

ORDINANCE NO. 1861

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE RELATED TO THE AMENDING OROVILLE MUNICIPAL CODE CHAPTER 13.08, ADDING ARTICLE 3 REGARDING MANDATORY MUNICIPAL SOLID WASTE, RECYCLABLE MATERIAL, AND ORGANIC WASTE DISPOSAL REDUCTION.

WHEREAS, 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Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including Organic Waste) Municipal Solid Waste (MSW) generated in their City 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 Assembly Bill 341 of 2011 places requirements on businesses and multi-family property owners that generate a specified threshold amount of MSW to arrange for recycling services and the City to implement a mandatory commercial recycling program; and

WHEREAS Assembly Bill 1826 of 2014 requires businesses and multi-family property owners that generate a specified threshold amount of MSW, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires the City to implement a Mandatory Commercial Organics Recycling program; and

WHEREAS SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires the California Department of Resources Recycling and Recovery (CalRecycle) to develop regulations to reduce organics in landfills as a source of methane. As adopted by CalRecycle, these SB 1383 regulations (SB 1383 Regulations) place requirements on multiple entities including the City, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, Authorized Contractors, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets; and

WHEREAS SB 1383 Regulations require the City to adopt and enforce an ordinance or other enforceable mechanism to implement relevant provisions of the SB 1383; and

WHEREAS the City desires to amend Oroville Chapter 13.08 and add Article 3 to implement the requirements of AB 341, AB 1836, and SB 1383.

THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, DOES HERBY ORDAIN AS FOLLOWS

SECTION 1: Findings. The City Council hereby finds that, for the reasons summarized in the recitals to this Ordinance, this Ordinance is necessary for the preservation of public health and safety, and to comply with state law.

SECTION 2: Amendment. Oroville Municipal Code Chapter 13.80, is hereby amended by deleting the existing text in its entirety and replacing it with the following:

Chapter 13.08

MUNICIPAL SOLID WASTE, RECYCLABLE MATERIALS AND COMPOST COLLECTION AND DISPOSAL

Article 1. In General

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13.08.150 Collection—Contract—Contents.

13.08.160 Billing charges to be a lien.

13.08.010 Definitions

As used in this Chapter, the words below shall have the following definitions, unless the context specifically indicates otherwise:

“Authorized Contractor” means a person, company, agency, district, or other entity authorized by the City Council to provide service or services to collect MSW, Recyclable Materials, and/or Organic Waste from others within the city limits in accordance with the provisions this Chapter.

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

“City” means the City of Oroville, a municipal corporation, and all the territory lying within the municipal boundaries of the City as presently existing or as such boundaries may be modified during the Term.

"City Enforcement Official" means the city manager, or other executive in charge or their authorized Designee(s) who is/are partially or wholly responsible for enforcing the ordinance. See also "Regional or County Agency Enforcement Officer".

"Collection Services" means MSW, Recyclable Material, and Organic Waste collected by the Authorized Contractor pursuant to this Chapter, and Article 3.

“Commercial Business,” “Business,” or “Businesses” means all hotels, motor courts, restaurants, offices or office buildings, stores, warehouses, factories, hospitals, assisted living facilities and all other premises used for functions other than dwelling houses, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Complex that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this Chapter.

“Compost or Organic Waste” has the same meaning as in 14 CCR Section 17896.2(a)(4), and means those materials that are processed in a controlled biological decomposition process, which are source separated from the municipal solid waste stream. Organic Waste include food scraps, food soiled paper products, yard trimmings and wood materials and that do not contain hazardous waste.

“Construction and Demolition (C&D) Debris” includes waste building materials, packaging and rubble resulting from construction, remodeling, repair or demolition operations on pavements, houses, commercial and industrial buildings, and other structures and improvements.

“Container” or “Containers” means watertight metal or plastic objects with lids or covers, designed, and used to hold MSW, Recyclable Material, Organic Waste, or cooking oil/grease prior to Collection, provided by the City or Authorized Contractor. Containers include wheeled carts with lids, bins, open-top roll-off boxes, compactors, and oil/grease tanks.

“Contamination” means placing materials in a container that is labeled and intended for storage of another type of material, and which would either interfere with the processing of the material or reduce the quality and value of the recovered material. For example, placing metals or plastics in a container labeled “yard trimmings” constitutes “contamination” because it would interfere with the equipment and processes used to compost or mulch the yard trimmings. Similarly, placing food scraps in a container labeled “Recyclable Materials” would contaminate Recyclable Materials, making it more difficult to properly sort and process them for marketing.

“Enclosure” means a walled structure for the storage of MSW, Recyclable Materials and Organic Waste containers, with one or more gates for access.

“Generate” means to bring into existence or create, or to use, maintain or possess an item, material or product, the result of which such creation, bringing into existence, use, maintenance, or possession is that the item, material or product first becomes, or is converted, transformed, evolved to, or deemed as MSW, Recyclable Materials, or Organic Waste. “Generate” shall not mean or include any form of activity, program, service of business by which MSW, Recyclable Materials or Organic Waste are in any manner collected or accumulated from another person, business, entity, or establishment of any kind.

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

“Multi-Family Complex” means a 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.

“Municipal Solid Waste” or “MSW” means all fractions of discarded putrescible and non-putrescible solid, semi-solid and liquid wastes, including trash, refuse, paper, rubbish, ashes, industrial wastes, construction and demolition debris, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes, and other discarded substances or materials. MSW does not include:

- A. Hazardous Waste, as defined in the State Public Resources Code Section 40141.
- B. Low-level 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).
- C. Untreated medical waste which is 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 MSW landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be MSW shall be regulated pursuant to Division 30 of the State Public Resources Code.
- D. Recyclable Materials which have been source or type-separated from other waste material.

“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).

“Owner.” The legal owner of real property fronting on any street; and as used in this chapter the singular shall include the plural, and shall include an individual, a firm, an association, a corporation, a partnership and the lessees, trustees, agents, employees, servants and

representatives of any such owner. Proof of the assessment of any real property, the subject of this chapter, to any person or legal entity on the official assessor's rolls shall constitute prima facie evidence that such person or legal entity to whom such property is so assessed is the legal owner thereof.

"Public street or streets." All roads, streets, avenues, boulevards, alleys, parkways and public rights-of-way or any portions thereof of the city.

"Recyclable Material" means material which otherwise would become or be treated as MSW but which, by means of a process of collecting, sorting, cleansing, treating and reconstructing, may be returned to the economic mainstream in the form of finished or source material for new, reused or reconstituted products, which may be used in the market place. "Recyclable Materials" includes paper, books, magazines, cardboard, box board, plastic, metal, glass, and other similar materials authorized by the city for collection by the Authorized Contractor.

"Self-Hauler" means a person, who hauls MSW, Recyclable Material, or Organic Waste he or she has generated to a transfer, processing, recovery, or disposal facility other than the Authorized Contractor, whose primary business is not waste hauling. 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 Compost Material 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).

"Yard Waste" means tree trimmings, grass cuttings, leaves, branches, and similar organic materials, including vineyard clippings, sawdust, wooden chopsticks, and other clean wood items under 36 inches.

13.08.020 Collection reserved to city.

The city through its duly authorized agents, designees or employees, shall have the exclusive right to collect MSW, Recyclable Material, and Organic Waste, within the city, and it shall be unlawful for any person, except as otherwise provided in this chapter, to collect such MSW, Recyclable Material, and Organic waste in the city. (Ord. 1206)

13.08.030 Private collection—Permit required.

It is unlawful to engage in the business of collecting MSW, Recyclable Material and Organic Waste without a permit, and such permit shall only be granted by the city council. (Ord. 1206)

13.08.040 Rules—Charges—Regulations.

The city council shall adopt by resolution, the rates and charges and rules and regulations controlling and governing the keeping, collecting and disposal of MSW, Recyclable Material and Organic Waste(Ord. 1206)

13.08.050 Accumulation prohibited—Collection service required.

It is unlawful for any person to allow MSW, Recyclable Material and Organic Waste to accumulate outside of his or her authorized MSW, Recyclable Material and Organic Waste container. Said MSW, Recyclable Material and Organic Waste shall be removed weekly.

A. The owner of any property within the city in or from which MSW, Recyclable Material, and Organic Waste is created, accumulated, or produced shall subscribe to and pay for MSW, Recyclable Material and Organic Waste collection service rendered to such property by the city or the party contracting with the city under a franchise agreement to collect the MSW, Recyclable Material, and Organic Waste.

B. Any Authorized Contractor holding the franchise with the city to furnish MSW, Recyclable Material, and Organic Waste collection and disposal service shall furnish such service to all residents of the city without discrimination as to the rates for similar services.

13.08.060 Requirements as to containers.

A. It is unlawful for any person to deposit or keep MSW, Recyclable Material and Organic Waste except in the manner specified in this chapter and by obeying the regulations authorized by this chapter.

B. Use of containers required:

All Residential Premises and Commercial Businesses or other establishments within the City shall deposit all MSW, Recyclable Material, and Organic Waste accumulated from their location and/or operations in separate watertight containers of a capacity of not more than thirty (30) gallons each with tight-fitting covers, or other approved containers as supplied by the Authorized Contractor and shall not keep or accumulate, or permit to be kept or accumulated, any MSW, Recyclable Material or Organic Waste, except in Containers. Containers must be kept clean, free of contamination and sanitary at all times, and be kept covered except when MSW, Recyclable Material or Organic Waste are deposited therein or removed therefrom.

C. All Containers shall be provided and maintained on the premises where MSW, Recyclable Material, and Organic Waste are produced, in a place easily accessible to the Authorized Contractor but where it will not be a public nuisance or otherwise offensive.

D.. It is unlawful for any person to place MSW, Recyclable Material and Organic Waste containers within a public right-of-way except as follows:

Containers for residential service may be placed for collection at ground level of the property, not within the right-of-way of the street or alley, or sidewalk and accessible to and not more than 2 feet from the curb or sidewalk. Containers shall be placed at street-side for collection within 12 hours of the time for collection and shall be removed within 12 hours after collection service is rendered. Other containers such as bins and drop boxes shall be placed for collection in a location easily accessible to the Authorized Contractor.

E. MSW, Recyclable Material and Organic Waste

F. Commercial Business and Multi-Family Complexes are required to provide MSW, Recyclable Material and Organic Waste collection containers in compliance with Article 3 of this Chapter. The owners thereof shall provide for all tenants adequate Collection areas and space for the disposition of MSW, Recyclable Material, and Organic Waste as herein stated, and further shall pay for Collection thereof if such Collection is not otherwise paid for.

G. In the case of persons who, because of age, infirmity, disease, or handicap are incapable of placing the MSW, Recyclable Material, and Organic waste containers at street-side, the authorized contractor, upon being informed of such fact, shall contact the individuals involved and shall make reasonable alternative arrangements concerning the location of the container for pickup at no additional charge.

H.

I. None of the MSW, Recyclable Material, and Organic waste collection services shall include disposal of:

1. MSW such as large appliances, furniture, sod, earth removal or concrete removal.
2. Chemicals which can only be disposed of in a Class I dump.

Residents may make special arrangements with the MSW, Recyclable Material, and Organic waste Authorized Contractor at special rates should residents need assistance in the removal of such items. (Ord. 1401 § 2; Ord. 1657 § 1)

13.08.070 Containers subject to approval of health officer.

The health officer shall be the judge of the sufficiency and sanitation of all MSW, Recyclable Material, and Organic Waste containers used in the keeping of MSW, Recyclable Material, and Organic Waste, (Ord. 1206)

13.08.080 Disposal of MSW, Recyclable Material, and Organic Waste by owner or tenant.

A. Nothing contained in this chapter shall be construed as prohibiting the owner or tenant of any premises in the city from self-hauling any MSW, Recyclable Material, or Organic Waste, in order to reduce the amount to be taken away by the city or its Authorized Contractors or employees. An owner or tenant may do this by means of any regular employee but not by means of any person who shall in any way receive the benefits of the use of any such MSW, Recyclable Material or Organic Waste.

B. MSW, Recyclable Material, and Organic Waste must be removed by the city or its Authorized Contractor at least weekly by means of a completely enclosed compactor truck. Nothing contained in this section shall be construed as relieving any person from paying the regular MSW, Recyclable Material, and Organic waste fee established by the city. (Ord. 1401 § 2)

13.08.090 Burning of MSW, Recyclable Material or Organic Waste

A. Generally. No person shall burn or bury any MSW, Recyclable Material, or Organic Waste within the City except those combustibles may be disposed of by burning inside buildings in stoves for that purpose to the extent permitted under laws of the state, and except that MSW, Recyclable Material, and Organic Waste may be disposed of by burning to the extent hereafter provided.

D. Burning Hours.

3. Open Burning. Open or dooryard burning shall be allowed with a valid permit between 6:00 a.m. and 11:00 a.m. year-round. The fire chief may eliminate the burning hours restriction during non-fire season in order to be consistent with other local fire agencies.

4. Agricultural and land clearing burning agricultural burning shall be allowed with a valid air pollution control permit and a valid Oroville fire department burn permit in accordance with air pollution control ignition hours.

E. Permits Required.

1. Open or Dooryard Burning. A dooryard burn permit (OFD 12-6900) shall be obtained from the Oroville fire department before igniting any open or dooryard fire.

a. The permit shall be valid for one calendar year.

b. Permits issued after October 31st of any year shall be valid for the entire calendar year unless otherwise specified.

c. An annual permit fee of the amount outlined in the Master Fee Schedule is hereby established for all open burning and agricultural permits issued.

3. Agricultural Burning. An agricultural or dooryard trash burn permit (OFD 12-6500) shall be issued by the fire department after the permittee has obtained an air pollution control board permit. The permit shall be valid for one calendar year. The burning site shall be inspected and approved by the Oroville fire department.

F. Open or Dooryard Trash Burning Defined (Nonagricultural). Open burning or dooryard burning is the burning of growth materials or non-soiled paper from the property owned or controlled by the permittee. This does not include lot clearing, agricultural crop waste or commercial properties. Valid for one- and two-family dwelling properties.

G. Open Burning/Dooryard Burning Requirements.

1. Burning hours 6:00 a.m. to 11:00 a.m. All fire shall be completely out by 11:00 a.m. The fire chief may eliminate the burning hours restrictions during non-fire season in order to be consistent with other local fire agencies.

2. The Oroville fire department shall be notified prior to burning by telephone to (916) 532-0480 or (916) 532-0448 or such other telephone number as may be published by the Oroville fire department.

3. Permittee shall have a sufficient number of persons, including self, present at the time of burning to insure complete safety.

4. No burning shall be undertaken unless weather conditions (particularly wind) are such that they can reasonably be considered safe (wind velocity less than 5 mph during burning).

5. Maximum pile size: 4-foot diameter piles.
 6. Area within 10 feet of the outer edge of pile is maintained free and clear of all flammable material and vegetation.
 7. Have water supply at burning site capable of controlling the fire.
 8. Residential burning by the use of an open, outdoor fire does not include any material from a business, industry, agriculture, or any other source other than applicant's residence.
 9. This permit does not allow the burning of MSW, Recyclable Material, and Organic Waste, demolition or construction debris (two-by-fours, plywood, etc.); rubberized, asphalt or petroleum products, materials, impregnated with any form of oil, resin, asphalt or rubber cotton, hemp, wool products, clothing, mattresses and/or bedding.
 10. Current burning permit required.
 11. Permittee required to present copy of permit to any fire officer upon request.
- H. Agricultural Burning Defined. "Agricultural burning" shall be as defined in the Butte County air pollution control district agricultural and land clearing laws and shall include orchard debris, field crops and all other agricultural wastes and land clearing.
- I. Burning Bans.
1. Burning bans may be implemented during periods of extreme fire danger due to high temperatures, low humidity or high winds or a combination of these factors.
 2. When a burning ban is enacted all possible local media will be notified for public advisory, however it remains the responsibility of each individual to determine prior to ignition whether or not a burning ban has been enacted.
- J. Penalty for Violation. Any person violating any of the provisions of this section shall be guilty of a misdemeanor. (Ord. 1467 § 2; Ord. 1579 § 1)

13.08.100 Collection vehicles.

The design of all vehicles used to collect MSW, Recyclable Material, and Organic Waste will be prescribed by regulation and shall be satisfactory to the department of public works and the health officer. (Ord. 1206)

13.08.110 Settlement of disputes between Authorized Contractors and generators of the service—Complaints regarding service.

The city administrator or his/her designated representative shall hear any dispute that may arise between the collectors and the patrons of the service concerning the provisions of this chapter or the regulations. Any unresolved dispute shall be placed before the city council. (Ord. 1206)

13.08.120 Enforcement officer designated.

The City Enforcement Official or his/her designated representative shall be the enforcement officer responsible for administering the provisions herein. (Ord. 1206)

13.08.130 Depositing MSW, Recyclable Material, and Organic Waste, on land or in container of another.

- A. It is unlawful for any person to keep or deposit MSW, Recyclable Material, and Organic Waste anywhere in the city upon the property of another or in containers owned, controlled or maintained by another unless permission is first obtained.
- B. Any person violating any of the provisions of this section is guilty of an infraction and shall be punishable by a fine not to exceed the amount outlined in the Master Fee Schedule. (Ord. 1206; Ord. 1238 § 1)

13.08.140 Citations for violation of health provisions.

The City Enforcement Official or health officer, environmental health director, and of the County of Butte, pursuant to the provisions of Section 836.5 of the Penal Code of the State of California, may issue a citation to a person or corporation whenever he or she has reasonable cause to believe that the person has committed a misdemeanor in his or her presence which is a violation of any ordinance, statute or law, enforcement of which is under the administration of the health officer. (Ord. 1348 § 1)

13.08.150 Collection by Authorized Contractor unless otherwise specified

- A. Except as specifically otherwise provided in this Chapter, all MSW, Recyclable Material, and Organic Waste within the City shall be collected by the Authorized Contractor. It shall be unlawful for any person, Commercial Business, entity, or establishment of any kind to fail to deliver such MSW, Recyclable Material, or Organic Waste to the Authorized Contractor, or to subscribe to the Collection Service, as provided by this Chapter. It shall further be unlawful for any person, Commercial Business, entity or establishment of any kind otherwise to pay, reimburse, contract with or otherwise arrange for any other person, Commercial Business, entity or establishment of any kind, other than the Authorized Contractor, to collect, transport or dispose of MSW, Recyclable Material, or Organic Waste generated, produced or otherwise accumulated within the City.
- B. Notwithstanding any other provision of this Chapter, but subject to the express exceptions set forth in this Section, the following persons and Commercial Businesses shall be required to receive Collection Service:
 - 1. All existing owners and occupants receiving Collection Service as of the effective date of this Section;
 - 2. All owners and occupants of any residential premises constructed after the effective date of this Chapter; and
 - 3. All new owners and occupants of any structure:

- a. existing as of the effective date of this Chapter; and
- b. not receiving Collection Service at the time of any change of ownership and occupancy of each structure. The Authorized Contractor shall have the duty to collect MSW, Recyclable Material, and Organic Waste from such structures at each of the foregoing times. The owners and occupants of such structures shall be liable to the Authorized Contractor for the cost of such collections at the rates authorized by the City Council pursuant to this chapter.

C. This Section shall not require the following persons to receive Collection Service:

- 1. All existing single family and Commercial Business owners (including Multi-Family Complexes) and occupants of structures who, as of the effective date of this Chapter, own and/or occupy a structure which does not receive Collection Service, provided such owners and occupants continue to own and/or occupy such structure.
- 2. All owners and occupants of structures who demonstrate and certify to the satisfaction of the City Manager or his or her designee, that Collection Service is not needed because the owner or occupant satisfies any of the following criteria:
 - a. the owner or occupant does not generate sufficient MSW, Recyclable Material, and Organic Waste to require Collection Service, and promptly and appropriately transports his/her MSW, Recyclable Material and Organic Waste to a permitted disposal facility; or
 - b. the owner or occupant otherwise has arranged for shared MSW, Recyclable Material, and Organic Waste disposal with the owner or occupant of another structure receiving Collection Service, and such shared service does not involve an undue accumulation or improper storage of MSW, Recyclable Material, and Organic Waste

13.08.160 Billing charges to be a lien.

- A. All billing for MSW, Recyclable Material and Organic Waste collection and/or street sweeping shall be made by the Authorized Contractor; all charges shall become delinquent 90 days after billing date.
- B. If the bill remains unpaid after the date of delinquency, the Authorized Contractor shall be entitled to a delinquency fee. However, said delinquency fee shall not be assessed until 15 days after notification of the delinquency to the owner and recipient of service. The form and content of the delinquency notice sent by the contractor shall be approved by the fire chief. The contractor shall simultaneously file with the city a formal written notice stating the assessor's parcel number of the parcel to which service was rendered, that such delinquency notice has been sent to such recipient and owner and the date and address to which notice was sent. Delinquency fees shall be set by resolution of the city council.
- C. Should the bill remain unpaid at the expiration of the 15 days, the Authorized Contractor may assign said bill to the city for lien proceedings.

D. Upon the city's receipt of the assignment from the contractor and at the convenience of the city (i.e., once per year during the month of May), city staff shall initiate proceedings complying with Government Code Sections 38790.1 and 25831 to create a lien on the real property to which the waste collection and/or street sweeping has been rendered.

E. The lien will be officially recorded in the Butte County recorder's office. The lien may carry such additional administrative charges as set forth by resolution of the Oroville city council. The owner shall be notified by the city finance department that the delinquency charges and administrative charges are due the city and that said lien has been recorded. (Ord. 1562 § 1)

Article 2. Yard Waste, Weeds, MSW Recyclable Material and Organic Waste, and Rubble

13.08.170 Definitions.

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

“Grass, weeds or plants.” Grass, weeds or plants which when mature will attain such a large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous.

“Owner.” The legal owner of real property fronting on any street; and as used in this chapter the singular shall include the plural, and shall include an individual, a firm, an association, a corporation, a partnership and the lessees, trustees, agents, employees, and representatives of any such owner. Proof of the assessment of any real property, the subject of this chapter, to any person or legal entity on the official assessor's rolls shall constitute prima facie evidence that such person or legal entity to whom such property is so assessed is the legal owner thereof.

“Public street or streets.” All roads, streets, avenues, boulevards, alleys, parkways and public rights-of-way or any portions thereof of the city.

“Rubble.” Any rubble, residue, structure or part or portions of a structure, remaining after the demolition or partial demolition of any building or structure in the city. (Ord. 1165; Ord. 1184; Ord. 1192 § 1)

13.08.180 Removal.

A. Yard Waste and Weeds Etc. Every owner of real property within the corporate limits of the city shall remove and destroy all grass, weeds or plants as defined in Section 13.08.170 from such real property and from in front of such real property from the property line thereof to the curb line of the street upon which such real property abuts.

B. MSW, Recyclable Material, Organic Waste and Rubble. Every owner of real property within the corporate limits of the city shall keep such real property, and the real property in front of the same from the property line thereof to the curb line of the street upon which such real property abuts, free and clear of all MSW, Recyclable Material, Organic Waste and Rubble

C. Rubble. Every owner of real property within the corporate limits of the city shall keep such real property free and clear of all rubble. (Ord. 1165; Ord. 1184)

13.08.190 Disposal.

Upon removal, such Yard Waste, Grass, Weeds or Plants, MSW, Recyclable Material and Organic Waste and rubble shall not be placed, deposited, or dumped in the public streets; or placed, deposited or dumped between the property line and the curb line. (Ord. 1165; Ord. 1184)

13.08.200 Notice to remove.

A. Publication. The fire chief shall cause to be published 2 notices in the Oroville Mercury Register between April 1st and 20th, which notices shall in each publication provide as follows:

NOTICE TO ALL PROPERTY OWNERS IN THE OROVILLE CITY LIMITS TO REMOVE YARD WASTE, GRASS, WEEDS OR PLANTS, MSW, RECYCLABLE MATERIAL AND ORGANIC WASTE AND RUBBLE PRIOR TO JUNE 15th OF EACH YEAR.

All owners of land in the City limits of the City of Oroville are hereby notified to remove or destroy all yard waste, grass, weeds or plants, MSW, Recyclable Material and Organic Waste and rubble thereon prior to June 15th. ADMINISTRATIVE CITATIONS WILL BE ISSUED pursuant to City Ordinance No. 1717 for violations thereof against all property owners failing to comply with this notice.

FIRE CHIEF, City of Oroville, by direction of the city council

B. Mailing—Protests—Failure to Comply.

1. Upon the failure of the owner of any real property in the city to remove or destroy such Yard Waste, Grass, Weeds or Plants, or remove such MSW, Recyclable Material, Organic Waste and Rubble from such real property, or to remove or destroy such Yard Waste, Grass, Weeds or Plants, or to remove such MSW, Recyclable Material, Organic Waste or Rubble from in front of such real property from the property line thereof to the curb line of the street upon which such real property abuts, such owner shall be given notice by the fire chief of the city to remove or destroy the same within a period of 10 days. Such notice shall be in writing or printed and shall be dated. The fire chief shall mail written notices in substantially the same form as provided in subsection C of this section; except, that the fire chief shall sign such notice that is to be mailed to the owner to whom the real property is assessed on the last equalized assessment roll, and that is to be mailed to the address shown on the assessment roll.

2. Before the end of the period mentioned in such notice, the owner, if he or she has any objection thereto, may file with the city clerk a protest in writing setting forth the legal and factual reasons on which the objection to such notice of proposed removal or destruction is based. If, at the end of such period mentioned in such notice, such owner has failed to comply with the notice; and if he or she has failed to file a written protest with the city clerk, a citation shall be issued and duly served upon such owner for violation of this chapter. If a written protest is filed with the city clerk, and if the city clerk or the fire chief believes the protest to be without merit, then the written protest shall be referred to the city council for a hearing and decision thereon. The city council may hear the protest at a regular or special meeting, and the city clerk shall mail, at least 7 days before the hearing, a notice of the date and time of the hearing before the city council, to the owner who has filed a written protest of the proposed removal. If the city council

finds the written protest and the oral testimony, if any, without merit and overrules the protest, then the city clerk shall mail to the owner a notice giving the substance of the decision of the city council, and then if the owner does not him or herself at his or her own expense make the removal within 5 days thereafter, a citation shall be duly issued and served upon such owner for the violation of this chapter.

C. Form. The heading of the notice to be given by the fire chief shall be “NOTICE TO DESTROY OR REMOVE YARD WASTE, GRASS, WEEDS OR PLANTS, AND REMOVE MSW, RECYCLABLE MATERIAL, ORGANIC WASTE AND RUBBLE,” and the notice shall be substantially in the following form:

NOTICE TO DESTROY OR REMOVE YARD WASTE, GRASS, WEEDS OR PLANTS, AND REMOVE MSW, RECYCLABLE MATERIAL, ORGANIC WASTE AND RUBBLE.

Notice is hereby given that the noxious and dangerous grass, weeds or plants growing upon or in front of this property, or the MSW, Recyclable Material Organic Waste and rubble upon, or in front of this property, or the rubble upon this property, constitute a public nuisance which must be abated within ____ days of the date hereof by the destruction or removal of said Yard Waste, Grass, Weeds or Plants, or to remove such MSW, Recyclable Material, Organic Waste or Rubble Upon your failure to comply with this notice, an administrative citation will be duly issued and served upon you. IT WILL BE THE POLICY OF THE CITY OF OROVILLE NOT TO DISMISS CITATIONS FOR COMPLIANCE AFTER JUNE 15th. FAILURE TO COMPLY WILL RESULT IN ADDITIONAL CITATION(S) OR FINE(S). If you object to this proposed destruction and removal of Yard Waste, Grass, Weeds or Plants, or to remove such MSW, Recyclable Material, Organic Waste or Rubble, you are hereby notified to file with the City Clerk within 10 days of the date hereof a written protest setting forth the legal and factual reasons upon which the objection is based.

A brief official or City Assessment description of the premises is as follows:

A.P. # _____

DATED _____

Fire Chief, City of Oroville, by direction of the City Council

(Ord. 1165; Ord. 1184; Ord. 1717 §§ 1, 2)

13.08.210 Right of entry of certain officials.

The fire chief, his or her assistants and deputies, city employees or other public official designated by the city council may enter upon private property to perform the duties imposed by this chapter.
(Ord. 1165; Ord. 1184)

13.08.220 Costs of removal to be lien against property.

Upon completion of the work of destruction or removal of Yard Waste, Grass, Weeds or Plants, or to remove such MSW, Recyclable Material, Organic Waste or Rubble by the city, the fire chief shall notify the city clerk that such work has been completed and shall, in writing, inform the city clerk of

the cost of performing the same, and the city clerk shall in turn notify the owner of the real property in writing of the cost of such work. If the owner fails or refuses to pay to the city the amount of cost of such work within a period of 30 days from the date of such notice, then the city clerk shall record in a book to be kept for that purpose the name of the owner of the property, a description of the property sufficient for identification, and the amount of the charges against such real property for doing the work, removal or destruction of Yard Waste, Grass, Weeds or Plants, or to remove such MSW, Recyclable Material, Organic Waste or Rubble from such property. From and after the date that such entry is so made, the amount charged against such real property, which amount shall include the cost of removing the Yard Waste, Grass, Weeds or Plants, or to remove such MSW, Recyclable Material, Organic Waste or Rubble from in front of such real property from the property line thereof to the curb line of the street upon which such real property abuts, shall constitute a special assessment against such real property which has been described in the posted notice, and shall be a lien against such real property; and the amount of such special assessment shall be added to the next regular bill for taxes levied against such real property for municipal purposes. (Ord. 1165; Ord. 1184)

13.08.230 Collection of assessment.

The amount of the assessment shall be collected at the time and in the manner ordinary municipal taxes are collected. If delinquent, the amount is subject to the same penalties and the same procedure of foreclosure and sale provided for in ordinary municipal taxes. (Ord. 1165; Ord. 1184)

13.08.240 Refunds.

The city council may order refunded all or part of a special assessment paid pursuant to this chapter if it finds that all or part of the special assessment has been erroneously levied. A special assessment or portion thereof shall not be refunded unless a claim is filed with the city clerk on or before March 1st after the special assessment became due and payable. The claim shall be verified by the owner who paid the tax, or his/her guardian, executor, administrator, assignee or successor in interest. (Ord. 1165; Ord. 1184)

SECTION 3: Amendment. Oroville Municipal Code Chapter 13.08 is hereby added to Title 13 Public Services, to read as follows:

Article 3 - Mandatory Solid Waste, Recycling and Organic Waste Disposal Reduction Ordinance

Sections:

13.08.250: Definitions

13.08.260: Requirements for Single-Family Generators

13.08.270: Requirements for Commercial Businesses

13.08.280: Waivers for Generators

- 13.08.290: Requirements for Commercial Edible Food Generators
- 13.08.300: Requirements for Food Recovery Organizations and Services
- 13.08.310: Requirements for Haulers and Facility Operators
- 13.08.320: Self-Hauler Requirements
- 13.08.330: Procurement Requirements for City Departments, Direct Service Providers, and Vendors
- 13.08.340: Compliance with CALGreen Recycling Requirements
- 13.08.350: Model Water Efficient Landscaping Ordinance Requirements
- 13.08.360: Inspections and Investigation by City
- 13.08.370: Enforcement
- 13.08.380: Effective Date

Section 13.08.250: Definitions

For the purposes of this Article, the following words, terms, phrases, and their derivations have the meanings given herein. Terms defined elsewhere in the municipal code shall have the same meanings herein unless expressly defined in this Article. When consistent with the context, words used in the present tense include the future tense, and words in the singular number include the plural number.

- A. **“Authorized Contractor”** or **“Contractor”** is defined at Section 13.08.010.
- B. **“Blue Container”** has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials (Non-organic recyclables = glass, metal, and plastic) or Source Separated Blue Container Organic Waste (organic recyclables such as clean paper and cardboard).
- C. **“CalRecycle”** means California's Department of Resources Recycling and Recovery, and any successor agencies, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on Cities (and others).
- D. **“California Code of Regulations”** or **“CCR”** is defined at Section 13.08.010.
- E. **“City”** is defined at Section 13.08.010.
- F. **“City Enforcement Officer”** is defined at Section 13.08.010.
- G. **“Commercial Business”** or **“Commercial”** is defined at Section 13.08.010.

H. **“Commercial Edible Food Generator”** includes a Tier One, or a Tier Two Commercial Edible Food Generator as defined in Sections 13.08290(UUU) and 13.08.300(VVV) of this Article 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).

I. **“Compliance Review”** means a review of records by the city to determine compliance with this Section.

J. **“Community Organic Waste”** means any activity that Organic Wastes green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Organic Waste 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).

K. **“Compost”** is defined at Section 13.08.010.

L. **“Compostable Plastic”** or **“Compostable Plastics”** means plastic materials that meet the ASTM D6400 standard for composability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).

M. **“Container”** or **“Containers”** is defined at Section 13.08.010.

N. **“Container 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).

O. **“Construction and Demolition Debris”** or **“C&D”** is defined at Section 13.08.010.

P. **“Designee”** means an entity that the City contracts with or otherwise arranges to carry out any of the City's responsibilities of this Section as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.

Q. **“Direct Service Provider”** means a person, company, agency, district, or other entity that provides a service or services to City pursuant to a contract or other written agreement or as otherwise defined in 14 CCR Section 18982(a)(17).

R. **“Edible Food”** means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance 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 ordinance or in 14 CCR, Division 7, Article 12 requires or

authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

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

T. **“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 ordinance, including: 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 the 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, electronic waste, 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 City or its Designee for collection services.

U. **“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).

V. **“Food Facility”** means a commercial & business establishment that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption.

W. **“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).

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

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

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

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Article 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 ordinance.

Y. **“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 ordinance and implementation of 14 CCR, Division 7, Article 12 pursuant to 14 CCR Section 18982(a)(7).

Z. **“Food Scraps”** means all surplus, spoiled or unsold food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, eggshells and solid fats, oils & grease.

AA. **“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).

BB. **“Food-Soiled Paper”** is Organic waste paper material that has come in contact with food or liquid, such as, but not limited to, Organic Waste paper plates, paper coffee cups, napkins, pizza boxes, coffee filters, tea bags, wax paper, butcher paper and waxed cardboard, paper take out boxes, paper egg cartons, and milk cartons.

CC. **“Food Waste”** means Food Scraps.

DD. **“Gray Container”** has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.

EE. **“Gray Container Waste”** means solid waste that is collected in a Gray Container that is part of a three-container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Sections 18984.1(a) and (b), or as

otherwise defined in 14 CCR Section 17402(a)(6.5).

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

GG. **“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 a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).

HH. **“Hauler Route”** means the designated daily, weekly, etc. 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).

II. **“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).

JJ. **“Inspection”** is defined at Section 13.08.010.

KK. **“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 ordinance.

LL. **“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 Article and implementation of 14 CCR, Division 7, Article 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 Article and implementation of 14 CCR, Division 7, Article 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 in 13 CCR Section 18982(a)39 shall apply to this Section.

MM. **“Local Education Agency”** means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to solid waste, or as otherwise defined in 14 CCR Section 18982(a)(40).

NN. **“Multi-Family Complex”** is defined at Section 13.08.010.

OO. **“Municipal Solid Waste”** or **“MSW”** is defined at Section 13.08.010.

PP. **“MWELo”** refers to the Model Water Efficient Landscape Ordinance (MWELo), 23 CCR, Division 2, Article 2.7

QQ. **“Non-Organic Wastepaper”** includes but is not limited to paper that is coated in a plastic material that will not breakdown in the Organic Waste process, or as otherwise defined in 14 CCR Section 18982(a)(41).

RR. **“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. State agencies located within the boundaries of the city, including all public-school locations.
2. Federal facilities located within the boundaries of the city, including the US Social Security Administration and Department of Motor Vehicles.

SS. **“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).

TT. **“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.

UU. **“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).

VV. **“Organic Waste 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).

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

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

YY. **“Prohibited Container Contaminants”** means the following:

1. Discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the City Blue Container.
2. Discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the City Green Container.
3. Discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in City Green Container and/or Blue Container; and
4. Excluded Waste placed in any container.

ZZ. **“Recovered Organic Waste Products”** means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).

AAA. **“Recovery”** means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

BBB. **“Recycled-Content Paper”** means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).

CCC. **“Recyclable Materials”** is defined at Section 13.08.010.

DDD. **“Regional Agency”** means regional agency as defined in Public Resources Code Section 40181.

EEE. **Regional or County Agency Enforcement Officer”** means a regional or county agency enforcement officer, designated by the City with responsibility for enforcing this ordinance in conjunction or consultation with the City Enforcement Officer or City Designee.

FFF. **“Renewable Gas”** means gas derived from organic waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).

GGG. **“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).

HHH. **“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).

III. **“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 Article 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.

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

KKK. **“SB 1383 Eligible Mulch”** means mulch eligible to meet the Annual Recovered Organic Waste Product Procurement Target, pursuant to 14 CCR Article 12 of Division 7. This SB 1383 Eligible Mulch shall meet the following conditions for the duration of the applicable procurement compliance year, as specified by 14 CCR Section 18993.1 (f)(4):

1. **Produced at one of the following facilities:**
 - i. A transfer/processing facility or transfer/processing operation as defined in 14 CCR Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under 14 CCR Division 7; or,
 - ii. A transfer/processing facility or transfer/processing operation as defined in 14 CCR Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under 14 CCR Division 7; or,
 - iii. A SOLID WASTE landfill as defined in Public Resources Code Section 40195.1 that is permitted under 27 CCR Division 2.
2. Meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 CCR Sections 17852(a)(24.5) (A)1 through 3, as enforced by Section 6-3-708(a)

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

MMM. **"Self-Hauler"** means a person, who hauls solid waste, recyclables, or Organic Waste material he or she has generated to a transfer, processing, recovery, or disposal facility other than the Direct Service Provider, whose primary business is not waste hauling. 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).

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

OOO. **"Soiled Paper Products"** means paper towels, tissue products, paper napkins, paper plates and cups, coffee filters, tea bags, waxed paper, butcher paper, paper take-out boxes and containers, greasy pizza boxes, paper bags and cardboard and wax-coated cardboard produce boxes. "Soiled Paper Products" does not include polystyrene, plastic-backed paper, blue-line paper or blueprints, diapers, kitty litter, any paper containing plastics, aluminum foil or foil-lined food wrap.

PPP. **"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 the ordinance, 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 Gray Container Waste or other solid waste for the purposes of collection and processing.

QQQ. **"Source Separated Blue Container Organic Waste"** means Source Separated Organic Waste (e.g. non-soiled paper products) that can be placed in a Blue Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables as defined in Section 18982(a)(43), or as otherwise defined by Section 17402(a)(18.7).

RRR. **"Source Separated Green Container Organic Waste"** means Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste Material by the generator, excluding Source Separated Blue Container Organic Waste, carpets, Non-Organic Wastepaper, and textiles.

SSS. **"Source Separated Recyclable Materials"** means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste. "Recyclable Materials" includes paper, books, magazines, cardboard, boxes, plastic, metal, glass, food waste and other similar materials authorized by the city for collection by the Authorized Contractor.

TTT. **"State"** means the State of California.

UUU. **"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).

VVV. **“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.
6. 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 ordinance.

WWW. **“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.
8. 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 ordinance.

XXX. **“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).

YYY. **“Un-containerized Yard Trimming Collection Service”** or **“Un-containerized Service”** means a collection service that collects Yard Waste that are placed in a pile or bagged

for collection on the street in front of a generator's house or place of business for collection and transport to a facility that recovers Source Separated Organic Waste, or as otherwise defined in 14 CCR Section 189852(a)(75).

ZZZ. "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).

AAAA. "Yard Waste" means tree trimmings, grass cuttings, leaves, branches, and similar Organic Wastes, including vineyard clippings, sawdust, wooden chopsticks, crates and other clean wood items under 36".

Section 13.08.260: Requirements for Single-Family Generators

Single-Family Organic Waste Generators shall comply with the following requirements except Single-Family generators that meet the Self-Hauler requirements in Section 13.08.320 of this Article

- A. Shall subscribe to the City's Solid Waste, Recycling and Organic Waste collection services for all solid waste, recycling, and organic waste generated as described below in subsection (B). Single-Family Solid Waste, Recycling, and Organic Waste Generators shall comply with the following requirements except Single-Family generators that meet the Self-Hauler requirements in Section 13.08.320 of this Article
- B. Shall participate in the City's Solid Waste, Recycling, and Organic Waste collection service(s) by placing designated materials in designated containers as described below and shall not place Prohibited Container Contaminants in collection containers.
 - 1. Generator shall place Source Separated Green Container Organic Waste material, including Food Scraps and Yard Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container solid waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

Section 13.08.270: Requirements of Commercial Businesses

Generators that are Commercial Businesses, including Multi-Family Complexes, shall:

- A. Subscribe to City's three-container collection services and comply with requirements of those services as described below in Section 13.08.270(B), except Commercial Businesses that meet the Self-Hauler requirements in Section 13.08.320 of this

Article. City shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and Commercial Businesses shall adjust their service level for their collection services as requested by the City.

- B. Except Commercial Businesses that meet the Self-Hauler requirements in Section 13.08.320 of this Article, participate in the City's Solid Waste, Recycling and Organic Waste collection service(s) by placing designated materials in designated containers as described below.
 - 1. Generator shall place Source Separated Green Container Organic Waste material including Food Scraps and Yard Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container solid waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.
- C. Supply and allow access to adequate number, size, and location of collection containers with sufficient labels or colors (conforming with Sections 13.08.270(D)(1) and 13.08.270 (D)(2) below) for employees, contractors, tenants, and customers, consistent with City's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 13.08.320.
- D. Excluding Multi-Family Complexes, provide containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:
 - 1. A body or lid that conforms with the container colors provided through the collection service provided by City, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to

January 1, 2036, whichever comes first.

2. Container labels that include language or graphic images, or both, indicating the primary material 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. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
- E. Multi-Family Complexes are not required to comply with container placement requirements or labeling requirements in Section 13.08.270(D) pursuant to 14 CCR Section 18984.9(b).
 - F. To the extent practical through education, training, inspection, and/or other measures, excluding Multi-Family Complexes, prohibit employees from placing materials in a container not designated for those materials per the City's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 13.08.320.
 - G. Excluding Multi-Family Complexes, periodically inspect Blue Containers, Green Containers, and Gray Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
 - H. Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Wastes and Source Separated Blue Cart Recyclable Materials.
 - I. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste and Source Separated Blue Container Recyclable Materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.
 - J. Provide or arrange access for City, its agent or designee to their properties during all Inspections conducted in accordance with Section 13.08.360 of this Article to confirm compliance with the requirements of this Article.
 - K. If a Commercial Business wants to self-haul, meet the Self-Hauler requirements in Section 13.08.320.

- I. Nothing in this Section prohibits a generator from preventing or reducing solid waste generation, managing Organic Wastes on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- M. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 13.08.290.

Section 13.08.280: Waivers for Generators

- A. De Minimis Waivers: The City may waive a Single Family or Commercial Business' obligation (including Multi-Family Complexes) to comply with some or all of the Organic Waste requirements of this Article if the Single Family or Commercial Business demonstrate and certify to the satisfaction of the City Compliance Officer or his or her designee that such Solid Waste, Recyclables, and Organic Waste collection service is not needed because the owner or occupant satisfies any of the following criteria:
 - 1. Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in Section 13.08.280(A)(2) below.
 - 2. Provide documentation that either:
 - a. The Commercial Business' total Solid waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,
 - b. Commercial Business' total Solid waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.
 - 3. Notify the City if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.
 - 4. Provide written verification of eligibility for de minimis waiver every 5 years, if City has approved de minimis waiver.

- B. Physical Space Waivers: City may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the Recyclable Materials and/or Solid waste, Recycling and Organic Waste collection service requirements if the City has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Solid Waste, Recycling and Organic Waste collection requirements or Section 13.08.260 or 13.08.270.

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

1. Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
2. Provide documentation that the premises lacks adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.
3. Provide written verification to City that it is still eligible for physical space waiver every five years if City has approved application for a physical space waiver.

Section 13.08.290: 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 City Compliance Officer or designee 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.

6. No later than March 31st of each year, commencing no later than February 1, 2023, for Tier One Commercial Edible Food Generators and February 1, 2025, for Tier Two Commercial Edible Food Generators, provide an annual Food Recovery report to the city that includes the following information:
 - a. A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
 - b. The quantity of food, measured in annual pounds recovered, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
 - c. The name, address and contact information of the Food Recovery Service or Food Recovery Organization.

D. Nothing in this Article 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 Article 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).

Section 13.08.300: Requirements for Food Recovery Organization 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. No later than March 31st of each year, commencing March 31, 2023 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 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).

D. Food Recovery Capacity Planning

In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the City or its designee, 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.

Section 13.08.310: Requirements for Haulers and Facility Operators

A. Requirements for Haulers

1. Exclusive franchised hauler providing residential, commercial, or industrial Solid Waste, Recycling and Organic Waste collection services to generators within the

City's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the City to collect solid waste, recycling, and Organic Waste:

- a. Through written notice to the city annually on or before March 15th identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste.
 - b. 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, Article 12, Article 2.
 - c. 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, this Section, and City's C&D ordinance.
2. Exclusive franchised hauler authorized to collect Organic Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement, permit, license, or other agreement entered into with the City.

B. Requirements of Facility Operators and Community Composting Operations

1. Owners of facilities, operations, and activities that recover Solid Waste, Recycling and Organic Waste, including, but not limited to, Landfills, Material Recovery Facilities, Transfer Stations, 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.
2. 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

Section 13.08.320: Self Hauler Requirements

- A. Self-Haulers shall source separate all recyclable materials and organic waste (materials that City otherwise requires generators to separate for collection in the City's recycling materials and Organic Waste 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.
- B. Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green 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.
- C. Self-Haulers that are Commercial Businesses (including Multi-Family Complexes) 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.
- D. Self-Haulers that are Commercial Businesses (including Multi-Family Self Haulers) shall provide information collected in Section 13.08.320(C) to City, if requested.
- E. A residential Organic Waste Generator that self-hauls Organic Waste, as described in Section 13.08.320 is not required to record or report information in Section 13.08.320(C) and (D).

Section 13.08.330: Procurement Requirements for City Departments, Authorized Contractors, and Vendors

A. Direct Service Providers of landscaping maintenance, renovation, and construction shall:

1. Use Organic Waste and SB 1383 Eligible Mulch, as practicable, produced from recovered Organic Waste, for all landscaping renovations, construction, or maintenance performed for the City, whenever available, and capable of meeting quality standards and criteria specified. SB 1383 Eligible Mulch used for land application shall comply with 14 CCR, Division 7, Article 12, Article 12 and must meet or exceed the physical contamination, maximum metal concentration and pathogen density standards specified in 14 CCR Section 17852(a)(24.5) (A)(1) through (3).
2. Keep and provide records of Procurement of Recovered Organic Waste Products (either through purchase or acquisition) to City, upon completion of projects. Information to be provided shall include:
 - a. General description of how and where the product was used and if applicable, applied.
 - b. Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured.
 - c. Type of product.
 - d. Quantity of each product; and,
 - e. Invoice or other record demonstrating purchase or procurement.

B. All vendors providing Paper Products and Printing, and Writing Paper shall:

1. If fitness and quality are equal, provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber instead of non-recycled products whenever recycled Paper Products and Printing and Writing Paper are available at the same or lesser total cost than non-recycled items or at a total cost of no more than 10% of the total cost for non-recycled items.
2. Provide Paper Products and Printing and Writing Paper that meet Federal Trade Commission recyclability standard as defined in 16 Code of Federal Regulations (CFR) Section 260.12.
3. Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the city. This certification requirement may be waived if the

percentage of postconsumer material in the Paper Products, Printing and Writing Paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.

4. Certify in writing, on invoices or receipts provided, that the Paper Products and Printing and Writing Paper offered or sold to the City is eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations (CFR) Section 260.12 (2013).
5. Provide records to the City's Recovered Organic Waste Product procurement recordkeeping staff, in accordance with the City's Recycled-Content Paper procurement policy(ies) of all Paper Products and Printing and Writing Paper purchases within thirty (30) days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by any division or department or employee of the City. Records shall include a copy (electronic or paper) of the invoice or other documentation of purchase, written certifications as required in Sections 7(b)(3) and 7(b)(4) of this Article for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-recycled content Paper Products or Printing and Writing Papers are provided, include a description of why Recycled-Content Paper Products or Printing and Writing Papers were not provided.

Section 13.08.340: Compliance with CALGreen Recycling Requirements

- A. Persons applying for a permit from the City for new construction and building additions and alternations shall comply with the requirements of this Section and all required components of the California Green Building Standards Code, 24 CCR, Part 11, known as CALGreen, as amended, if its project is covered by the scope of CALGreen. If the requirements of CALGreen are more stringent than the requirements of this Section, the CALGreen requirements shall apply.
- B. Project applicants shall refer to City's building and/or planning code for complete CALGreen requirements.
- C. For projects covered by CAL Green, the applicants must, as a condition of the City's permit approval, comply with the following:
 1. Where five (5) or more Multi-Family dwelling units are constructed on a building site, provide readily accessible areas that serve occupants of all buildings on the site and are identified for the storage and collection of Blue Container and Green Container materials, consistent with the three container collection program offered by the City, or comply with provision of adequate space for recycling for

Multi-Family Complexes and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.

2. New Commercial construction or additions resulting in more than 30% of the floor area shall provide readily accessible areas identified for the storage and collection of Blue Container and Green Container materials, consistent with the three-container collection program offered by the City, or shall comply with provision of adequate space for recycling for Multi-Family Complexes and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.
3. Comply with CALGreen requirements and applicable law related to management of C&D, including diversion of Organic Waste in C&D from disposal. Comply with City's C&D ordinance, Article 15.32 of City's municipal code, and all written and published City policies and/or administrative guidelines regarding the collection, recycling, diversion, tracking, and/or reporting of C&D.

Section 13.08.350: Model Water Efficient Landscaping Ordinance Requirements

- A. Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the City, who are constructing a new Single-Family, Multi-Family, public, institutional, or Commercial project with a landscape area greater than 500 square feet, or rehabilitating an existing landscape with a total landscape area greater than 2,500 square feet, shall comply with Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELO, including sections related to use of Organic Waste and mulch as delineated in this Section.
- B. The following Compost and mulch use requirements that are part of the MWELO are now also included as requirements of this Section.
- C. Property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in 13.08.350(A) above shall:
 1. Comply with Sections 492.6 (a)(3)(B)(C)(D) and (G) of the MWELO, which requires the submittal of a landscape design plan with a soil preparation, mulch, and amendments section to include the following:

- a. For landscape installations, Compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.
 - b. For landscape installations, a minimum three- (3-) inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife up to five percent (5%) of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.
 - c. Organic mulch materials made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.
2. The MWELO compliance items listed in this Section are not an inclusive list of MWELO requirements; therefore, property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in this Section shall consult the full MWELO for all requirements in Chapter 15.83
- D. If, after the adoption of this Article, the California Department of Water Resources, or its successor agency, amends 23 CCR, Division 2, Article 2.7, Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELO September 15, 2015 requirements in a manner that requires the City to incorporate the requirements of an updated MWELO in a local ordinance, and the amended requirements include provisions more stringent than those required in this Section, the revised requirements of 23 CCR, Division 2, Article 2. 7 shall be enforced.

Section 13.08.360: Inspections and Investigations by City

- A. City Enforcement Officer and/or its designated entity, including 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 Section by Organic Waste Generators, Commercial Businesses (including Multi-Family Complexes), property owners, Commercial Edible Food Generators, Authorized Contractors, 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.

- B. Regulated entity 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 designated entity/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 Article described herein. Failure to provide or arrange for:
 - 1. access to an entity's premises; or
 - 2. access to records for any Inspection or investigation is a violation of this ordinance and may result in penalties described.
- C. Any records obtained by a City during its Inspections 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 or other investigations as reasonably necessary to further the goals of this ordinance, 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.

Section 13.08.370: Enforcement

- 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 Compliance Officer or Designee. Enforcement Actions under this Article are issuance of an administrative citation and assessment of a fine. The City's procedures on imposition of administrative fines set forth in Chapter 2.28 are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this Article and any rule or regulation adopted pursuant to this Article, except as otherwise indicated in this Article.
- B. Other remedies allowed by law may be used, including 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 Compliance Officer, which may be the city manager or their designated entity, legal counsel, or combination thereof.
2. Enforcement may also be undertaken by a Regional or County Agency Enforcement Officer, designated by the city, in consultation with City Compliance Officer.
 - a. City Compliance Officer(s) and Regional or County Agency Enforcement Officer will interpret ordinance; determine the applicability of waivers, if violation(s) have occurred; implement Enforcement Actions; and, determine if compliance standards are met.
 - b. City Compliance Officer(s) and Regional or County Agency Enforcement Officer may issue Notices of Violation(s).

D. Process of Enforcement

1. City Compliance Officers or Regional or County Enforcement Officers and/or their Designee will monitor compliance with the ordinance randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program. Article 13.08.360 establishes City's right to conduct Inspections and investigations.
2. City may issue an Officer notification to notify regulated entities of its obligations under the ordinance.
3. City shall issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.
4. 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 Administrative Citation ordinance in Chapter 2.28.

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.

E. Penalty Amounts for Types of Violations

The penalty levels are as follows:

1. A fine not exceeding \$100.00 for a first violation.
2. A fine not exceeding \$200.00 for a second violation of the same code section within 12 months.
3. A fine not exceeding \$500.00 for each day of each additional violation of the same code section within 12 months.

F. Compliance Deadline Extension Considerations

The City may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with Section 13.08.370 if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

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

G. Appeals Process

Consistent with Chapter 2.28, persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with City's procedures in the City's codes for appeals of administrative citations. Evidence may be presented at the hearing. The City will appoint a hearing officer who shall conduct the hearing and issue a final written order.

H. Education Period for Non-Compliance

Beginning January 1, 2022 and through December 31, 2023, City or its Designee will conduct Inspections, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if City determines that Organic Waste Generator, Self-Hauler, Authorized Contractor, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this Article and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024

I. Civil Penalties for Non-Compliance

Beginning January 1, 2024, if the City determines that an Organic Waste Generator, Self-Hauler, Hauler, Authorized Contractor, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this Article, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to Section 13.08.370, as needed.

J. Enforcement Table

Table 1. List of Violations

Requirement	Description of Violation
Commercial Business and Commercial Business Owner Responsibility Requirement Sections 13.08.270	Commercial Business fails to provide or arrange for Organic Waste collection services consistent with Jurisdiction requirements and as outlined in this ordinance, for employees, contractors, tenants, and customers, including supplying and allowing access to adequate numbers, size, and location of containers and sufficient signage and container color.
Organic Waste Generator Requirement Section 13.08.260, and 13.08.270 Hauler Requirement Section, Section 13.08.310	Organic Waste Generator fails to comply with requirements adopted pursuant to this ordinance for the collection and Recovery of Organic Waste. A hauler providing residential, Commercial, or industrial Organic Waste collection service fails to transport Organic Waste to a facility, operation, activity, or property that recovers Organic Waste, as prescribed by this ordinance.

Hauler Requirement
Section 13.08.310

A hauler providing residential, Commercial, or industrial Organic Waste collection service fails to obtain applicable approval issued by the city to haul Organic Waste as prescribed by this ordinance.

Hauler Requirement
Section 13.08.310

A hauler fails to keep a record of the applicable documentation of its approval by the city, as prescribed by this ordinance.

Self-Hauler Requirement
Section 13.08.320

A generator who is a Self-Hauler fails to comply with the requirements of 14 CCR Section 18988.3(b).

Commercial Edible Food
Generator Requirement
Section 13.08.290

Tier One Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and comply with this Section commencing Jan. 1, 2022.

Commercial Edible Food
Generator Requirement
Section 13.08.290

Tier Two Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and comply with this Section commencing Jan. 1, 2024.

Commercial Edible Food
Generator Requirement
Section 13.08.290

Tier One or Tier Two Commercial Edible Food Generator intentionally spoils Edible Food that is capable of being recovered by a Food Recovery Organization or Food Recovery Service.

Organic Waste Generator,
Commercial Business Owner,
Commercial Edible Food
Generator, Food Recovery
Organization or Food Recovery
Service
Sections 13.08.260, 13.08.270,
13.08.290, 13.08.300

Failure to provide or arrange for access to an entity's premises for any Inspection or investigation.

Recordkeeping Requirements for
Commercial Edible Food
Generator
Section 13.08.290

Tier One or Tier Two Commercial Edible Food Generator fails to keep records, as prescribed by Section 13.08.290

Recordkeeping Requirements for
Food Recovery Services and
Food Recovery Organizations
Section 13.08.300

A Food Recovery Organization or Food Recovery Service that has established a contract or written agreement to collect or receive Edible Food directly from a Commercial Edible Food Generator pursuant to 14 CCR Section 18991.3(b) fails to keep records, as prescribed by Section 13.08.300.

Section 13.08.380: Effective Date

This Article shall be effective commencing on January 1, 2022.

SECTION 4: Chapter 15.84 (Recycling and Diversion of Construction and Demolition (C&D) Waste) of Division 2 (Buildings and Construction) of Title 15 (Uniform Codes, Buildings and Construction) of the City of Oroville Municipal Code is hereby amended to add Section 15.84.130 and 15.84.140 to read as follows:

“Sec. 15.84.130- Compliance with CALGreen Recycling Requirements

Persons applying for a permit from the City for new construction and building additions and alternations shall also comply with the requirements of Sec. 13.08.340 (Compliance with CALGreen Recycling Requirements) found in Article 3 (Solid Waste, Recycling, and Organic Waste Disposal Reduction) of Chapter 13.08 (Garbage, Rubbish and Weeds) of Title 13 (Public Services).”

“Sec. 15.84.140 – Model Water Efficient Landscaping Ordinance Requirements

Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the City, who are constructing a new Single-Family, Multi-Family, public, institutional, or Commercial project with a landscape area greater than 500 square feet, or rehabilitating an existing landscape with a total landscape area greater than 2,500 square feet shall comply with the requirements of Sec. 13.08.350 (Model Water Efficient Landscaping Ordinance Requirements) found in Article 3 (Solid Waste, Recycling, and Organic Waste Disposal Reduction) of Chapter 13.08 (Garbage, Rubbish and Weeds) of Title 13 (Public Services).”

SECTION 5: CEQA The City Council finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Sections 15061 (b)(3) and 15308 on the grounds that it can be seen with certainty that the enhanced solid waste regulations, as provided for in this Ordinance will not have a significant effect on the environment and that the new requirements, which strengthen requirements for the handling of solid waste, represent actions by a regulatory agency (the City) for the protection of the environment.

SECTION 6: If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 7: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any

one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 8: Effective Date. This Ordinance shall take effect and be in force thirty (30) days after its passage.

SECTION 9: Publication. The City Clerk shall certify to the adoption of this Ordinance and shall post or publish this Ordinance as required by law.

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting on December 7, 2021, by the following vote:

AYES: Hatley, Smith, Pittman, Goodson, Riggs, Thomson, Reynolds

NOES: None

ABSENT: None

ABSTAIN: None



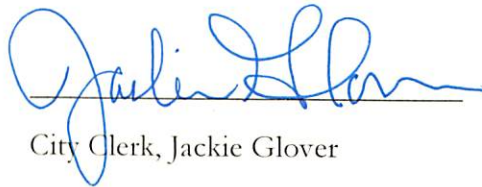
Mayor, Chuck Reynolds

APPROVED AS TO FORM:

ATTEST:



City Attorney, Scott E. Huber



City Clerk, Jackie Glover