection.
- B. Source Separated Materials. Source Separated Materials placed on the curb for collection shall become the property of the Authorized Collection Contractor or of the City, as set forth in the collection agreement for entered into by the City and such contractor.
- C. Self-Haul of Own Materials. Nothing in this Chapter limits the right of any person to donate, sell or otherwise dispose of his or her Source Separated Recyclable Materials or Organic Waste generated in excess of the Compost Container capacity. Self-hauling of excess Organic Waste shall be in compliance with this Chapter. The transportation of any such Materials shall occur in a manner that does not create any litter spillage, leakage, emission of offensive odors, or creation of a health or safety hazard.

SEC. 5414. Processing and Disposal of Solid Waste, Recyclable Materials, Organic Waste.

- A. Processing and Disposal at Approved Sites Only. All Solid Waste shall be deposited at a processing facility or disposal area designated by the City, approved by the State and in compliance with all relevant requirements of local, state, and federal laws and regulations. Authorized Collection Contractors shall transport collected Solid Waste, Organic Waste and Recyclable Materials to facilities as specified in the collection agreement entered into by the City and such contractor or permit issued by the City.
- B. Unlawful Disposal. It shall be unlawful for any person to throw or deposit any Solid Waste, Organic Waste, or Recyclable Materials, or to cause the same to be thrown or deposited, in or upon any street, alley, gutter, park, body of water or other public property, or upon any private property. It shall be unlawful for any person to place

Solid Waste, Organic Waste, or Recyclable Materials into any collection container without authorization from the City or Customer having possession of such container.

- C. Placement in City Waste Containers Prohibited. City Solid Waste and Recyclable Material containers are placed in City parks and other public areas for the use by the public to control trash, litter and garbage generated at their respective locations. Such containers are not to be used as disposal sites for trash or rubbish which is generated off site. It is unlawful for any person to place, dump, deposit or throw away Solid Waste, Recyclable Material, yard waste, or other refuse or debris of any kind or character whatsoever in City Solid Waste containers if such was generated at a location other than where the waste container is located.

SEC. 5415. Hazardous Waste.

- A. Hazardous Waste Segregation; Disposal. All Generators of hazardous waste shall segregate such hazardous waste from all other Solid Waste.
- B. Hazardous Waste Disposal. No person, entity or firm may knowingly cause or permit hazardous waste to be collected or transported to a Landfill Disposal Facility, except in accordance with State and Federal law.
- C. Violations. Any person, entity or firm found in violation of this section shall be guilty of a misdemeanor. Any and each such placement of hazardous materials shall constitute a separate and distinct offense.

SEC. 5416. Other Solid Waste Materials.

- A. Collection of Other Solid Waste, Organic materials, and Recyclable Materials. The City may enter into exclusive and non-exclusive contracts or franchise agreements, or issue permits for collection services of non-Designated Recyclable Materials, including but not limited to collection of such items as green waste, bulky goods, and Food Waste, in which case the applicable provisions of this Chapter shall apply.
- B. Grading, Demolition, and Construction (C&D) Waste. Grading, demolition and construction (C&D) waste shall be confined to the property on which grading, demolition or construction occurs, and shall be removed by the owner or his agents immediately after such demolition or construction is completed. Transportation and Disposal of C&D material shall be in compliance with this Chapter and applicable State and local law.
- C. Special Waste. Special wastes shall be confined to the property upon which they originate in such a manner that does not create a health or safety hazard. No items of special wastes shall be stored on or in front of any premises in an unsightly manner. The collection and/or transportation of special wastes to a disposal or processing facility shall be the responsibility of the Generator of said special wastes, and such collection and/or transportation shall occur in a timely fashion.

- D. Green Waste. Tree limbs, brush, and other yard waste which cannot be composted, shall be confined to the property upon which it originates in such a manner that does not create a health or safety hazard. The Generator of such green waste shall be responsible for making prompt arrangements to have such green waste collected and transported to a disposal or processing facility in a timely fashion.
- E. Abandoned Solid Waste. When the generator of Solid Waste cannot be located or identified, the owner of the premises or property on which such Solid Waste is found shall be responsible for the storage, collection, and/or processing of such Solid Waste materials in accordance with this Chapter.
- F. Drop-off Centers. The City may permit Drop-off Centers to receive self-haul Recyclable Materials not otherwise subject to mandatory collection requirements (including California Redemption Value products) of this Chapter, and receive Recyclable Materials from an Authorized Collection Contractor for processing. A Drop-off Center may not operate without authorization from the City. All such Drop-off Centers must be operated in compliance with applicable state law and City regulations, and be operated in a neat and clean manner that does not create a public health or nuisance hazard.

SEC. 5417. Additional Prohibited Acts.

- A. Unauthorized Collection Prohibited. It shall be unlawful for any person other than the Generator or an Authorized Solid Waste or Recycling Collection Contractor to remove Solid Waste or Recyclable Materials which have been placed on a curb or alley for collection.
- B. Placement of Unauthorized Materials. It shall be unlawful for any person to place any object or item of any kind or character except the authorized Solid Waste or Recyclable Materials on a curb or alley for collection by an Authorized Solid Waste or Recycling Collection Contractor.
- C. Interference. It shall be unlawful for any person to interfere in any manner with Solid Waste collection equipment or Solid Waste Collection Contractors in the lawful performance of their duties as such, whether such equipment or collectors are those of the City or of an Authorized Solid Waste Collection Contractor.
- D. Burning. It shall be unlawful for any person to burn Solid Waste except in accordance with all applicable federal, state and local laws.
- E. Accumulation of Materials Constituting a Hazard. It shall be unlawful for any person to create or allow to be created or maintained upon any premises owned, occupied or managed by such person any accumulation of materials that are dangerous as a fire menace or hazard to the public health, safety and welfare.

SEC. 5418. Survey Requirements.

- A. Solid Waste Survey. When requested by the Director, all Generators of Solid Waste, whether private, commercial, agricultural, industrial, or institutional shall submit information on the nature and character of their Solid Waste production and its disposal or processing by completing a Solid Waste survey. The Director shall prepare a form for this purpose and may periodically require Generators to update the survey. The purpose of the survey is to enable the City to comply with requirements of state recycling law.
- B. Confidential Information. Information and data provided on a Solid Waste survey shall be available to the public, unless the Generator is able to demonstrate to the satisfaction of the Director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law, or would otherwise subject the Generator to an unreasonable invasion of privacy.

ARTICLE 3. ORGANIC WASTE DIVERSION

SEC. 5420. Requirements for Single-Family Generators.

- A. Single-Family Generators shall comply with all of the following:
 - 1. Subscribed to the collection service(s) approved by the City for Compost Containers, Recycling Containers, and Landfill Containers. The City shall have the right to review the number and size of a Generator's containers to evaluate the adequacy of capacity provided for each type of collection service and to review the separation of materials and containment of materials. A Single-Family Generator shall adjust its service level for its collection services as requested by the Director in order to meet the standards set forth in this Chapter. Generators may manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using the services of a Community Composting Operator to the extent permitted by other applicable laws.
 - 2. Participate in the Organic Waste collection service(s) approved by the City by placing designated materials in designated containers as specified in this Chapter, and not placing prohibited materials in collection containers. Generators shall place Source Separated Compost Container Organic Waste, including Food Waste, in the Compost Container; Source Separated Recyclable Materials in the Recycling Container; and Landfill Container Waste in the Landfill Container. Generators shall not place materials designated for the Landfill Container into the Compost Container or the Recycling Container.

SEC. 5421. Requirements for Commercial Business Generators.

A. General. All Commercial Business Generators, including Multi-Family Residential Dwellings, shall comply with all of the following:

1. Supply or allow access to an adequate number of collection receptacles that are properly sized, located, labeled and color-coded for employee's, contractor's, tenant's, and customer's convenient use in a manner that is consistent with the Recycling Container, Compost Container, and Landfill Container collection services.
2. To the greatest extent practical through education, training, inspection, and/or other measures, prohibit employees from placing materials in a container not designated for those materials.
3. Periodically inspect Recycling Containers, Compost Containers, and Landfill Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those Containers.
4. Annually provide information to employees, contractors, tenants, building residents, and customers about Organic Waste recovery requirements and about proper sorting of Source Separated Compost Container Organic Waste and Source Separated Recyclable Materials.
5. Provide or arrange access for the City to their properties to conduct inspections in connection with this Chapter and timely provide documents requested by the City to confirm compliance with the requirements of this Chapter.

B. Multi-Family Residential Dwellings. Commercial Businesses operating Multi-Family Residential Dwellings shall comply with all of the following requirements:

1. Provide for the Multi-Family Residential Dwelling containers for the collection of Source Separated Compost Container Organic Waste and Source Separated Recyclable Materials in all common areas where those materials are generated and where disposal containers are provided for tenants, and in areas for internal consolidation of materials that are later deposited in Compost Containers, Recycling Containers, and Landfill Containers for collection by Authorized Collection Contractors. Such containers are not required in restrooms accessible from common areas of the Multi-Family Dwelling. Such containers shall be labeled and/or color coded in a manner consistent with the color and labeling requirements in this Chapter.
2. Provide information before or within fourteen days of new occupation of the premises to new tenants and no less than fourteen days before tenants move out of the premises, unless a tenant does not provide fourteen or more days' notice before moving out, that describes requirements to keep Source Separated Compost Container Organic Waste and Source Separated Recyclable Materials separate from each other and from Solid Waste for Landfill Disposal, the location of

containers, and the rules governing their use at the property.

C. Commercial Business Generators Other than Multi-Family Residential. Commercial Business Generators excluding Multi-Family Residential Dwellings shall comply with all of the following requirements:

1. Provide receptacles for the collection of Source Separated Compost Container Organic Waste and Source Separated Recyclable Materials generated at that business (“User Disposal Containers”) in all areas where the Commercial Business provides disposal containers for employees, contractors, tenants, customers and other users of the premises; excepting that User Disposal Containers do not need to be provided in restrooms; and further, if a Commercial Business does not generate, or has a waiver pertaining to, any of the materials that would be collected in one type of User Disposal Container, the Commercial Business is not required to provide that particular type of User Disposal Container;
2. Label all new User Disposal Container bodies or lids with language or graphic images, or both, indicating the primary materials accepted and the primary materials prohibited in that container; and
3. Replace all User Disposal Container bodies or lids to conform with color requirements of this Chapter for Landfill Containers, Compost Containers, and Recycling Container no later than the earlier of (a) January 1, 2036; or, (b) the end of the useful life of the User Disposal Container.

D. Organic Waste Reduction. Nothing in this Section prohibits a Generator from preventing or reducing waste generation or managing Organic Waste on site in a manner consistent with state and local laws and regulation, and/or using the services of a Community Composting Operator in accordance with this Chapter.

SEC. 5422. Requirements For Commercial Edible Food Generators.

A. Compliance Schedule.

1. Tier One Commercial Edible Food Generators shall comply with the requirements of this Section. Tier Two Commercial Edible Food Generators shall comply with the requirements of this Section no later than January 1, 2024.
2. Commencing January 1, 2024, Large Venue or Large Event operators not providing food services but allowing for food to be provided by others, shall require food facilities operating at the Large Venue or Large Event to comply with the requirements of this Chapter.

B. Requirements. Commercial Edible Food Generators shall comply with all of the following requirements:

1. Arrange to safely recover for human consumption the maximum amount of Edible Food that would otherwise be disposed.
2. Enter into a contract or other written agreement with one or more Food Recovery Organizations or Food Recovery Services for: (a) the collection for recovery of Edible Food that would otherwise be disposed; or (b) acceptance of Edible Food that would otherwise be disposed and which the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for food recovery.
3. Use best efforts to comply with all requirements specified by the Food Recovery Organization or Food Recovery Service concerning how Edible Food should be prepared, packaged, labeled, handled, stored, distributed or transported to the Food Recovery Organization or Service.
4. Not intentionally donate food that has not been prepared, packaged, handled, stored and/or transported in accordance with the safety requirements of the California Retail Food Code, Health and Safety Code Sections 113700 et seq.
5. Not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
6. Allow the Director to review records upon request, including by providing electronic copies or allowing access to the premises.
7. Keep records and provide reports to the Director that include the following information:
 - a. A list of each Food Recovery Service or Food Recovery Organization that collects or receives its Edible Food pursuant to a contract or written agreement.
 - b. A copy of all contracts and written agreements established under this Chapter.
 - c. A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 - (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
 - (iii) The established frequency with which food will be collected or self-hauled.

- (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for food recovery.
 - d. A Commercial Business operated as an Edible Food Generator that has not entered into a contract or written agreement with Food Recovery Organizations or Food Recovery Services pursuant to this Chapter, shall create a record describing either its (a) direct donation of Edible Food to end recipients (including employees); or (b) Food Waste prevention practices that result in it generating no surplus Edible Food available for donation.
- 8. Both Tier One Commercial Edible Food Generators and Tier Two Commercial Edible Food Generators shall provide, upon request, a food recovery report to the Director containing the information required herein to be recorded. Entities shall provide the requested information within 60 days of the request.
- C. Nothing in this Ordinance shall be construed to limit or conflict with (1) the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance as specified in Education Code Sections 49580 et. seq and Health and Safety Code Section 114079; or (2) otherwise applicable food safety and handling laws and regulations.
- D. Nothing in this Ordinance prohibits a Commercial Business Edible Food Generator from donating Edible Food directly to end recipients for consumption.

SEC. 5423. Requirements For Food Recovery Organizations And Services

- A. Nothing in this Ordinance prohibits a Food Recovery Service or Food Recovery Organization from refusing to accept edible food from a Commercial Business Edible Food Generator.
- B. Food Recovery Services collecting or receiving Edible Food directly from Commercial Business Edible Food Generators shall maintain the following records:
 - 1. The name, address, and contact information for each Commercial Business Edible Food Generator from which the service collects Edible Food.
 - 2. The quantity in pounds of Edible Food collected from each Commercial Business Edible Food Generator per month. This may also include the total quantity in pounds of food collected that was spoiled when received from a Commercial Business Edible Food Generator or otherwise not able to be used to feed people.

3. The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
 4. The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for food recovery.
- C. Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Business Edible Food Generators shall maintain the following records:
1. The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
 2. The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month. This may also include the total quantity in pounds of food collected that was spoiled when received from a Commercial Edible Food Generator or otherwise not able to be used to feed people.
 3. The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for food recovery.
- D. Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Commercial Business Edible Food Generators shall report to the Director the total pounds of Edible Food recovered from the Tier One and Tier Two Commercial Edible Food Generators according to a time schedule established by the Director.
- E. In order to support Edible Food Recovery capacity planning assessments and similar studies, Food Recovery Services and Food Recovery Organizations operating within the City shall provide, upon request, information and consultation to the City or authorized designee regarding existing, or proposed new or expanded, food recovery capacity in a form that can be provided to or that can be accessed by the City. A Food Recovery Service or Food Recovery Organization contacted by the City shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the City.

SEC. 5424. Requirements for Community Composting Operators and Facilities.

- A. A Community Compost Operator or Community Compost facility may not operate in the City without authorization from the City. All Community Compost Operators and Community Compost facilities shall conduct their operations in compliance with applicable state law and City regulations, and be operated in a neat and clean manner that does not create a public health or nuisance hazard.
- B. Owners of facilities, operations, and activities that recover Organic Waste,

including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon request from the City, provide within 60 days information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes.

- C. Community Composting Operators shall, upon request from the City, provide within 60 days information to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Community Composting Operators shall keep a record of the amount of Organic Waste (in tons) transported and composted for each Commercial Business participant. This record shall be subject to inspection by the City.

ARTICLE 4. RATES, ENFORCEMENT

SEC. 5430. Rates and Charges.

- A. Rate Determination. Customer rates for all Solid Waste collection services, including Solid Waste for Landfill Disposal, Organic Waste and Recyclable Material, shall be established by the City Council.
- B. Opening and Closing Bills. Opening and closing bills for less than the normal billing period shall be prorated.
- C. Collection. The City Council may provide for the collection of Solid Waste charges together with the rates charged for other utility services furnished by the City. In such event, Solid Waste for Landfill Disposal, Organic Waste and Recyclable Material collection service charges shall be itemized and billed on the same bill and collected as one item, together with and not separate from such utility service. By contract, the Authorized Collection Contractor may be authorized to bill Customers and collect service charges on behalf of the City. In the event bills become delinquent for more than sixty (60) days, the Authorized Collection Contractor may submit those accounts to the City for collection, subject to the terms and conditions agreed to by the City and Authorized Collection Contractor. The Authorized Collection Contractor shall not discontinue collection services for properties that have delinquent accounts unless one of the exclusions in Section 5425 applies, as determined by the Director.
- D. Late Fees and Penalties. Bills not paid within sixty (60) days after the billing date shall be deemed late and deemed delinquent on the first day of the calendar month occurring thereafter, unless the bill or portion thereof is unpaid due to a bona fide dispute. A one-time basic penalty of 10% and interest at the rate of one-half of one percent (0.5%) per month of outstanding charges and penalties shall be assessed upon delinquency.

- E. Collection of Delinquent Accounts. The City reserves the right to take any, all, or a combination of methods authorized by law, in the alternative or concurrently, in its sole discretion, to collect unpaid deposits, charges, penalties and interest of delinquent accounts. Such remedies include, but are not exclusive to:
1. Using the authority granted in Government Code section 38790.1, and in the manner described in Government Code section 25831, the City may record a lien upon the real property after notice and hearing before the City Council; or
 2. A court action for, in which event the City shall have judgment for the cost of suit and reasonable attorney's fees; or
 3. Discontinuance of City services charged on a unified bill, including water.

SEC. 5431. Enforcement and Penalties.

A. Inspection.

1. *General*. In order to ensure compliance with this Chapter and state law, the City is authorized to inspect any and all phases of Solid Waste management, including the inspection of collection containers, within the City. Notwithstanding the above, no inspection shall be made in any dwelling unit unless authorized by the occupant, or in accordance with due process of law. Inspections and investigations may include, without limitation, confirmation of proper placement of materials in containers, inspection of Edible Food Recovery activities, and review of required records. Written complaints regarding an entity that may be potentially non-compliant with this Chapter may be submitted to the Director for investigation.
2. *Access to Property, Containers, Records*. Any person subject to the requirements of this Chapter shall provide, or arrange to provide, access to property, Containers and records as necessary for the City to conduct a physical inspection and investigation of compliance with this Chapter. Such persons shall cooperate with the City during any such inspections and subsequent investigations. Failure to provide or arrange for: (i) access to the premises; or (ii) access to records for any inspection or investigation is a violation of this Chapter and may result in penalties described in this Chapter. This sub-section does not apply to occupants of dwellings units unless access is authorized by the occupant, or in accordance with due process of law.

3. *Records.* Any records obtained by the City during inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the California Public Records Act as set forth in Government Code Section 7920 et seq (formerly Section 6250 et. seq).
- B. Violations. In all cases where the City finds that any person has violated or continues to violate any provision of this Chapter or any permit or order issued pursuant to this Chapter, the Director shall issue a notice for each such violation stating therein the violation or violations found, and the applicable law and regulations. Within ten (10) days after receipt of written Notice of Violation, the person shall submit to the City an explanation of the violation and a plan for the satisfactory correction and prevention thereof. The fact that Solid Waste remains on an occupant's premises in violation of this Chapter shall be "prima facie" evidence that the occupant of the premises is responsible for the violation hereof.
- C. Penalties.
1. *Administrative Fines.* Violation of any provision of this Chapter shall constitute grounds for assessment of an administrative fine by the City in accordance with Title I, Chapter 3, Article 1 of the Arcata Municipal Code.
 2. *Infractions.* Any person violating the provisions of this Chapter shall be guilty of an infraction for each offense unless otherwise specified herein. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues and for each activity in violation of this Chapter.
- D. Civil Actions, Remedies Not Exclusive. The remedies in this Article are not exclusive. Other remedies allowed by law may be used, including civil action or prosecution as a misdemeanor or infraction. The City may pursue civil to seek recovery of unpaid administrative citations and fines. The City may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of City staff and resources. The City may take any, all, any combination of any action, or multiple actions, against a noncompliant person.

Section 2: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

Section 3: Potential environmental impacts that may be caused by adoption of this Ordinance No. 1560 were evaluated in the Environmental Impact Report certified by the California Department of Resources Recycling and Recovery (CalRecycle) in December 2019, "SB 1383 Regulations Short-Lived Climate Pollutants: Organic Waste Methane Emission Reduction." This CalRecycle EIR analyzed potential environmental impacts from the expected

compliance responses of regulated entities, such as the City of Arcata, to the SB 1383 regulations. Ordinance No. 1560 was developed to bring the City into compliance with SB 1383 and potential environmental impacts from adoption of this Ordinance are therefore within the scope of the Ordinance. No additional environmental review is required pursuant to the CEQA Guidelines, 14 CCR §15168(c).

This Ordinance shall take effect thirty (30) days after the date of its adoption.

DATE: _____, 20__

ATTEST:

APPROVED:

City Clerk, City of Arcata

Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1560, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California on the _____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

City Clerk, City of Arcata