

ORDINANCE NO. 2383

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCADIA,  
CALIFORNIA ADDING PART 4 TO CHAPTER 1 OF ARTICLE V OF THE  
ARCADIA MUNICIPAL CODE RELATING TO ORGANIC WASTE  
DISPOSAL REDUCTION

WHEREAS, SB 1383 (Chapter 395, Statutes of 2016) directed the California Department of Resources Recycling and Recovery ("CalRecycle) to adopt regulations to reduce organic waste by 50 percent from its 2014 baseline level by 2020 and 75 percent by 2025; and

WHEREAS, SB 1383 also requires the regulations to recover, for human consumption, at least 20 percent of edible food that is currently thrown away; and

WHEREAS, CalRecycle promulgated regulations as directed in SB 1383 in Chapter 12 (Short-Lived Climate Pollutants) of Division 7 of Title 14 of the California Code of Regulations ("SB 1383 Regulations"); and

WHEREAS, the SB 1383 Regulations take effect January 1, 2022, and requires the City of Arcadia to adopt an ordinance to enforce the SB 1383 Regulations by said date, and;

WHEREAS, the City Council desires to add an Organic Waste Disposal Reduction Ordinance to comply with the SB 1383 Regulations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA DOES ORDAIN AS FOLLOWS:

Section 1. Article V, Chapter 1 of the Arcadia Municipal Code is hereby amended in its entirety as set forth in Exhibit A, incorporated by this reference.

Section 2. Severability. If any section, subsection, clause or phrase in this Ordinance or the application thereof to any person or circumstances is for any reason

held invalid, the validity of the remainder of this Ordinance or the application of such provisions to other persons or circumstances shall not be affected thereby. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.

Section 3. No less than five days prior to the adoption of this Ordinance, the City Clerk published a summary of this Ordinance in accordance with Government Code section 36933. The City Clerk will certify to the passage of this Ordinance by the City Council of the City of Arcadia, California, and cause a summary to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Government Code section 36933.

Section 4. This Ordinance shall take effect and be in full force 30 days after its adoption.

[SIGNATURES ON NEXT PAGE]

Passed, approved, and adopted at a regular meeting of the City Council of the City of Arcadia, California, on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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Mayor of the City of Arcadia

ATTEST:

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City Clerk

APPROVED AS TO FORM:

Stephen P. Deitsch  
Stephen P. Deitsch  
City Attorney

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## **EXHIBIT A**

### **PART 1. - DEFINITIONS**

#### **5110. – Definitions.**

For the purpose of this Chapter certain words and phrases are defined and certain provisions shall be construed as set forth in this Part unless it is apparent from the context that a different meaning is intended. In the event of a conflict between the Arcadia Municipal Code and the California Code of Regulations, the Arcadia Municipal Code shall prevail.

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

“California Code of Regulations” or “CCR” means the State of California Code of Regulations.

“CalRecycle” means California’s Department of Resources Recycling and Recovery.

“City” means the City of Arcadia, California.

“Commercial” or “Commercial Business.” Means a business, industrial, commercial establishment, or construction site.

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

“Compliance Review” means a review of records by the City to determine compliance with this chapter.

“Container.” A cart, bin, roll-off, compactor or similar receptacle used to temporarily store solid waste, organics or recyclables for collection service.

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

“Designated Source Separated Organic Waste Facility” shall have the same definition as 14 CCR § 18982(14.5).

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

“Edible Food” means food intended for human consumption, or as otherwise defined in 14 CCR § 18982(a)(18). “Edible Food” is not Solid Waste if it is recovered and not discarded.

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

“Enforcement Officer” means the city manager, county administrative official, chief operating officer, executive director, public works director or other executive in charge or their authorized Designee(s) who is/are partially or whole responsible for enforcing this chapter.

“Food Recovery” means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR § 18982(a)(24).

“Food Recovery Organization” means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR § 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.

“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 § 18982(a)(26).

Food waste” means food scraps separated from Solid Waste and offered for collection by Franchisee, that will decompose and/or putrefy including (i) all kitchen and table food waste, and animal or vegetable waste that attends or results from the storage, preparation, cooking or handling of food stuffs, and (ii) paper waste contaminated with food waste.

“Generator” or “Waste Generator” means a person or entity that is responsible for the initial creation of waste.

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

“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 §§ 18984.1(a)-(b), or as otherwise defined in 14 CCR § 17402(a)(6.5).

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

“Green Waste” means any and all forms of biodegradable plant material which can be placed in a covered Container, such as wastes generated from the maintenance or alteration of public, commercial or residential landscapes including, but not limited to, yard clippings, leaves, tree trimmings, prunings, brush, and weeds as well as green waste. Tree stumps and limbs greater than three (3) inches in diameter are excluded unless they are reduced to a chipped form; otherwise, such large portions of Green Waste shall be considered Bulky Waste.

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

“High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR § 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 § 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR § 17402(a)(11.5); or, as otherwise defined in 14 CCR § 18982(a)(33).

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

“Integrated Waste Collection.” means the collection of Source Separated Green Container Organic Waste in the Green Container, Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container.

“Junk or salvage” shall be deemed to mean and include any metal or metal scrap that is purchased for its salvage value, and paper and cardboard resulting from business establishments if the same is baled on the business premises by the owner or operator of such business. Refuse shall not include junk or salvage as thus defined.

“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.

“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. 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. 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.

“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 § 18982(a)(40).

“Mixed Waste Organic Collection Stream” or “Mixed Waste” means Organic Waste collected in a container that is required by 14 CCR §§ 18984.1, 18984.2 or 18984.3 to be taken to a High Diversion Organic Waste Processing Facility or as otherwise defined in 14 CCR § 17402(a) (11.5).

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

“Notice of Violation” or “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 § 18982(a)(45) or further explained in 14 CCR § 18995.4

“Organics,” “Organic Waste,” “organic waste” and “organic material.” means solid wastes containing material originated from living organisms and their metabolic waste products, including, but not limited to, Food Waste, Green Waste, non-hazardous wood waste, and unwaxed food-soiled paper.

“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 § 18982(a)(48).

“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 § 18982(a)(51).

“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 § 18982(a)(54).

“Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the City’s Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the City’s Green Container; (iii) 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 the City’s Green Container and/or Blue Container; and, (iv) non-Solid Waste items placed in any container.

“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 § 18982(a)(60).

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

“Recyclables” or “Recyclable material” means material such as, but not limited to, paper, cardboard, glass, metal and aluminum cans, and plastics which is separated from other waste or refuse for the purpose of recycling.

“Recycling” means the process of collecting and turning used products into new products by reprocessing or remanufacturing them.

“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 § 18982(a)(61).

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

“Residential.” Any residential dwelling or apartment house.

“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 § 18982(a)(65).

“SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016.

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

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

“Solid waste” means all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, construction and demolition wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge that is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes. Solid waste does not include hazardous, radioactive waste or medical waste.

“Source separating” or “source separation” means the process of removing recyclable materials from solid waste at the place of generation, prior to collection, and placing them into separate containers that are separately designated for recyclable materials.

“Source Separated Blue Container Waste” means Source Separated Wastes 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 14 CCR § 18982(a)(43), or as otherwise defined by 14 CCR § 17402(a)(18.7).

“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 by the generator, excluding Source Separated Blue Container Waste, carpets, non-compostable Paper, and textiles.

“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 § 18982(a)(71).

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

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

“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.

“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 § 189852(a)(76).

## **PART 2. – COLLECTION, HAULING AND DISPOSAL**

### **Division 0. Solid Waste, Recyclables, and Organic Waste**

#### **5120. Collection of Discarded Solid Waste, Organic Waste and Recyclables, Restricted.**

(a) No person shall sort through, gather, collect or remove from any container, wherever situated, any discarded solid waste, organic waste, , junk, salvage, recyclables, or similar waste materials, nor shall any person convey the same upon or along any public street within the City, or cause or permit any combination of the above to occur without first obtaining a valid permit to do so pursuant to Chapter 3 of Article VI.

(b) All persons permitted to sort through, gather, collect or remove from any container, wherever situated, any discarded solid waste, organic waste, junk, salvage, recyclables, or similar waste materials shall comply with Part 4 of this Chapter,

(c) Subdivision (a) of this Section shall not apply to any of the following persons, firms or corporations:

(1) Any person, firm, or corporation in the employ of the City who shall be assigned by the Council to the work of sorting through, gathering, collecting or removing solid waste, organic waste, junk, salvage, recyclables or similar materials;

(2) Any person, firm or corporation with whom the City has entered into or may hereafter enter into a contract for the sorting through, gathering, collecting or removing solid waste, organic waste, junk, salvage, recyclables or similar materials;

(3) Any employee of any person, firm, or corporation with whom the City has entered into or may hereafter enter into a contract for the sorting through, gathering, collecting or removing solid waste, organic waste, junk, salvage, recyclables, or similar materials, during the time such contract shall be in force, and who is acting within the scope of his or her employment.

(d) For purposes of this section, the term "discarded" shall refer to the act whereby an owner of any material pays any fee to another for the services of collection, removal or disposal of such material.

(e) No person shall be subject to an action for violation of this section, unless the person knows, or reasonably should know, that the materials would otherwise be collected by persons or entities authorized by the City for the purpose of collection, disposal, hauling or recycling.

(f) Violation of this Section is hereby declared a misdemeanor punishable in accordance with Section 1200 of this Code.

### **5120.1 Same. Frequency.**

The City, its agents, employees, or the person with whom the City has entered into or may hereafter enter into a contract for the collection and removal of solid waste, organic waste, or recyclables, shall collect and remove all solid waste, organic waste, and recyclables accumulated at the intervals specified in the following subsections hereof. Solid waste, organic waste, or recyclables presented for collection must have been accumulated from or generated by the use of the property from which the collection is made.

#### **5120.1.1. Same. Same. Residences.**

Weekly at regular intervals from any private dwelling house or residence and apartment houses containing less than ten (10) dwelling units, and semi-weekly from apartment houses containing ten (10) or more dwelling units.

#### **5120.1.2. Same. Same. Hotels, Restaurants.**

Daily (Sundays and holidays excepted) from any hotel, restaurant or other place of business; provided that the owner or manager of any such hotel, restaurant or place of business may request solid waste, organic waste, or recyclables collection from such respective premises less frequently, in which case garbage may be collected less frequently from such premises.

### **5120.2 Garbage, Organic Waste, Recyclables and Refuse Receptacles.**

Any solid waste, organic waste, or recyclables, vessel, can, container, or receptacle which leaks and is not watertight shall be replaced by the person from whom the solid waste,

organic waste, or recyclables is collected within ten (10) days after notice from the collector of solid waste, organic waste, or recyclables stating the condition of such vessel, can, container or receptacle. Such notice from the collector shall be made by attaching a tag to such vessel, can, container or receptacle and indicating thereon the defective condition thereof.

#### **5120.2.1. Same. Place for Collection.**

Every person desiring to have solid waste, organic waste, or recyclables collected from any hotel or place of business shall place such solid waste, organic waste, or recyclables container or receptacle within five feet (5') of the alley in the rear of such premises where there is an alley other than a blind alley, and if there be no alley other than a blind alley in the rear of such premises, then such container or receptacle shall be placed at some convenient location on the premises. Every person desiring to have solid waste, organic waste, or recyclables collected from any residential street or alley shall place such solid waste, organic waste, or recyclables container or receptacle within five feet (5') of the street or alley. All solid waste, organic waste, or recyclables to be collected as provided in this Part shall be placed at the locations designated herein prior to the hours fixed for the collection of solid waste, organic waste, or recyclables .

#### **5120.2.2. Same. Size.**

Garbage vessels, cans, containers or receptacles from which solid waste, organic waste, or recyclables is collected at any hotel or place of business shall be so constructed as to contain not less than three (3) nor more than thirty (30) gallons.

#### **5120.2.3. Same. Construction**

All vessels, cans, containers or receptacles mentioned in this Part shall be constructed of metal and shall be provided with a handle or handles on the outside thereof and with a tight fitting metal cover. Such cover shall not be removed except when necessary to deposit solid waste, organic waste, or recyclables therein or to take solid waste, organic waste, or recyclables therefrom.

#### **5120.3. Segregation**

To be collected by the City or by any person under contract with the City, residential refuse, organic waste, and recyclables shall be placed in sturdy containers not exceeding a gross weight of sixty (60) pounds, and in compliance with Part 4.

#### **5120.5 Littering Prohibited**

No person shall deposit, place, leave or permit to be or remain any solid waste, organic waste, or recyclables or other waste , or any solid waste, organic waste, or recyclables can, receptacle or container in, upon, within or on any public street, road, highway, parkway, alley, sidewalk or other public thoroughfare; or in or upon any vacant lot; or in,

upon or within the required front yard of any improved lot; or upon or within the area of any improved lot between the front main building thereon and the street upon which such lot fronts; and, in addition to the foregoing restrictions, in, upon or within any portion of a corner lot closer to the side street than the street-side side yard applicable thereto except behind a solid fence or wall at least four feet (4') in height and lawfully erected and maintained along the street side of at least the rear yard.

#### **5120.5.1 Same. Exception**

Solid waste, organic waste, and recyclables may be placed on a parkway within twenty-four (24) hours prior to the date and time specified by the Manager for the collection of such solid waste, organic waste, or recyclables by the City or by any person under contract with the City for such collection if placed in containers in accordance with the provisions of this Part and Part 4.

#### **5120.5.2. Same. Same. Removal.**

Notwithstanding the provisions of Section 5120.5.1, no person shall permit any solid waste, organic waste, or recyclables can, receptacle or container to remain on any public street, sidewalk or parkway adjacent to property owned or occupied by that person past five (5) a.m. on the day following collection.

#### **5120.6.1. Same. Exception.**

No permit shall be required of any landscaper, landscape architect, or tree surgeon solely for the removal of Source Separated Organic Waste resulting from the operations of any such licensed business; nor of any person licensed by the City performing work as an independent contractor for the abatement of weeds, the clearing of land or the regular and continual maintenance of premises in the City. Organic Waste shall be hauled to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, businesses may haul Organic Waste to a High Diversion Organic Waste Processing Facility. All business shall maintain and provide records to the City regarding the collection and disposal of Source Separated Organic Waste as required by the SB 1383 Regulations.

#### **5120.7. Collection Rates.**

The Council may by resolution fix and determine the uniform rates that may be charged by any person for the collecting or removing of solid waste, organic waste, or recyclables from any premises in the City. The rates thus fixed and determined shall remain in effect for the period prescribed or until changed in like manner by the Council. No person shall charge or collect any fee or rate other than the fee or rate thus fixed and determined.

- (a) **Residential Refuse Fee.** A fee of Thirty Cents (\$0.30) per month per residential unit is hereby established to fund the cost of preparing, adopting, implementing and administering the source reduction and recycling element and the integrated

waste management plan mandated by Public Resources Code 40000 et seq. The fee shall be in addition to any other fee or charge for solid waste collection authorized by this Code, and may be subsequently amended by resolution of the City Council.

(b) Method of Collection. The bill for solid waste service shall be the medium for billing and collecting the residential solid waste fee. The fee shall be charged to the person in whose name solid waste service is registered. The fee shall be charged and billed as a monthly regular service charge, and no credit shall be allowed for this portion of a month's service.

#### **5120.7.1. Service and Payment.**

The owners or occupants of all single-family houses and all multiple-dwelling units including, without limitation, duplexes, triplexes, apartments and condominiums in the City shall subscribe to and pay for solid waste, organic waste, or recyclables collection service, regardless of whether solid waste, organic waste, or recyclables is placed for collection. Such service shall be provided by the City's duly authorized residential solid waste collector as established by the Arcadia Municipal Code, resolutions of the City and the City Residential Refuse Agreement. No person shall refuse such service, use other service, or fail to pay the collector of such solid waste, organic waste, or recyclables the fee charged by such collector, which shall be in accordance with the rates fixed and determined by resolution of the City Council.

#### **5120.7.2. Same. Discontinued Service for Nonpayment.**

The collector of solid waste, organic waste, or recyclables may refuse to collect solid waste, organic waste, or recyclables or all from the premises of any person who fails to pay for such collection services at rates no greater than those fixed and determined by the Council.

### **5120.8 Solid Waste Vehicles, To Be Cleaned and Covered.**

No person operating or using any vehicle for the collection, hauling or disposal of solid waste, organic waste, recyclables, dead animals, offal, swill, manure, or any other nauseous or offensive substance shall cause or permit such vehicle to be or remain in a filthy or offensive condition nor to be in motion upon any street, alley or highway unless the vehicle is at all times while thus in motion covered with a cover sufficient to prevent any part of the load of such vehicle from spilling upon the street, road or highway.

#### **5120.8.1. Same. Parking and Standing Restricted.**

No person operating or using any vehicle for the collection, hauling or disposing of solid waste, organic waste, recyclables, dead animals, offal, swill, manure or any other nauseous or offensive substance shall cause or permit such vehicle to stand, remain or be parked in or upon any street longer than is necessary for the loading and hauling of any such substance to its destination.

### **5120.9. Hours of Operation.**

The collection of residential solid waste, organic waste, and recyclables shall be confined to Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. Collections may be made on Saturday between 7:00 a.m. and 5:00 p.m. if a holiday occurs within the preceding six (6) days. The collection of commercial solid waste, organic waste, and recyclables shall be confined to Sunday through Saturday between the hours of 7:00 a.m. and 5:00 p.m., except that commercial solid waste, organic waste, or recyclables collection may be commenced in certain defined geographical locations or areas at earlier hours as specified by Council resolution. If in the judgment of the City Manager conditions warrant a temporary departure from the days and hours of such collection, the City Manager may authorize collection of solid waste, organic waste, or recyclables on such days and during such hours as he deems appropriate for a period not to exceed two (2) weeks.

### **5120.10. Compliance with Traffic Regulations.**

Every vehicle used in collecting, hauling or disposing of solid waste, organic waste, or recyclables shall be operated in compliance with the provisions of Chapter 2 of Article III of the Arcadia Municipal Code.

#### **Division 1. Recyclables**

### **5121. Recyclables Collection.**

The collection, loading and hauling of recyclables shall be provided for, and conducted in accordance with the California Solid Waste Reuse and Recycling Access Act of 1991, SB 1383 (the Short-lived Climate Pollutant Reduction Act of 2016), and the applicable regulations contained in Division 0 of this Part.

## **PART 3. – COMMERCIAL AND INDUSTRIAL RECYCLING**

### **5130.1 Commercial/Industrial Waste Hauler Requirements**

Any recycling company or waste hauler as permitted pursuant to Article VI, Chapter 4, Part 3, Division 4 of the Arcadia Municipal Code shall:

- (a) Work with customers in the City to recycle and educate customers about the need to recycle and inform all applicable customers of their obligation to recycle pursuant to Public Resources Code Section 42649.2 and other applicable law, including SB 1383. Within ninety (90) days of the issuance of the hauler's business license, the hauler shall submit to the Public Works Services Director a strategy and methodology for increasing diversion and recycling within the City, which includes a discussion of how the hauler will ensure applicable customers are aware of their obligation to recycle pursuant to applicable law;

- (b) Achieve annual diversion rates, as provided under applicable state law, for all commercial solid waste as defined in the City's Source Reduction and Recycling Element including, but not limited to, varieties of paper, plastics, glass, as well as wood, yard and other greenwaste, manure, organic waste, and construction and demolition debris, collected or removed within the City;
- (c) Report to the City all materials considered diverted or recycled resulting in source reduction, recycling, composting and/or transformation from the commercial and industrial solid waste stream by using the diversion formula set forth in Section 5130.1(d);
- (d) In calculating the annual diversion rate achieved, each hauler shall utilize the following formula and definitions incorporated by reference from Title 14, California Code of Regulations, Article 6.1 Solid Waste Generation Study, Section 18722 et seq. The following equation defines the "Integrated Waste Management (AB 939) Generation-Based Diversion Quantification Methodology":

Generation = Disposal + Diversion

Diversion Rate (%) = 
$$\frac{\text{Diversion Tons}}{\text{Generation Tons}}$$

A hauler may only claim diversion tonnages resulting from source reduction, recycling, composting, and transformation activities. Diversion shall be quantified on an "avoided disposal" basis. The overall calculated annual diversion tonnage to be reported to the City by a hauler may include a combination of the diversion quantities achieved by the customers serviced by the hauler, and the tonnage diverted by the hauler. Diversion quantities achieved by a customer may include those resulting from the customer's internal source reduction practices, and may further include recycling tonnage given to an independent third party recycler. Diversion quantities and practices shall be subject to audit by an independent third party approved by the Public Works Services Director, at the cost and expense of the hauler.

A hauler may petition the City to use a different calculation methodology to determine diversion tonnage upon showing, based upon substantial evidence, that the above methodology cannot be accomplished due to lack of available data, or other circumstances. The approval of the City's Public Works Services Director shall be required for any alternative method of calculation.

- (e) A hauler that does not achieve at least an annual 50% diversion rate may petition the City for continuation of its commercial solid waste permit if the hauler provides to the Public Works Services Director substantial evidence, in a form and content deemed satisfactory by the Public Works Services Director, that shows 1) the disposed solid waste does not consist of readily recyclable materials, or 2) refusal by the hauler's customers to cooperate in recycling programs, including identifying which customers are required to recycle pursuant to Public Resources Code Section 42649.2 and other applicable law and refuse to do so, or 3) the cost of recycling is unreasonably prohibitive, or 4) other

reasons for failure to achieve at least an annual 50% diversion rate (e.g., space limitations, refusal by business to report internal business recycling, etc.), and by demonstrating "good faith" in implementing other waste reduction and recycling programs. The City's Public Works Services Director may approve the continuation of the permit if the Director finds that there is a reasonable basis for doing so, and that the hauler has demonstrated "good faith" in implementing other waste reduction and recycling programs. The City may require an alternative annual diversion goal and impose additional conditions for the continuation of the commercial solid waste permit.

A hauler can demonstrate "good faith" waste reduction and recycling programs by 1) providing documentation of other program(s) that the hauler is implementing, and/or 2) participating in cooperative waste reduction and recycling programs with the City.

- (f) Comply with all relevant provisions of Part 4.
- (g) Each permitted commercial hauler servicing an entity shall provide a recycling container for the customer's source separated recyclables at no additional charge to the commercial customer upon request of the commercial customer and in compliance with Part 4.

#### **5130.2. Required Monthly Reports.**

Any recycling company or waste hauler removing recyclable material from the waste stream shall report such diversions to the City, and indicate the type and amount of material diverted on a form approved by the City within thirty (30) days after the end of the reporting month. All reports shall include any information and reporting required in Part 4.

#### **5130.3. Audits.**

The hauler's records related to recycling and diversion may at any time be audited by the City or its appointed representative to verify the accuracy of all records and reports made to the City. The City Council may by resolution adopt such administrative procedures as necessary detailing the auditing procedure and costs of such audits. The hauler shall pay to the City the cost of the audit.

#### **5130.4. Penalties for Noncompliance.**

If a commercial hauler fails to reach the diversion rates as specified by Section 5130.1(c), then the City shall, consistent with Arcadia Municipal Code Section 6216.7, consider action to suspend or revoke the applicable business license permit or direct nonrenewal of the permit and/or application, or direct the imposition of civil penalties and fines pursuant to a duly promulgated ordinance to implement the provisions of this Part 3 of the Code.

### **5130.5. Education and Monitoring.**

The City shall provide outreach and education to commercial customers required to obtain recycling service by Public Resources Code Section 42649.2 and other applicable law, including SB 1383. The City shall monitor compliance with mandatory state recycling requirements and shall endeavor to inform affected customers. The City's failure to inform an affected customer is no defense to an action brought by the State, City or other regulatory authority for failing to comply with mandatory state recycling requirements.

## **Part 4. - ORGANIC WASTE DISPOSAL REDUCTION**

### **5140. Requirements for Single-Family Generators (Standard Compliance Approach).**

Single-Family Organic Waste Generators shall comply with the following requirements

1. Shall subscribe to the City's Organic Waste collection services for all Organic Waste generated as described below in Section 5140(2). The City shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Single-Family generators shall adjust its service level for its collection services as requested by the City. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste through backyard residential composting, and/or using a community composting site.

2. Shall participate in the City's 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.

A. A three-container collection service (Blue Container, Green Container, and Gray Container). Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

### **5140.2 Requirements for Commercial Businesses and Multi-Family (Standard Compliance Approach).**

Generators that are Commercial Businesses, as well as Multi-Family Residential Dwellings, shall:

1. Subscribe to the City's three-container collection services and comply with requirements of those services as described below in Section 5140.2(2). The 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 and Multi-Family shall adjust their service level for their collection services as requested by the City.

2. Participate in the City's three-container collection service(s) by placing Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container or Blue Container, nor place materials designated for the Green Container or Blue Container into the Gray Container.

3. Supply and allow access to an adequate number, size and location of collection containers with sufficient labels or colors (conforming with Section 5140.2(4)(A)(B) for employees, contractors, tenants, and customers, consistent with the City's Blue Container, Green Container, and Gray Container collection service.

4. Excluding Multi-Family Residential Dwellings, 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 § 18984.9(b), the containers provided by the business shall have either:

A. 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.

B. 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 § 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.

5. Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirements in Section 5140.2(4) pursuant to 14 CCR § 18984.9(b).

6. To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials in accordance with Section 5140.2(2).

7. Excluding Multi-Family Residential Dwellings, periodically inspect 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 § 18984.9(b)(3).

8. Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials.

9. 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 Recyclable Materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.

10. Provide or arrange access for the City or its agent to their properties during all Inspections conducted in accordance with Section 5140.11 to confirm compliance with the requirements of this chapter.

11. Accommodate and cooperate with City's Remote Monitoring program for Inspection of the contents of containers for Prohibited Container Contaminants, to evaluate generator's compliance with Section 5140.2(2). The Remote Monitoring program shall involve installation of Remote Monitoring equipment on or in the Blue Containers, Green Containers, and Gray Containers.

12. Nothing in this section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a community composting site.

13. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to 5140.5.

### **5140.3. Waivers for Generators.**

(a) De Minimis Waivers. The City may waive a Commercial Business' and Multi-Family obligation) to comply with some or all of the Organic Waste requirements if the Commercial Business or Multi-Family provides documentation that the business

generates below a certain amount of Organic Waste material as described in 5140.4(a)(2) below. Commercial Businesses or Multi-Family requesting a de minimis waiver shall:

1. Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in Section 5140.3(a)(2) below.

2. Provide documentation that either:

A. The Commercial Business' or Multi-Family's 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. The Commercial Business' or Multi-Family's 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 City if circumstances change such that Commercial Business's or Multi-Family'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 the City has approved de minimis waiver.

(b) Physical Space Waivers. The 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 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 Organic Waste collection requirements.

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 the City that it is still eligible for physical space waiver every five years, if the City has approved application for a physical space waiver.

(c) Additional Waivers. The City may provide any additional waivers of the

requirements of this chapter to the extent permitted by applicable law. The Public Works Director or his or her designee shall be responsible for determining the grounds for the waiver, its scope, and appropriate administration.

(d) **Review and Approval of Waivers by City.** The Public Works Services Director or his or her designees within ten (10) business days of receipt of the Commercial Business' or Multi-Family's waiver application review and inspect the Commercial Business' or Multi-Family's premises to verify the accuracy of the application.

#### **5140.4. 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.

(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 the City's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR § 18991.4.

5. Keep records that include the following information, or as otherwise specified in 14 CCR § 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 § 18991.3(b).

B. A copy of all contracts or written agreements established under 14 CCR § 18991.3(b).

C. A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:

i. The name, address and contact information of the Food Recovery Service or Food Recovery Organization.

ii. The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.

iii. The established frequency that food will be collected or self-hauled.

iv. The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.

D. No later than January 1st of each year commencing no later than January 1, 2023 for Tier One Commercial Edible Food Generators and January 1, 2025 for Tier Two Commercial Edible Food Generators, provide an annual Food Recovery report to the City that includes the following information: submit records of their contracts or written agreements, and the amount and type of Edible Food that was not accepted by Food Recovery Organizations or services for donation.

(d) Nothing in this chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557, Chapter 557, Statutes of 2017.

#### **5140.5. Requirements for Food Recovery Organizations and Services.**

(a) Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established

under 14 CCR § 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR § 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 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 § 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR § 18991.5(a)(2):

1. The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
2. The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
3. The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.

(c) Food Recovery Organizations and Food Recovery Services 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 § 18991.3(b) shall report to the City it is located in the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR § 18991.3(b) no later than March 30th.

(d) Food Recovery Capacity Planning

1. Food Recovery Services and Food Recovery Organizations. In order to support Edible Food Recovery capacity planning assessments or other studies, 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.

#### **5140.6. Requirements for Haulers and Facility Operators.**

##### **(a) Requirements for Haulers**

(1) The City's exclusive franchised hauler and permitted haulers providing residential (including Multi-Family), Commercial, or industrial 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 Organic Waste:

- (A) Through written notice to the City annually on or before March 30th 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, Chapter 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, Section 10 of this ordinance.

(2) The City's exclusive franchise hauler and permitted haulers authorized to collect Organic Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within SB 1383.

The permitted haulers, at its sole expense, will implement a public education and outreach program to expand public and customer awareness including (i) inform generators about the services that are provided by the permitted haulers with specific focus on describing the methods and benefits of source reduction, Reuse, Recycling, and Composting (if applicable); (ii) instruct generators on the proper method for placing materials in Containers for Collection and setting Containers out for Collection, with specific focus on minimizing contamination of Source Separated Recyclable Materials and SSGCOW; (iii) clearly define Excluded Waste and educate generators about the hazards of such materials and their opportunities for proper handling; (iv) discourage generators from buying products if the product and its packaging are not readily Reusable, Recyclable, or compostable; (v) inform generators subject to Food Recovery requirements under SB 1383 Regulations of their obligation to recover Edible Food and actions they can

take to prevent the creation of Food Waste; (vi) encourage the use of compost; and, (vii) encourage generators to purchase products/packaging made with Recycled-content materials, and in accordance with 14 CCR Section 18985.1.

(3) On or before February 1, 2022, the permitted haulers shall develop a list of Food Recovery Organizations and Food Recovery Services operating within the City, maintain the list on the City's-specific website, share the list with the City, and update the list annually. The list shall include, at a minimum, the following information about each Food Recovery Organization and each Food Recovery Service: name and physical address; contact information; collection service area; and an indication of types of Edible Food the Food Recovery Service or Food Recovery Organization can accept for Food Recovery.

At least annually, the City's permitted haulers shall provide Commercial Edible Food generators with the following information: information about the City's Edible Food Recovery program; information about the Commercial Edible Food Generator requirements under 14 CCR, Division 7, Chapter 12, Article 10; information about Food Recovery Organizations and Food Recovery Services operating within the City, and where a list of those Food Recovery Organizations and Food Recovery Services can be found; and, information about actions that Commercial Edible Food Generators can take to prevent the creation of Food Waste.

(4) Commencing on or before January 1, 2022, the permitted haulers shall, at its sole expense, conduct Hauler Route reviews for Prohibited Container Contaminants in Collection Containers in a manner that is deemed safe by the permitted haulers; is approved by the City; and, is conducted in a manner that results in all Hauler Routes being reviewed annually.

The permitted haulers shall conduct Hauler Route reviews that include inspection of the contents of Customers' Collection Containers for Prohibited Container Contaminants in a manner such that a minimum of ten percent (10%) of Containers on each and every Hauler Route are inspected annually. The Containers shall be randomly selected.

The permitted haulers shall develop a Hauler Route review methodology to accomplish the above Container inspection requirements and such methodology shall comply with the requirements of 14 CCR Section 18984.5(b). Contractor shall submit its proposed Hauler Route review methodology for the coming year to the City no later than January 15 of each year describing its proposed methodology for the calendar year and schedule for performance of each Hauler Route's annual review. Permitted haulers' proposed Hauler Route review methodology shall include not only its plan for Container inspections, but may or shall also include its plan for prioritizing the inspection of Customers that are more likely to be out of

compliance. The City will review and approve the proposed methodology. The permitted haulers may commence with the proposed methodology upon approval.

If the City notifies the permitted haulers that the methodology is inadequate to meet the requirements of 14 CCR Section 18984.5(b), the permitted haulers shall, at its sole expense, revise the methodology and, after obtaining the City approval, conduct additional Hauler Route reviews, increased Container inspections, or implement other changes using the revised procedure.

The Public Works Services or his/her designee may request, and the permitted haulers shall accept, modifications to the schedule to permit observation of the Hauler Route reviews by the City. In addition, the permitted haulers shall provide an email notice to the Public Works Services or his/her designee no less than ten (10) working days prior to each scheduled Hauler Route review that includes the specific time(s), which shall be within the City's normal business hours, and location(s).

Upon finding Prohibited Container Contaminants in a Container, the exclusive and permitted haulers shall follow the contamination noticing procedures and contaminated Container handling such that the driver or other permitted haulers' representative shall record each event of identification of Prohibited Container Contaminants in a written log or in the on-board computer system including date, time, customer's address, type of Container (Blue, Green, or Gray Container); and maintain photographic evidence. The permitted haulers shall submit this record to their customer service department and shall update the customer's account record to note the event, if the documentation if the on-board computer system did not automatically update the customer's account record.

The permitted haulers shall maintain records and report to the City monthly on contamination monitoring activities and actions taken.

(5) The exclusive hauler and permitted haulers shall assist the City outlined in Section 5140.3. of this Ordinance including reviewing waiver application and inspecting the Commercial Business' or Multi-Family premises to verify the accuracy of the application. The permitted haulers shall provide documentation of the inspection, including the permitted haulers' recommendation to approve or deny the waiver request, and send this information to the City within seven (7) days of receipt of the Commercial Business' or Multi-Family's waiver application for the City's review and approval. The City ultimately retains the right to approve or deny any application, regardless of the permitted haulers' recommendation. The permitted haulers shall report information regarding waivers reviewed on a monthly basis.

(6) The permitted haulers shall complete a compliance review of Commercial Businesses and Multi-Family that generate two (2) cubic yards or more per week of Solid Waste, including Organic Waste, to determine their compliance with the Commercial Businesses and Multi-Family requirements under the City's contamination monitoring program.

From January 1, 2022 through December 31, 2023, when compliance reviews are performed by the permitted haulers pursuant to the above section, the permitted haulers shall provide educational materials in response to violations. The permitted haulers shall provide these educational materials to the non-compliant Commercial Businesses and Multi-Family within seven (7) days of determination of non-compliance or immediately upon determination of non-compliance if such non-compliance is determined during an inspection or Hauler Route review. The permitted haulers shall document the non-compliant Commercial Businesses and Multi-Family and the date and type of education materials provided and shall report such information to the City. Beginning January 1, 2024, the permitted haulers shall, in addition to providing the education materials described in this subsection, document non-compliant Commercial Businesses and Multi-Family determined through permitted haulers' compliance reviews outlined above and shall report all Commercial Businesses and Multi-Family with violations of SB 1383 Regulations to the City. The City shall be responsible for subsequent enforcement action against the Commercial Businesses and Multi-Family.

(b) Requirements for Facility Operators and Community Composting Operations

- (1) Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon the City's 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 the City's 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.

Papers were not provided.

**5140.7. Inspections and Investigations.**

- (a) City representatives 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 chapter by Organic Waste Generators, Commercial Businesses, Multi-Family , property owners, Commercial Edible Food Generators, Self-Haulers, hauler, Food Recovery Service, and Food Recovery Organizations, subject to applicable laws. This Section does not allow the City to enter the interior of a private residential property for Inspection. For the purposes of inspecting Commercial Business and Multi-Family containers for compliance with Sections 5140 or 5140.2, the City may conduct container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses and Multi-Family shall accommodate and cooperate with the Remote Monitoring pursuant to Sections 5140 or 5140.2.

(b) The 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 described herein. Failure to provide or arrange for: (i) access to an entity's premises; or (ii) access to records for any Inspection or investigation is a violation of this chapter and may result in penalties described in Section 5140.8.

(c) Any records obtained by the City during its Inspections, Remote Monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.

(d) City representatives, its designated entity, and/or Designee are authorized to conduct any Inspections, Remote Monitoring, or other investigations as reasonably necessary to further the goals of this chapter, subject to applicable laws.

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

#### **5140.8. Enforcement.**

Violation of any of the provisions of this Chapter is unlawful and an offense. Such violations are punishable as provided by Chapter 4A. Any notice of violations and associated fines imposed shall follow the process and meet the minimum amounts required by applicable law, including the SB 1383 Regulations. This Chapter shall only be enforceable on federal, state, and local entities to the extent of the City's regulatory authority.