

ORDINANCE NO. _____ (N.C.S.)

AN ORDINANCE UPDATING AND MODERNIZING CHAPTER 14 OF THE SALINAS MUNICIPAL CODE AS RELATES TO GARBAGE, RECYCLING, AND ORGANIC WASTE REDUCTION

City Attorney Impartial Analysis

This Ordinance updates and amends Article I of Chapter 14 of the Salinas Municipal Code related to garbage, recycling, and organic waste reduction to meet State-imposed requirements. Various changes in State law require cities and counties to take action to, among other things, implement a mandatory commercial recycling program, a mandatory commercial organics recycling program, and to support achievement of statewide organic waste disposal reduction targets. This Ordinance also helps reduce food insecurity by requiring certain food generators to arrange to have the maximum amount of their edible food, that would otherwise be disposed of, be recovered for human consumption. This Ordinance also makes several non-substantive, editorial amendments, and updates the numbering of those sections found in Article II and Article III, and repeals Article IV of Chapter 14.

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Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their cities to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41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste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 cities 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 cities to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires cities 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 cities, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-

Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF SALINAS as follows:

SECTION 1. Chapter 14 of the Salinas Municipal Code is hereby renamed as follows: “Garbage, Recycling, Organic Waste Reduction, and Weeds.”¹

SECTION 2. Article I of Chapter 14 of the Salinas Municipal Code is hereby amended as follows: Article I. Solid Waste.²

Sec. 14-01.01. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Adequate weekly service" means the minimum level of solid waste and recycling service to which the generator or responsible party shall subscribe that provides containers of adequate size and in sufficient numbers necessary to contain, without overflowing, all of the garbage, recyclables and organic waste generated at the premises in a seven-day period in accordance with this article. Such minimum level of service shall be determined by the exclusive franchisee and the city or designee, based on the amount of garbage, organic waste and recyclables generated at the premises.

"The authority" means the Salinas Valley Solid Waste Authority (Salinas Valley Recycles).

"Bin" means an industry-standard receptacle for solid waste. A bin shall have a capacity equal to or less than eight cubic yards, but not less than one cubic yard. A bin has casters, a water-resistant, pest-resistant and vector-resistant lid, and is designed to be dumped manually or mechanically.

¹Editor's note(s)—Ord. No. 2568(NCS), § 1, adopted Feb. 23, 2016, repealed former Ch. 14, Art. I, §§ 14-1—14-21.3, and in so doing changed the title of Ch. 14 from "Garbage, Refuse and Weeds" to "Garbage, Recycling and Weeds" as set out herein.

Note(s)—For state law as to solid waste disposal generally, see California Code of Regulations, Sections 20150—20164. Article 1-2, Chapter 2, Title 27 and California Public Resource Code Sections 40100-40201. As to health and sanitation, generally, see Ch. 16 of this Code. For requirement that solid waste, etc., not to afford breeding place for rats, see Section 16-46.

²Editor's note(s)—Ord. No. 2568(NCS), § 1, adopted Feb. 23, 2016, repealed former Ch. 14, Art. I, §§ 14-1—14-21.3, and enacted a new Art. I as set out herein. The former Art. I pertained to similar subject matter and derived from Ord. No. 2512(NCS).

"Bulky waste" means large waste items such as appliances, furniture, auto parts, trees, branches, stumps and other oversized wastes whose size or weight precludes or complicates their handling by normal collection, processing or disposal methods.

"CalRecycle" means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations.

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

"Cart" means an industry-standard receptacle for disposal of solid waste or collection of recyclable materials, in a range of sizes between twenty and one hundred ninety-five gallons. A cart will have wheels, a handle for ease of movement and a tight-fitting, attached lid, and is designed to be dumped manually or mechanically into a solid waste collection vehicle, or a recycling collection vehicle.

"City" means the city of Salinas, including any unincorporated areas of the county that become annexed by the city.

"City Enforcement Official" means the city manager or authorized Designee(s) who is/are partially or wholly responsible for enforcing this Chapter.

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

"Commercial Edible Food Generator" includes a Tier One or a Tier Two Commercial Edible Food Generator as defined hereinbelow of this Section 08.40.030 or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).

"Compliance Review" means a review of records by a City to determine compliance with this Chapter.

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

"Compactor" means a compacting unit that loads a detachable or nondetachable bin or debris box. The detachable or nondetachable bin or debris box serves as a receptacle of solid waste or recyclables, and has a capacity of one cubic yard or larger. The bin or debris box is picked up by a collection vehicle for emptying at a separate disposal or recycling location.

"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 Organic Waste designated for Compost processing, including Food Waste and green waste

accepted in the City's Organic Waste Collection program, and other organic materials as determined by the City as acceptable for the Compost Container

"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).

"Construction and demolition debris (C&D)" means recyclable and non-recyclable waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, foundations, houses, commercial buildings and other structures, and includes mixed waste.

"Contamination" or "Contaminated Container" means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).

"Customer" means an individual or entity that contracts with the exclusive franchisee and that pays for franchise services provided by the exclusive franchisee.

"Debris box" means a receptacle for solid waste, C&D, mixed waste or recyclable materials having a capacity of greater than eight cubic yards that is picked up in its entirety by a dedicated truck for emptying at a separate disposal or recycling location. Also known as a roll-off box or drop box.

"Designated transfer, recycling, organics processing, or disposal facility" means an authority transfer station, recycling facility, C&D processing facility, organic waste processing facility or landfill to which the city designates that materials collected are to be delivered by the exclusive franchisee and those involved in self-hauling.

"Designee" means an entity that the City contracts with or otherwise arranges to carry out any of the City's responsibilities of this Chapter. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.

"Disabled resident" means the individual applying for the discounted rate has proof of permanent disability (doctor's letter required (see Resolution 9917) or has a notice of award evidencing eligibility for social security administration supplemental security income program for the aged, blind, and disabled), the garbage service is listed in his or her name, and the property is the applicant's principal place of resident.

Drop box. See "debris box."

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

"Electronic waste (E-waste)" means any electronic device that is identified as hazardous waste as defined by the California Universal Waste Regulations (Chapter 23 of Title 22 of the California Code of Regulations, as the same may be amended or renumbered from time to time) including, but not limited to: computers, televisions, VCRs or DVD players, stereos, copiers, telephones, cell phones, fax machines, microwave ovens, and other electronic products which have

been designated by any applicable federal, state or local agency as hazardous, including nonfunctioning cathode ray tubes (CRTs) from televisions and computer monitors.

“Enforcement Action” means an action of the City to address non-compliance with this Chapter including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

“Excluded Waste” means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the City and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or Chapter, including, without limitation: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in City’s, or its Designee’s, reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose City, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code. Excluded Waste does not include used motor oil and filters, household batteries, universal wastes, and/or latex paint when such materials are defined as allowable materials for collection through the City’s collection programs and the generator or customer has properly placed the materials for collection pursuant to instructions provided by the City or its Designee for collection services.

"Exclusive franchise" means an agreement with a person or association, or the agents or employees thereof, to collect, transport through the streets, alleys, or public ways of the city, and dispose of, all solid waste and recyclable materials produced and/or collected within the limits of the city.

"Exclusive franchisee" means any person or association, or the agents or employees thereof, with whom the city shall have duly contracted under the terms hereinafter set forth in this article to collect, transport through the streets, alleys, or public ways of the city, and dispose of, all solid waste and recyclable materials produced and/or collected within the limits of the city.

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

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

“Food Recovery” means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24). “Food Recovery Organization” means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

- (1) A food bank as defined in Section 113783 of the Health and Safety Code;
- (2) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

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

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

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

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

“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 with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).

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

"Food waste" means food scraps, and food-soiled paper.

"Garbage" means those elements of the Solid Waste stream designated for the “Garbage Container”, and excludes hazardous waste, Excluded Waste, materials designated for the “Compost Container” or “Recycling Container” or materials which have been separated for reuse.

“Garbage Container” has the same meaning as in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of Garbage Container Waste.

“Garbage Container Waste” means garbage that is collected in a Garbage Container that is part of a three-container Organic Waste collection service that prohibits the placement of Organic Waste or recyclables in the Garbage Container.

"Generator" means an owner or responsible party for a residence, single family, multi-family dwelling, commercial facility or business including nonresidential property which generates garbage, recyclable or compostable materials as a result of its business, commercial facility or property activity. Generator may also include tenants, property managers for facilities with leased space, employees and contractors of generator, as well as a responsible party for special events.

"Green waste" means all tree and plant trimmings, grass cuttings, dead plants, weeds, leaves, branches, and similar materials. Green waste does not include tree stumps, intact dead or diseased trees, and other similar large items which are considered bulky waste.

“Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned

within the store where the food is prepared and served, including, without limitation, a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).

"Habitual contamination" means the cross-contamination of a receptacle designated for garbage, recycling, or organic waste with an item(s) not specifically designated for that receptacle, on at least three occasions within a twelve month period.

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

"Hazardous waste" means a waste, or 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 the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

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

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

"Landfill" means a waste management unit at which waste is discharged in or on land for disposal and authorized by the city council as a drop off facility. It does not include surface impoundment, waste pile, land treatment unit, injection well, or soil amendments.

"Large Event" means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this Chapter.

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

that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this Chapter.

"Liquid" means a material that flows freely, having the properties of a liquid, being neither solid nor gaseous.

"Low-income senior citizen" means the individual applying for the discounted rate is sixty-five years of age or older, has a gross household annual income at or below one-half of the median income of Monterey County as established by HUD, the garbage service is listed in his or her name, and the property is the applicant's principal place of residence.

"Mixed waste" means combined or commingled recyclable materials and non-recyclable materials.

"Multi-Family Residential Dwelling" or "Multi-Family" means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

"Non-Compostable Paper" includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).

"Non-Local Entity" means the following entities that are not subject to the City's enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42):

- (1) Special district(s) located within the boundaries of the City .
- (2) Federal facilities, including, without limitation, military installations, located within the boundaries of the City.
- (3) Prison(s) located within the boundaries of the City, excepting that private prisons are considered Commercial Businesses and do not fall within this definition.
- (4) Facilities operated by the State park system located within the boundaries of the City.
- (5) Public universities (including community colleges) located within the boundaries of the City.
- (6) County fairgrounds located within the boundaries of the City.
- (7) State agencies located within the boundaries of the City.

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

"Nonputrescible, dry waste" means materials that can be stored for long periods of time without decomposition or odiferous release. Nonputrescible, dry waste does not include bulky

waste, e-waste, green waste, hazardous waste, liquid waste, organic recycled materials or solid waste.

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

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

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

“Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Recycling Container that are not identified as acceptable Source Separated Recyclable Materials for the City’s Recycling Container; (ii) discarded materials placed in the Compost Container that are not identified as acceptable Source Separated Organic Waste for the City’s Compost Container; (iii) discarded materials placed in the Garbage Container that are either acceptable Source Separated Recyclable Materials and/or Source Separated Compost Container Organic Wastes; and, (iv) Excluded Waste placed in any container.

"Recyclable materials" or "recyclables" means that portion of solid waste or C&D which is source-separated from other solid waste or C&D and returned to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, and that are not landfilled. "Recyclable materials" or "recyclables" include, but are not limited to mixed paper (newspapers, magazines, catalogues, office paper, junk mail, paper bags, envelopes, colored paper), cardboard (boxes, paper board, egg cartons, shoe boxes), milk and juice cartons, glass bottles and jars, aluminum (beverage containers, clean foil and food containers), steel, tin cans and small scrap metal, plastics 1-7 (no polystyrene), clean plastic film when bagged and secured, C&D, food waste, organic recyclable material, green waste, mixed waste and all other materials determined to be recyclable in nature.

"Recycle, recycled, recycling" means the process of separating, collecting, sorting, cleansing, treating, reconstituting or otherwise processing materials that are or would otherwise be disposed of in a landfill and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

“Recycling Container” has the same meaning as “Blue Container” in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials.

“Remote Monitoring” means the implementation and use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of Garbage Containers, Compost Containers, and Recyclable Materials Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.

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

"Responsible party" means the individual or entity responsible for the generator's management of solid waste and/or recycling at the generator's single family residential, multi-family dwellings, commercial facility, business, nonresidential property, or special event.

"Roll-off box" has the same meaning as "Debris box."

“Route Review” means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

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

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

“Self-Hauler” means a person, who hauls Solid Waste, Organic Waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the Generator using the Generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).

“Single-Family” means of, from, or pertaining to any residential premises with fewer than five (5) units.

“Solid Waste” has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and non-putrescible solid, semisolid, 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, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

Hazardous waste, as defined in the State Public Resources Code Section 40141.

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

Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code).

Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.

“Source Separated” means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of 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 Garbage Container Waste or other Solid Waste/Mixed Waste for the purposes of collection and processing.

“Source Separated Organic Waste” means those organics that can be placed in a Compost Container for Compost processing, including Food Scraps, food soiled paper and green waste, and any other items as determined by the City.

"Source Separated Recyclable Materials" means the same thing as “Recyclable Materials” and includes those Recyclable Materials that can be placed in the Recycling Container including but not limited to, glass and plastic bottles, aluminum, tin and steel cans, metals, unsoiled paper products, printing and writing paper, and cardboard, and any other items as determined by the City.

“State” means the State of California.

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

“Tier One Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

- (1) Supermarket.
- (2) Grocery Store with a total facility size equal to or greater than 10,000 square feet.
- (3) Food Service Provider.
- (4) Food Distributor.
- (5) Wholesale Food Vendor.

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

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

- (1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- (2) Hotel with an on-site Food Facility and 200 or more rooms.
- (3) Health facility with an on-site Food Facility and 100 or more beds.
- (4) Large Venue.
- (5) Large Event.
- (6) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
- (7) A Local Education Agency facility with an on-site Food Facility.

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

"Universal waste (U-waste)" means hazardous waste products identified as universal waste in Section 66273.9 of Title 22 of the California Code of Regulations, as the same may be amended or renumbered from time to time, that are widely produced by households and businesses including, but not limited to, batteries, thermostats, lamps, and cathode ray tube materials.

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

Sec. 14-01.02. Garbage, Recycling and Organic Waste receptacles—Required.

- (a) It shall be unlawful for any person owning or controlling any dwelling, flat, boarding house, lodging house, restaurant, hotel, apartment, store, shop, office, or office or industrial buildings, or public buildings or public institutions, to keep, accumulate, or permit to be kept or accumulated, any solid waste in or upon any lot or parcel of land, or upon any public or private place, street, lane, alley, or drive, unless the same shall be kept in a watertight, industry-standard bin, cart and/or debris box provided by or approved by the city's exclusive franchisee that is constructed and maintained in a manner as herein provided. A debris box shall not be required to be watertight if it is specifically designed with entry doors at one end. Bins, carts and debris boxes shall be placed in front of any residence or dwelling or designated collection point by the owner or occupant thereof for collection at times established by the exclusive franchisee unless the cart, bin, or debris box is being used for self-haul. In such case, the owner may place the cart, bin, or debris box in a location of their choosing, provided

that location meets all requirements of this article. Solid waste shall be deposited in receptacles in the following manner:

- (1) Solid waste shall be contained in an appropriately sized bin, cart or debris box provided or approved by, as the case may be, the city or the exclusive franchisee;
 - (2) Bins, carts and debris boxes shall be movable and may be of a type suitable either for mechanical or manual loading. If of the latter type, each such container shall be equipped with handles suitable for lifting and its total weight with contents shall not exceed the weight established by the exclusive franchisee;
 - (3) Bins and carts shall have water-resistant, pest-resistant and vector-resistant lids or covers that must remain closed while containing solid waste materials or solid waste residues;
 - (4) Recyclable materials, and organic waste shall be placed in the appropriate separate receptacles provided by the exclusive franchisee and shall not be placed in receptacles designated for garbage.
- (b) The following items shall not be placed in receptacles designated for garbage, recycling, and organic waste:
- (1) E-waste and U-waste;
 - (2) Liquid waste;
 - (3) Hazardous waste;
 - (4) Unacceptable materials;
 - (5) Prohibited materials
- (c) Cross-contamination of receptacles designated for garbage, recycling, and organic waste is prohibited and is a violation of this Code.

Sec. 14-01.03. Garbage, Recycling and Organic Waste receptacles—Duty to provide; type and capacity; location.

- (a) It shall be the duty of the city or the exclusive franchisee, as the case may be, to provide to every owner, tenant, lessee, or occupant, of any private dwelling house, or the proprietor, manager, owner, or lessee, of any hotel, restaurant, cafe, boarding house, eating house, rooming house, or other place of business in the city, a cart, bin or debris box, for receiving and holding all garbage, recyclable materials and organic waste produced, created, or accumulated, upon such premises between the times for the collection thereof, as herein provided, and to deposit all garbage, recyclable materials and organic waste therein.
- (b) All such receptacles shall be at all times kept in a sanitary condition by the property owner, tenant, lessee, customer, or occupant, and shall be located in such place on the premises as to be readily accessible for removing and emptying the same, but shall not be placed within the limits of any street, or other public place, in the city, or in such a place or manner as to constitute a nuisance. No bin, cart, or bulky waste items shall be placed for collection at a curb sooner than the day preceding the day of collection nor be allowed to remain after the day of collection.

- (c) Solid waste and recycling enclosures located on any premises within the city shall be used by the owner or the users thereof only for the placement of a cart, bin or debris box for receiving and for holding all solid wastes and recyclables produced, created or accumulated upon such premises and between the times for the collection thereof and for no other purpose.
- (d) The exclusive franchisee shall provide the customer with a minimum of three notifications for overloading and/or habitual contamination of any receptacle. Upon the third notice, the exclusive franchisee may charge the customer a mandatory return service charge as provided for in the then current rate schedule or reasonably modify the customer's service levels to accommodate the overloading and/or habitual contamination. Service levels modification may include, but are not limited to, increasing receptacle types and capacity or increasing frequency of collection.

Overloading and/or habitual contamination shall be considered a violation of this article subject to enforcement action by the city as set forth in this article.

Sec. 14-01.0. Use of street litter cans by public.

Receptacles have been placed by the city in various locations in business or commercial areas having a heavy concentration of both vehicle and foot traffic and are intended to be used as a means of reducing any accumulation of solid waste in these areas by affording places for the deposit of casual or occasional solid waste. No person shall place or deposit in any such public litter receptacle any garbage, C&D, organic waste or recyclables which has been accumulated in the course of ordinary residential, commercial or industrial activity and would normally be disposed of in receptacles required to be used by each waste generator for his/her own use.

Sec. 14-01.05. Disposition of waste in sewers.

It shall be unlawful for any person to deposit garbage, C&D, organic waste or recyclable materials in any city sewer system, storm drain system, industrial waste collection system, plumbing fixture or pipe connected thereto except through an approved mechanical device.

Sec. 14-01.06. Collection—Reservation of right by city.

The city reserves unto itself the exclusive right to collect, transport, haul and dispose of, or cause to be collected, transported, hauled and disposed of, all garbage, recyclable materials, organic waste, and C&D produced or found within the city. It shall be unlawful for any person to collect, transport, haul or dispose of any garbage, recyclable materials, organic waste and C&D within or from the city except as expressly provided in this article.

Sec. 14-01.07. Collection—To be by city or by contract.

The collection, removal and disposal of garbage, recyclable materials, organic waste and C&D may be performed by the city under the direction of the city manager, or by any person or persons with whom the city has entered, or may enter, into an exclusive agreement for the collection, removal and disposal thereof. It is hereby declared unlawful for any other persons than those above stated or those specified in this article to remove, convey, or cause to be removed or conveyed any garbage, recyclable materials, organic waste and C&D as hereinbefore defined, upon

or along any street or alley or any other public place in the city without a written authorization of the city manager.

Sec. 14-01.08. Collection—Unauthorized collection of recyclables and other materials.

It shall be unlawful for any person, other than the city or its exclusive franchisee, to remove or take any items left for collection, including but not limited to recyclable materials, and placed in containers for collection approved or provided by the city or the exclusive franchisee. Violation of the provisions of this section shall constitute a misdemeanor, punishable by imprisonment in the county jail for a term not to exceed six months, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment. Each day that a violation continues shall be deemed a new and separate offense. Notwithstanding the foregoing, the city attorney shall retain the discretion to prosecute violations of this chapter as infractions. Alternatively, and in the discretion of the city attorney, such offenses may be prosecuted administratively pursuant to the city's Administrative Remedies Ordinance or may be enforced against pursuant to any other remedy available to the city under the law.

Sec. 14-01.09. Collection—Frequency and hours.

In no case shall collection service less often than once a week be permitted, except as may otherwise be allowed in this article. The time for collection shall be between the hours of 6:00 a.m. and 6:00 p.m., Monday through Saturday in the residentially zoned areas, and between midnight and 6:00 p.m. in all other areas of the city unless otherwise directed by the city manager, and at such times and as often as may be required by the city manager to comply with the regulations of the city and to enforce the provisions of this article. Collection routes and pick-up times, within the hours stated above, may be changed by the exclusive franchisee, with at least two weeks' notice to customers and the approval of the city.

Sec. 14-01.10. Collection—Rates.

The city or the exclusive franchisee may impose a service fee or charge, as provided by this article, from the occupants or owners of all occupied premises within the city for services rendered or available for the collection of garbage, recyclable materials, organic waste, C&D, and other public benefit services.

The exclusive franchisee may impose service charges for such collection that are no more than the maximum rates that have been reviewed for reasonableness and approved by the city council.

Sec. 14-01.11. Collection—By city or franchised contractor made mandatory.

In order to promote and protect the public health and safety and to reduce the potential hazards of fire and disease, it is hereby declared to be a requirement of law, except as provided in this article, that the owner, occupant, or owner-occupant, as the case may be, of every occupied residential, commercial, industrial and institutional structure in the city, are jointly and severally responsible to enter into a contract with the city or the exclusive franchisee and to pay the lawful

established charges for the removal from such premises of garbage, recyclable materials, organic waste and C&D in accordance with all applicable provisions of this chapter.

Street litter cans cannot be used for solid waste produced by business, commercial or industrial entities in accordance with this article. Businesses, commercial or industrial entities must subscribe to adequate weekly service, as defined in this article, in order to dispose of garbage, recycling, or organic waste that accumulates during the course of their normal business activity.

Sec. 14-01.12. Collection—Mandatory residential, multifamily and commercial recycling.

In accordance with Ordinance 07, Article 04.01 Mandatory Recycling, of the authority's code, effective January 1, 2011, as the same may be amended from time to time, and in accordance with SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016 regulatory requirements, each generator shall be responsible for demonstrating compliance with the requirements of this section.

Each generator shall source-separate recyclables and organic waste from garbage and/or C&D and must enter into a contract with the exclusive franchisee to collect recyclable materials and organic waste generated at the premises. unless one or more of the following provisions of this section are met:

- (a) Commercial and industrial generators that self-haul, sell or donate recyclables may be excused from the franchise recycling collection service requirements of this section if the city manager (or designee) finds that the generator's existing recycling activities comply with state and local diversion requirements and meet one or more of the following conditions:
 - (1) Self-hauling: Nothing in this article shall preclude any generator from self-hauling recyclable materials generated by that business, commercial facility or property to a recycling facility. A generator may transport recyclable materials to a recycling facility only if the generator completes its activity by utilizing a vehicle owned by either the generator or generator's employee. This self-haul exemption does not include contracting for or hiring a third party to transport the recyclable materials.
 - (2) Sale or donation: Nothing in this article shall preclude any generator from selling, exchanging at fair market value, or donating source-separated recyclable materials generated from that business, commercial facility or property for the purpose of reuse or recycling. Any such buyer, however, must not be engaged in the business of collecting solid waste or recyclables for a fee or any other charge and cannot be hired by the generator in lieu of contracting with the exclusive franchisee for recycling collection services.
- (b) Any property which has a valid exemption for trash collection service pursuant to this article.
- (c) Commercial properties that meet the requirements in the Waiver section of this article .

- (d) The United States, State of California, a special district or other local public agency or any employee or member of the Armed Forces thereof, when collecting or transporting recyclable materials produced by operation or system of the entities described above.
- (e) Municipal corporations and governmental agencies other than the city using their own vehicles and employees engaged in the collection, transportation and diversion of recyclable materials within the boundaries of the city limits.

Sec. 14-01.13 Single Family, Multi-family and Commercial Business Requirements

- (a) Generators, including Single-Family and Multi-Family and Commercial Businesses, except those Commercial Businesses that obtain a waiver pursuant to requirements in this chapter, shall:
 - (1) Subscribe to three container collection service with Exclusive Franchisee to include a Garbage Container, Compost Container and Recyclable Materials container, and shall comply with the following requirements.
 - (2) Maintain for such residence separate Garbage, Compost and Recycling Containers, supplied by the Exclusive Franchisee. Generators shall arrange for a sufficient number of such containers to adequately store all Garbage, Source Separated Recyclable Materials and Source Separated Organic Waste generated in connection with the residence or business between the times designated for collection. The City shall have the right to review the number and size of such containers to evaluate the adequacy of capacity provided for each type of collection service and to require additional or larger containers (or additional service days) and to review the separation and containment of materials. Generators shall adjust service levels for their collection services as requested by the City 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 a community composting site pursuant to 14 CCR Section 18984.9(c) to the extent permitted by other applicable laws.
 - (3) Participate in the collection services provided by the City's Exclusive Franchisee by placing designated materials in designated containers as described below, and not placing Prohibited Container Contaminants in collection containers. Generators shall place Source Separated Organic Waste, including food waste, in the Compost Container; Source Separated Recyclable Materials in the Recycling Container; and Garbage in the Garbage Container. Generators shall not place materials designated for the Garbage Container in the Compost Container or the Recycling Container.
 - (4) Nothing in this subsection shall relieve Self-Haulers that generate waste from subscribing to a three container collection service. Self-haulers shall meet requirements noted in this article.
- (b) In addition to the requirements in Section (a) above, Commercial Businesses shall also:

- (1) Commercial Business Owners including Multi-Family, shall provide or arrange for Garbage Container, Compost Container and Recycling Container collection service for employees, contractors, tenants and customers, and supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors as noted in (b)(2)(i) and (ii) or, if self-hauling, in compliance with self-hauling requirements set forth in this chapter.
- (2) Commercial Businesses that are not Multi-Family Residential Dwellings shall provide containers for the collection of Source Separated Organic Waste and Source Separated Recyclable Materials in all areas where the Commercial Business provides disposal containers for employees, contractors, tenants, customers and other users of the Premises (“User Disposal Containers”). Such User Disposal Containers do not need to be provided in restrooms. 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, then the business does not have to provide that particular type of container in all areas where User Disposal Containers are provided. Pursuant to 14 CCR Section 18984.9(b), the User Disposal Containers provided by the business shall have either:
 - i. A body or lid that conforms with the following container colors, with either lids conforming to these color requirements or bodies conforming to these color requirements, or both lids and bodies conforming to these color requirements: gray or black containers for Garbage, blue containers for Source Separated Recyclable Materials, and green containers for Organic Waste.s. Notwithstanding the foregoing, a Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the color requirements of this Section prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first; or
 - ii. Container labels that include language or graphic images, or both, indicating the primary materials accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. The container labeling requirements are required on new containers commencing January 1, 2022.

Sec. 14-01.14 Commercial Business Education and Outreach Requirements.

- (a) All Commercial Business Owners are required to:

- (1) Excluding Multi-Family Residential Dwellings, to the extent practical through education, training, inspection, and/or other measures, prohibit employees from placing materials in a container not designated for those materials per the Recycling Container, Compost Container, and Garbage Container collection service.
- (2) Excluding Multi-Family Residential Dwellings, semi-annually inspect Recycling Containers, Compost Containers, and Garbage Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers.
- (3) Including Multi-Family Residential Dwellings, annually provide information to employees, contractors, tenants, building residents, and customers about Organic Waste Recovery requirements and about proper sorting of Organic Waste and Recyclable Materials. A copy of such instructions shall be provided to the Public Works Director or Designee, upon request.
- (4) Including Multi-Family Residential Dwellings, provide information before or within fourteen (14) days of new occupation of the Premises to new tenants and no less than fourteen (14) days before tenants move out of the Premises, unless a tenant does not provide fourteen (14) or more days' notice to before moving out, that describes requirements to keep Compost Container Organic Waste and Recyclable Materials separate from each other and from Garbage, the location of containers, and the rules governing their use at the Premises.
- (5) Including Multi-Family Residential Dwellings, prominently post and maintain one or more signs where Recyclable Materials and/or Organic Waste are collected and/or stored that set forth what materials are required to be Source Separated, in addition to collection procedures for such materials.
- (6) Provide or arrange access for City or its Designee to their properties during all Inspections conducted in accordance with this Chapter to confirm compliance with the requirements of this Chapter.
- (7) Accommodate and cooperate with City's Remote Monitoring program, for Inspection of the contents of containers for Prohibited Container Contaminants, which may be implemented by City at a later date, to evaluate generator's compliance with this Chapter. The Remote Monitoring program would involve installation of Remote Monitoring equipment on or in the Garbage, Recyclable Material and Compost Containers.
- (8) At Commercial Business's option and subject to any approval required from the City, implement a Remote Monitoring program for Inspection of the contents of its Garbage, Recyclable Material Containers, and Compost Containers, for the purpose of monitoring the contents of containers to determine appropriate levels of service and to identify Prohibited Container Contaminants.
- (9) If a Commercial Business wants to self-haul, meet the Self-Hauler requirements in this Chapter.

- (10) Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- (11) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 08.40.070.

Sec. 14-01.15. Waivers

- (a) De Minimis Waivers. The Public Works Director or designee may waive Commercial Business' obligation to comply with some or all of the Organic Waste and Recycling collection service requirements of this chapter if documentation is provided demonstrating that the Commercial Business generates below a certain amount of Organic Waste material, (de minimis) as described below.

A Commercial Business requesting a de minimis waiver shall:

- (1) Submit an application to the Public Works Director or designee specifying the service or requirements for which it is requesting a waiver. Applicant must supply all required proof of qualifications in writing together with the application submittal. Applicants may be required to provide information in forms provided by the City. Applicants are subject to one or more site inspection(s) prior to approval of a waiver.
- (2) Provide documentation with the de minimis waiver application that either:
 - i. The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Recycling Container or Compost Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,
 - ii. The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Recycling Container or Compost Container comprises less than 10 gallons per week per applicable container of the business' total waste.
- (3) For the purposes of subsections (2) (i) and (ii) above, total Solid Waste shall be the sum of weekly Garbage, Source Separated Recyclable Materials, and Source Separated Compost Container Organic Waste measured in cubic yards.
- (4) If the de minimis waiver is granted, notify the Public Works Director or designee granting the waiver if circumstances change such that the conditions under which the waiver was granted are no longer being met, in which case the waiver will be rescinded.

- (5) If the waiver is granted, provide written verification of continued eligibility for de minimis waiver to the Public Works Director or designee every five (5) years.

(b) Physical Space Waivers. The Public Works Director or Enforcement Officer may waive a Commercial Business' obligation to comply with some or all of the Organic Waste collection service requirements of this chapter if the Enforcement Officer has evidence from a licensed contractor, licensed architect, licensed engineer, or other person authorized by the Enforcement Officer demonstrating that the Premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection service requirements set forth in this chapter.

A Commercial Business requesting a physical space waiver shall:

- (1) Submit an application to the Public Works Director or designee specifying the service or requirements for which it is requesting a waiver.
- (2) Provide documentation with the application for a physical space waiver that the Premises lacks adequate space for Recycling Containers and/or Compost Containers, which shall include documentation from its licensed contractor, licensed architect, licensed engineer, or other person authorized by the Enforcement Officer.
- (c) If the waiver is granted, Commercial Business shall notify the Public Works Director granting the waiver if the Commercial Business' physical space configurations or amounts of Solid Waste generation change, in which case the waiver may be rescinded.
- (d) If the waiver is granted, Commercial Business shall provide written verification to the Public Works Director of continued eligibility for a physical space waiver every five (5) years.
- (e) Change of ownership of a Premises automatically revokes a waiver and the new owner must comply with this chapter or obtain its own waiver.
- (f) Upon the determination of the Public Works Director or designee a written notification of the approval or denial of a waiver shall be issued to the applicant.

Sec. 14-01.16.Collection—Request to the city manager (or designee) for an exemption from garbage collection services for vacant premises.

- (a) The city manager (or designee) shall have the authority to make an order relieving any person of the obligation set forth under this article to contract with the exclusive franchisee for waste collection services if the city manager (or designee) finds from the information or the evidence presented by such applicant that:
 - (1) The property or structure is vacant and no need exists at the particular premises for any service of solid waste removal;

- (2) No threat to public health or welfare is likely to be presented if such person is relieved of the obligation; and
- (3) The property will remain vacant for at least ninety days.
- (b) If after receiving an exemption from garbage collection services there are any material changes in the property or occupation of the property that affect the above conditions, the owner or applicant is responsible for notifying the city manager (or designee) of such changes. When the property is reoccupied, the owner or applicant is responsible for immediately notifying the exclusive franchisee so they may resume adequate weekly solid waste, recycling, green waste and/or food waste collection services.
- (c) If the property or structure is reoccupied before the ninety-day requirement is met or a change in the threat status for public health or welfare has been determined by the city, the exemption will be revoked. A notice of revocation will be sent to the exemption applicant. Unless otherwise stated in the notice of revocation, the revocation will be inclusive of the entire exemption period.
- (d) Any exemption from service authorized by the city manager (or designee) shall begin on the date the application is received by the city or the date of vacancy, whichever comes later.
- (e) **The above exemption from service will only be valid for twelve months from date of approval. If the exemption expires and the owner-occupant wishes to continue the exemption, a new request for exemption must be filed. An appropriate processing fee may be established by resolution of the city council. Sec. 14-01.17. Collection—Appeal to the city manager.**

Any person aggrieved by such action of the city manager's designee shall have the right to appeal to the city manager by filing with the city clerk, within ten days from and after the date of denial or revocation, a written notice of appeal which shall set forth the grounds for such appeal. The city manager shall act thereon as expeditiously as possible. The decision of the city manager is the final determination in the matter.

Sec. 14-01.18. Collection—Interference with collector prohibited.

It shall be unlawful for any person in any manner to interfere with the collection, removal or disposal of garbage, C&D, recyclable material, or organic waste by the exclusive franchisee or by city employees.

It shall be unlawful for any person to leave a portable basketball hoop stand or other portable recreational equipment or other item or object in the street on collection day. Stands and other such items or objects must be removed from the street prior to collection day in order to prevent interference with collection and removal of solid waste.

Sec. 14-01.19. Collection—Hauler not to allow garbage, C&D, recyclable materials or organic waste to leak from trucks.

It shall be unlawful for any exclusive franchisee or persons self-hauling their garbage, C&D, recyclable materials, or organic waste to suffer, permit or allow any such materials to be spilled or

scattered at the point of collection or between the point of collection and the designated transfer or disposal facility to which the same is delivered.

Sec. 14-01.20. Littering prohibited.

It shall be unlawful for any person to throw, place, scatter, or deposit, or cause to be thrown, placed, scattered, or deposited, upon any street, sidewalk, alley, or public place, in the city, any garbage, C&D, recyclable material, organic waste or unacceptable materials, as the terms are herein defined, except as specifically provided for in this article; provided, however, that this section shall not apply to solid waste, C&D, recyclable material, green waste or food waste when placed out in the prescribed manner for regularly scheduled pick-up or scheduled bulky waste pick-up or collection as herein provided.

Sec. 14-01.21. Depositing solid waste, unacceptable materials, recyclables, C&D, organic waste on public or private property prohibited.

It shall be unlawful for any person to place, deposit, keep, accumulate, burn, bury or otherwise dispose of any garbage, recyclable material, C&D, organic waste upon public or private property of another person or other premises within the city in anything other than the authorized containers provided or approved by the exclusive franchisee described in this article; provided, however, that this section shall not prohibit the depositing of casual or occasional solid waste and recyclable materials (not accumulated domestic and commercial solid waste and recyclables as described in this article) in any solid waste and recycling receptacles furnished for that purpose on any public or private property or public or private parking lot to which the public is invited.

Sec. 14-01.22. Requirements for Commercial Edible Food Generators.

- (a) Tier One Commercial Edible Food Generators must comply with the requirements of this Section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
- (b) Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.
- (c) Commercial Edible Food Generators shall comply with the following requirements:
 - (1) Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
 - (2) Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.

- (3) Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
- (4) Allow City's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.
- (5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
 - (A) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
 - (B) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
 - (C) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 - (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
 - (iii) The established frequency that food will be collected or self-hauled.
 - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
- (d) Commencing no later than July 1, 2022 for Tier One Commercial Edible Food Generators and July 1, 2024 for Tier Two Commercial Edible Food Generators provide an annual Food Recovery report, every January 1st, to the City that includes the records listed in this Section.
- (e) Nothing in this Chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

Sec. 14-01.23. Requirements for food recovery organizations and services.

- (a) Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
- (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
 - (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
 - (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
 - (4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
- (b) Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
- (1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
 - (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
 - (3) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
- (c) Food Recovery Organizations and Food Recovery Services shall inform generators about California and Federal Good Samaritan Food Donation Act protection in written communications, such as in their contract or agreement established under 14 CCR Section 18991.3(b).
- (d) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the City it is located in the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than July 1st of each year.

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

Sec. 14-01.24. Requirements for Franchised Haulers and Facility Operators.

- (a) Exclusive franchised hauler(s) providing residential, Commercial, or industrial Organic Waste collection services to Generators within the City's boundaries shall meet the following requirements as a condition of approval of a contract, agreement, or similar contractual authorization with the City to collect Organic Waste:
 - (1) Through written notice to the City annually on or before July 1, 2022, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste.
 - (2) Transport Source Separated Recyclable Materials and Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2. Notwithstanding the foregoing, hauler shall not be required to transport any containers with Prohibited Container Contaminants to a facility, operation, activity, or property that recovers Organic Waste.
 - (3) Obtain approval from the City to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1.
 - (4) Exclusive franchised hauler(s) authorization to collect Organic Waste shall comply with any education, equipment, signage, container labeling, container color, contamination, monitoring, and reporting requirements relating to the collection of Organic Waste contained within its franchise agreement.
- (b) Requirements for Facility Operators and Community Composting Operations:
 - (1) Community Composting operators, upon City request, shall provide information to the City to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the City shall respond within 60 days.

Sec. 14-01.25. Self-Hauler Requirements.

- (a) 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 City request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the City shall respond within 60 days.
- (b) Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that the City otherwise requires generators to separate for collection in the City's organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
- (c) Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Compost Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
- (d) Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to inspection by the City. The records shall include the following information:
 - (1) Delivery receipts and weight tickets from the entity accepting the waste.
 - (2) The amount of material in cubic yards or tons transported by the Generator to each entity.
 - (3) If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
- (e) A residential Organic Waste Generator that self-hauls Organic Waste is not required to record or report information in this Section.
- (f) Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected pursuant to this Section to the City if requested and within ten (10) days of such request.

Nothing in this section shall relieve Self-Haulers from the requirement to subscribe and receive regular three-container services.

Sec. 14-01.26.. Inspection of premises.

The city manager, or his authorized representative, may inspect any premises within the city at any reasonable time, to examine the sanitary condition of such premises to determine compliance with the provisions of this article. Upon notification by the city, all persons, including the exclusive franchisee, shall comply with the provisions of this article or be deemed guilty of an infraction. In all cases of disputes or complaints concerning the place where receptacles for any kinds of solid waste, C&D, recyclable material, green waste or food waste shall be placed awaiting removal of their contents, the quantities to be removed, the number of times of removal, and the rates charged, the city manager (or designee) shall designate the place, the estimated quantities, the times and manner of removal, and the rates; and the decision shall be final.

Sec. 14-01.27. Use of designated transfer, processing, recycling or disposal facility.

The city reserves the right to direct self-haulers, building or planning permit holders authorized by the city, city contractors, and exclusive franchisees to deliver all collected solid wastes, recyclable material, C&D, green waste and/or food waste to a transfer, processing, recycling or disposal facility designated by the authority.

Sec. 14-01.28. Use of designated transfer or disposal facility—Self-haul.

Any person may elect to infrequently self-haul solid waste, C&D, household hazardous waste, recyclables, e-waste, green waste or organic recyclable materials. In accordance with this article this right shall be reserved to every resident and business occupant or owner in the city. Fees and charges for such disposal shall be determined by resolution of the authority board. Except as provided in this section and otherwise in this article, every person in the city in possession of or having charge or control of any solid waste, recyclables, C&D, green waste or food waste shall cause the same to be collected by the exclusive franchisee engaged by the city to collect and transport solid waste, C&D, recyclable material, green waste or food waste for disposal or recycling at a designated transfer or disposal facility, pursuant to the terms of this article.

The solid waste transport must be accomplished by the resident, owner, or the commercial, business, or industrial entity that generates the solid waste, not by an outside party hired to do the hauling. Self-haul is not a substitute for weekly solid waste, recycling, green waste or food waste collection from the franchisee, in accordance with this article, except as provided in section 14-12.

Sec. 14-01.29. Unacceptable materials.

It shall be unlawful to place unacceptable materials in a solid waste bin, cart or debris box for storage, collection, or movement, unless the bin, cart or debris box is specifically designed for and clearly identified as a receptacle for the material being stored, collected, or moved. Solid waste, and/or C&D shall not be placed in recycling, green waste or food waste containers. Placement of any materials in bins, carts and debris boxes without the permission of the customer responsible for payment of service is not allowed except as defined in this article.

Sec. 14-01.30. Discounted rate.

Disabled residents and low-income senior citizens are eligible for a discounted rate on solid waste services upon approval by the city clerk or the city manager's designee of a properly completed and submitted application.

Sec. 14-01.31. __ Inspections and investigations.

- (a) City representatives and/or its Designees are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this Chapter by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow City to enter the interior of a private residential property for Inspection. For the purposes of inspecting Commercial Business containers for compliance with this Chapter, City may conduct container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses shall accommodate and cooperate with the Remote Monitoring.
- (b) Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the City's employee or its Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this Chapter described herein. Failure to provide or arrange for: (i) access to an entity's premises; (ii) installation and operation of Remote Monitoring equipment; or (iii) access to records for any Inspection or investigation is a violation of this Chapter and may result in penalties described.
- (c) Any records obtained by a City during its Inspections, Remote Monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
- (d) City representatives, its designated entity, and/or Designee are authorized to conduct any Inspections, Remote Monitoring, or other investigations of Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations as reasonably necessary to further the goals of this Chapter, subject to applicable laws.
- (e) City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

Sec. 14-01.32. Violations of code and Enforcement.

No person shall violate any provision or fail to comply with any of the requirement of this article. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of an infraction or misdemeanor, as specifically outlined in this article or as otherwise set forth in Section 1-01.08 of this Code. Alternatively, and in the discretion of the city attorney, any violation of this article may be prosecuted administratively pursuant to the city's Administrative Remedies Ordinance or may be enforced against pursuant to any remedy available to the city under the law.

- (a) Violation of any provision of this article shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by a City Enforcement Official or representative. Enforcement Actions under this Chapter include, but are not limited to, issuance of an administrative citation and assessment of a fine.
- (b) Other remedies allowed by law may be used for enforcement, including, but not limited to, civil action or prosecution as misdemeanor or infraction. City may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. City may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of City staff and resources.
- (c) Responsible Entity for Enforcement
 - (1) Enforcement pursuant to this article may be undertaken by the City Enforcement Official, which may be the city manager or their designated entity, legal counsel, or combination thereof.
 - i. The City Enforcement Official(s) or designee will interpret this Chapter; determine the applicability of waivers, if violation(s) have occurred; implement Enforcement Actions; and, determine if compliance standards are met.
 - ii. The City Enforcement Official(s) or designee may issue Notices of Violation(s).
- (d) Process for Enforcement
 - (1) City Enforcement Official(s) or designee, will monitor compliance with this Chapter randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program that may include Remote Monitoring.
 - (2) City may issue an official notification to notify regulated entities of its obligations under this Chapter.
- (e) With the exception of violations of generator contamination of container contents , City shall issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.

- (1) Absent compliance by the respondent within the deadline set forth in the Notice of Violation, City shall commence an action to impose penalties, via an administrative citation and fine, pursuant to the City's procedures.
 - (2) Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the City or if no such address is available, to the owner at the address of the dwelling or Commercial property or to the party responsible for paying for the collection services, depending upon available information
- (f) **Penalty Amounts for Types of Violations.** The penalty levels for City-issued Notices of Violation are as follows:
- (1) For a first violation, the amount of the base penalty shall be \$50-\$100 per violation.
 - (2) For a second violation, the amount of the base penalty shall be \$100-\$200 per violation.
 - (3) For a third or subsequent violation, the amount of the base penalty shall be \$250-\$500 per violation.

SECTION 3. Article II of Chapter 14 of the Salinas Municipal Code is hereby renumbered as follows:

Article II. Refuse and Weeds on Lots.*

* For state law as to weed and rubbish abatement generally, see Gov. C., §§ 39560 to 39582. For charter provisions as to abatement of the unsightly, see Char., § 114.

Sec. 14-02.01. Weeds prohibited.

No person owning or otherwise in control of any real property within the city shall permit or allow any weeds or grass which bear seeds of a windborne or downy nature, or which attain such a large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous, to grow, stand or remain upon such real property or upon any street or sidewalk in front of such real property.

Sec. 14-02.02. Refuse prohibited.

No person owning any lot in the city shall permit or allow any rubbish, refuse, trash, debris, or dirt to stand or remain upon such lot or any street, parkway, or sidewalk, in front of said lot.

Sec. 14-02.03. Determination of hazardous conditions by fire chief—Notice to remove; removal.

Whenever the fire chief or his duly authorized representative determines that the presence of weeds, grass, rubbish, refuse, trash, debris or dirt upon any real property within the city constitutes a fire menace or other hazard to the lives, property or well-being of the populace, he shall immediately notify the owner(s) of such property, and may notify the person(s) in possession or control of such property if different from the owner(s) thereof, to remove the hazardous material or growth in accordance with specifications for such work adopted by the council. Such removal shall be accomplished within ten days after receipt of such notification or within ten days after such notice shall be deemed to have been received in the event notice is mailed pursuant to the provisions of Section 14-25.

Sec. 14-02.04. Same—How notice served.

The notice to remove pursuant to Section 14-24 shall be given by delivering a written notice personally to the owner(s) of the property upon which the fire menace is located, or by depositing such notice in the United States mail, postage prepaid, and addressed to the owner(s) thereof at his last known address as the same appears on the last equalized assessment roll of the county of Monterey. In the event a notice to remove is also given to the person(s) in possession or control of the property, such notice shall be given in either manner specified in this section with respect to giving notice to the owner of the property, and may be addressed to "occupant" or "to whom it may concern," if the name of such person(s) is not known.

Sec. 14-02.05. Same—Manner of clearing.

Persons owning lots, the fire chief or his duly authorized representative, or contractor, as the case may be, shall remove weeds, grass, rubbish, refuse, trash, debris, and dirt in accordance with specifications adopted by council resolution. As used herein, "contractor" shall mean any person with whom the city shall have duly contracted to remove the weeds, grass, rubbish, refuse, trash, debris, and dirt, when persons owning lots have failed to remove same after notice, as herein provided.

Sec. 14-02.06. Same—Removal by city.

Upon failure of persons to comply with the notice, the fire chief or his duly authorized representative shall cause the materials or growths constituting such menace to be removed, and shall file a report with the council advising that the removal was required and has been done, the cost of doing such work and the name of the owner or owners of the property upon which the work was required.

Sec. 14-02.07. Recording notices of pendency and completion of proceedings.

Prior to the performance of any weed abatement work by any person under contract with the city, the fire chief or his duly authorized representative shall cause to be recorded in the office of the recorder of Monterey County, a notice of the pendency of weed abatement proceedings by the city against the particular parcel involved. Upon completion of the weed abatement work required

and the reimbursement of the city for any necessary charges incurred on account thereof, the fire chief or his duly authorized representative shall cause to be recorded in the office of the recorder of Monterey County, a notice of the completion of weed abatement proceedings against the particular parcel involved with respect to which a prior notice of pendency of weed abatement proceedings has been recorded. The notice of completion of weed abatement proceedings shall have the effect, when recorded, of conclusively establishing that weed abatement proceedings have been completed and all necessary charges incurred on account thereof by the city have been paid, and shall extinguish the notice of pendency of weed abatement proceedings previously recorded. These notices shall specify the name of the current owner(s) of the parcel as shown on the last equalized assessment roll of the county of Monterey and the date on which, and the book and page number of the official records of Monterey County at which, the ownership interest of such owner(s) is shown as recorded, the Monterey County assessor's parcel number for the parcel involved, as well as any other information necessary to facilitate their recordation and convey notice of the pendency or completion of weed abatement proceedings.

Sec. 14-02.08. Same—Annual meeting of council to approve costs of removal by city.

The council shall annually conduct a hearing upon the report submitted by the fire chief or his duly authorized representative for the purpose of hearing all protests and objections to same, the work done thereunder and the costs contained therein. At least ten days in advance of such hearing, the city clerk shall notify the persons owning property upon which work was performed under Section 14-24 of the date, time and place of such hearing and the total cost to be charged against such person and property, which total cost shall include such charges as the council, by resolution, has determined for administrative expenses connected with the removal and the collection of costs therefor. The notice provisions of Section 14-25 shall be applicable to the notices required to be sent under this section.

Sec. 14-02.09. Same—Same—Approval.

At the public hearing, the council shall hear and determine all protests and objections to the report and the work done thereunder and costs contained therein, and shall, by resolution, confirm, amend, or reject the report, either in whole or in part.

Sec. 14-02.10. Same—Assessment and collection of costs.

Any special assessment filed against real property under this article shall be imposed following the procedure set forth in Division 3 of Article II of Chapter 1 of the City Code.

Sec. 14-02.11. Description of lots.

Lots on which, or in front of which, weeds, grass, rubbish, refuse, trash, debris, or dirt grows, stands, or remains, shall be described by giving the lot and block number of the same according to the official map or the assessment map of such city used for describing property on tax bills, and no other description of such lot shall be required, except as otherwise provided herein.

SECTION 4. Article III of Chapter 14 of the Salinas Municipal Code is hereby renumbered as follows:

Article III. Environmentally Acceptable Food Packaging.³

Sec. 14-03.01. Definitions.

Unless otherwise expressly stated, whenever used in this article, the following terms shall have the meanings set forth below.

"Affordable" means that a biodegradable, compostable or recyclable product may cost up to fifteen percent more than the purchase cost of the non-biodegradable, non-compostable, or non-recyclable alternative(s).

"ASTM standard" means meeting the standards of the American Society for Testing and Materials (ASTM) International Standards D6400 or D6868 for biodegradable and compostable plastics, as those standards may be amended from time to time.

"Biodegradable" means the ability of organic matter to break down from a complex to a more simple form.

"City contractor" means any person or entity that has a contract with the City of Salinas for work or improvement to be performed, for a franchise, concession, for grant monies, goods and services, or supplies to be donated or to be purchased at the expense of the city.

"City facility" means any building, structure or vehicle owned and operated by the City of Salinas, its agencies, and/or departments.

"Compostable" means all the materials in the produce or package will break down, or otherwise become part of usable compost in a safe and timely manner. Compostable disposable food service ware must meet ASTM standards for compostability and any bio-plastic or plastic-like product must be clearly labeled, preferably with a color symbol, to allow proper identification such that the collector and processor can easily distinguish the ASTM standard compostable plastic from non-ASTM standard compostable plastic.

"Disposable food service ware" means single-use disposable products used by a food provider for serving or transporting prepared, ready-to-consume food or beverages including, but not limited to plates, cups, bowls, trays, and hinged or lidded containers. Disposable food service ware includes single-use disposable items such as plastic straws, cup lids or utensils.

"Effective date" means the effective date of this ordinance enacting Article III of Chapter 14 of the Salinas City Code.

³Editor's note(s)—Ord. No. 2519 (NCS), § 2, adopted Aug. 23, 2011, added a new Art. III, §§ 14-32—14-36, as set out herein. Section 1 of said ordinance renumbered the former Art. III, § 14-32, as Art. IV, § 14-37. See also the editor's note at Art. IV.

Ord. No. 2519 (NCS) shall take effect six months from and after its adoption in order to allow vendors to use up any remaining stock of prohibited product. This ordinance shall become effective and shall become mandatory on the first day of the month following the six-month voluntary period.

"Food packaging" means all bags, sacks, wrapping, containers, bowls, plates, trays, cartons, cups, straws, and lids on or in which any foods or beverages are placed or packaged or are intended to be placed or packaged. Food packaging does not include polystyrene foam coolers and ice chests used for the storage or transportation and/or intended for reuse.

"Food provider" means any vendor located or providing food within the City of Salinas which provides prepared food for public consumption on or off its premises and includes without limitation any store, shop, sales outlet, restaurant, grocery store, supermarket, delicatessen, catering truck, non-motorized pushcart, or any other vehicle, or any other person who provides prepared food; and any organization, group or individual which provides food as a part of its services.

"Person" means any individual, sole proprietorship, firm, association, organization, partnership (whether limited or general), corporation, limited liability corporation, political subdivision, government agency, municipality, industry, public or private corporation, trust, joint venture, regulatory authority or any other entity.

"Polystyrene" means a thermoplastic petrochemical material utilizing styrene monomers. Polystyrene includes clear and solid polystyrene ("oriented polystyrene").

"Polystyrene foam" means and includes expanded polystyrene that is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres ("expanded bead polystyrene"), injection molding, form molding, and extrusion-blow molding ("extruded foam polystyrene"). To include, but not limited to, polystyrene foam plate, bleached paperboard plate with low density polyethylene coating and bleached paperboard plate with polystyrene coating.

"Prepared food" means any food or beverage prepared at the food provider's premises, using any cooking or food preparation technique. Prepared food does not include any raw uncooked meat, poultry, fish or eggs unless provided for consumption without further food preparation.

"Recyclable" means any material that is accepted by the city or its franchise waste hauler for recycling including, but not limited to, paper, glass, aluminum, cardboard and plastic bottles, jars, and tubs. Recyclable plastics comprise those plastics coded with the recycling symbols #1 through #5.

"Retail food establishment" shall include, but shall not be limited to, any place where food is prepared to include any fixed or mobile restaurant or food service vehicle, drive-in, coffee shop, public food market, produce stand or similar place which food or drink is prepared for sale or for service on the premises or elsewhere.

"Special event" means any special event as that term is defined by and is regulated by the Salinas City Code at which food and/or beverages are being provided for public consumption. This definition shall apply whether such food and/or drinks are prepared within or outside of the Salinas City limits.

Sec. 14-03.02. Prohibited disposable food service ware.

- (a) Food providers shall not dispense prepared food in any disposable food service ware that contains polystyrene foam or otherwise sell, hand out, give away, distribute or otherwise

make available for public or customer use any disposable food service ware that contains polystyrene foam, unless exempted by this article.

- (b) Disposable food service ware that contains polystyrene foam is prohibited from use in all City of Salinas facilities.
- (c) The prohibition of disposable food service ware containing or utilizing polystyrene foam shall also apply to all City of Salinas contractors in the performance of City of Salinas contracts and special events sponsored by the city.
- (d) It shall also be a policy goal of the city that business establishments located outside the city limits, but that may sell or offer for sale their products within the City of Salinas, shall not package any food product in any package that contains or that utilizes polystyrene foam. The City of Salinas shall promote and shall encourage, on a voluntary basis, the elimination of all polystyrene foam disposable food service ware by these outside business establishments.
- (e) To allow food providers an opportunity to use remaining stocks of food packaging, food providers shall have one hundred eighty days from the effective date to comply with the regulations of this article. During the one hundred eighty-day period, it shall be the policy of the city to encourage voluntary adherence to the requirements of this article. After one hundred eighty days from the effective date of this article, food providers shall be subject to and shall comply with the regulations of this article.

Sec. 14-03.03. Required biodegradable, compostable, or recyclable disposable food service ware.

- (a) All food providers within the City of Salinas utilizing disposable food service ware shall use only biodegradable, compostable or recyclable products, unless there is no affordable alternative available as determined by the city manager or his designee.
- (b) All City of Salinas facilities utilizing disposable food service ware shall use only products that are biodegradable, compostable or recyclable.
- (c) All promoters and participants in special events utilizing food service ware shall use only products that are biodegradable, compostable or recyclable.
- (d) City of Salinas contractors and promoters or participants in city-sponsored events utilizing disposable food service ware shall also be required to use only biodegradable, compostable or recyclable products while performing under a City of Salinas contract or permit.

Sec. 14-03.04. Exemptions.

- (a) There are no exemptions that allow for the use of polystyrene foam disposable food service ware by food providers within the City of Salinas.
- (b) The City of Salinas may exempt a food provider from the requirements set forth in Sections 14-33 and 14-44 of this article for a non-renewable, one-year period upon the food provider showing, in writing, that this ordinance would create an undue hardship or practical difficulty not generally applicable to other persons in similar circumstances. The city manager, or his designee, shall prepare a written decision to grant or to deny a one-year exemption, which

decision shall be final. A request for an exemption shall include all information necessary for the city manager or his designee to make a decision including, but not limited to, documentation showing factual support for the claimed exemption. The applicant may be required to provide additional information. The city manager or his designee may approve the request for an exemption in whole or in part, with or without conditions.

- (c) Food prepared or packaged outside the City of Salinas and sold inside the city are exempt from the provisions of this ordinance except for those foods prepared or packaged in connection with a special event held within the city. Other purveyors of food prepared or packaged outside the city are encouraged to follow the provisions of this ordinance as it is a policy goal of this city to eliminate the use of polystyrene foam for packaging unprepared food.
- (d) Polystyrene foam coolers and ice chests used by food providers for item storage and/or transportation and intended for reuse shall be exempt from the provisions of this article.
- (e) During an emergency requiring immediate action to prevent or to mitigate the loss of impairment of life, health, property or essential public services, persons providing emergency relief are exempt from the provisions of this article until such time as the emergency has ceased.

Sec. 14-03.05. Enforcement.

- (a) The remedies and penalties provided in this ordinance are cumulative and in addition to any other remedies available at law or in equity.
- (b) The city manager, or his designee, shall be primarily responsible for the implementation and the enforcement of this article. Such person is authorized to establish guidelines and procedures to implement this article and to take such action as may be necessary, including inspection of food providers, to monitor compliance with this article.
- (c) Violation of this article is a misdemeanor. Alternatively, and in the discretion of the city attorney, a violation of this article may be prosecuted administratively. Any enforcement officer of the city, at his or her discretion, may issue an administrative citation for a violation of this article. The authority granted the city in this section shall be in addition to all other remedies available at law or in equity and the city attorney is hereby authorized to take such enforcement action as is authorized under the Salinas City Code or any other provision of law.
- (d) The city manager or his designee shall be responsible for enforcing this ordinance and shall have authority to issue citations for violations. The city manager or his designee, in accordance with applicable law, may inspect any vendor or food provider's premises to verify compliance.
- (e) For the first violation a written warning shall be issued to the food provider specifying that a violation of this ordinance has occurred and which further notifies the food provider of the appropriate penalties to be assessed in the event of future violations. The food provider will have no more than thirty days to comply. Upon failure of the food provider to comply within

the thirty-day period set forth in this section, the city may pursue enforcement action by utilizing any of the remedies set forth in this section.

- (f) If issuance of an administrative citation is deemed to be the appropriate enforcement method, such citation shall issue following the failure of the food provider to comply with the thirty-day notice period set forth in this section. In lieu of the fine for the first administrative citation, but not for subsequent administrative citations, the city may allow the violator to submit receipts demonstrating the purchase of at least one hundred dollars worth of biodegradable, compostable or recyclable products after the citation date, as an alternative disposable food service ware for the items which led to the violation.

SECTION 5. Article IV of Chapter 14 of the Salinas Municipal Code is hereby repealed in its entirety.

SECTION 6. The City Council finds and determines that the adoption of this Ordinance is not subject to the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that implementation of the Ordinance may have a significant effect on the environment. (CEQA Guidelines Section 15061(b)(3).)

SECTION 7. Publication. The City Clerk shall cause a summary of this ordinance to be published once in a newspaper published and circulated in Salinas within fifteen (15) days after adoption. (Salinas Charter Section 11.9)

SECTION 8. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Salinas City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, clause, and phase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 9. Effective Date. This Ordinance will take effect thirty (30) days from and after its adoption.

PASSED AND ADOPTED this ____ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Kimbley Craig, Mayor

ATTEST:

Patricia M. Barajas, City Clerk

APPROVED AS TO FORM:

Christopher A. Callihan, City Attorney