

ORDINANCE NO. 27
PEBBLE BEACH COMMUNITY SERVICES DISTRICT

MANDATORY ORGANIC WASTE DISPOSAL REDUCTION ORDINANCE

TABLE OF CONTENTS

Section 1. Purpose and Findings.....	1
Section 2. Title of Ordinance.....	2
Section 3. Definitions.....	2
Section 4. Requirements for Single-Family Premises.....	13
Section 5. Requirements for Multi-Family Residential Dwellings.....	14
Section 6. Requirements for Commercial Businesses.....	16
Section 7. Waivers for Multi-Family Premises and Commercial Premises.....	20
Section 8. Requirements for Commercial Edible Food Generators.....	22
Section 9. Requirements for Food Recovery Organizations and Services.....	24
Section 10. Requirements for Haulers and Facility Operators.....	25
Section 11. Self-Hauler Requirements.....	27
Section 12. Inspections and Investigations by City/County/District.....	28
Section 13. Enforcement.....	29
Section 14. Effective Date.....	34

This page intentionally left blank

1 **MANDATORY ORGANIC WASTE DISPOSAL REDUCTION ORDINANCE**

2 **Section 1. Purpose and Findings**

3 The Pebble Beach Community Services District (PBCSD) finds and declares:

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6 seq., as amended, supplemented, superseded, and replaced from time to time),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

11 (b) State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the
12 State of California on October 5, 2011, which amended Sections 41730, 41731,
13 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections
14 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section
15 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of,
16 the Public Resources Code, as amended, supplemented, superseded and
17 replaced from time to time), places requirements on Commercial Businesses and
18 Multi-Family Premises that generate a specified threshold amount of Solid Waste
19 to arrange for recycling services and requires jurisdictions to implement a
20 mandatory Commercial recycling program.

21 (c) State Organics Materials recycling law, Assembly Bill 1826 of 2014 (approved by
22 the Governor of the State of California on September 28, 2014, which added
23 Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the
24 Public Resources Code, relating to Solid Waste, as amended, supplemented,
25 superseded, and replaced from time to time), requires Commercial Businesses
26 and Multi-Family Premises that generate a specified threshold amount of Solid
27 Waste, Recyclable Materials, and Organic Materials per week to arrange for
28 recycling services for that waste, requires jurisdictions to implement a recycling
29 program to divert Organic Materials from Commercial Businesses and Multi-
30 Family Premises subject to the law, and requires jurisdictions to implement a
31 mandatory Commercial Organic Materials recycling program.

32 (d) SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires
33 CalRecycle to develop regulations to reduce Organic Waste in landfills as a
34 source of methane. The regulations place requirements on multiple entities
35 including jurisdictions, residential households, Multi-Family Premises,
36 Commercial Businesses, Commercial Edible Food Generators, haulers, Self-
37 Haulers, Food Recovery Organizations, and Food Recovery Services to support
38 achievement of the SB 1383 statewide Organic Waste disposal reduction targets.

39 (e) SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires
40 jurisdictions to adopt and enforce an ordinance or enforceable mechanism to

41 implement relevant provisions of SB 1383 Regulations. This ordinance will also
42 help reduce food insecurity by requiring Commercial Edible Food Generators to
43 arrange to have the maximum amount of their Edible Food, that would otherwise
44 be disposed, be recovered for human consumption.

45 **Section 2. Title of Ordinance**

46 This chapter shall be entitled “Mandatory Organic Waste Disposal Reduction
47 Ordinance”.

48 **Section 3. Definitions**

49 (a) “Alternative Daily Cover (ADC)” has the same meaning as in Section 20690 of
50 Title 27 of the California Code of Regulations.

51 (b) “Alternative Intermediate Cover (AIC)” has the same meaning as in Section
52 20700 of Title 27 of the California Code of Regulations.

53 (c) “Bulky Item” means discarded appliances (including refrigerators), furniture, tires,
54 carpets, mattresses, Yard Trimmings and/or wood waste, and similar large items
55 which can be handled by two (2) people, weigh no more than two hundred (200)
56 pounds, and require special collection due to their size or nature, but can be
57 collected without the assistance of special loading equipment (such as forklifts or
58 cranes) and without violating vehicle load limits. Bulky Items must be generated
59 by the customer and at the service address wherein the Bulky Items are
60 collected. Bulky Items do not include abandoned automobiles, large auto parts,
61 trees, construction and demolition debris, or items herein defined as Excluded
62 Waste.

63 (d) “CalRecycle” means California's Department of Resources Recycling and
64 Recovery, which is the Department designated with responsibility for developing,
65 implementing, and enforcing SB 1383 Regulations on jurisdictions (and others).

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

69 (f) “Commercial Business” or “Commercial” means a firm, partnership,
70 proprietorship, joint-stock company, corporation, or association, whether for-profit
71 or nonprofit, strip mall, or industrial facility.

72 (g) “Commercial Edible Food Generator” includes a Tier One or a Tier Two
73 Commercial Edible Food Generator as defined in this Section 3 or as otherwise
74 defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this
75 definition, Food Recovery Organizations and Food Recovery Services are not
76 Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).

77 (h) “Compliance Review” means a review of records by a District to determine
78 compliance with this ordinance.

- 79 (i) “Community Composting” means any activity that Composts green material,
80 agricultural material, food material, and vegetative food material, alone or in
81 combination, and the total amount of feedstock and Compost on-site at any one
82 time does not exceed 100 cubic yards and 750 square feet, as specified in 14
83 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section
84 18982(a)(8).
- 85 (j) “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), which
86 stated, as of the effective date of this ordinance, that “Compost” means the
87 product resulting from the controlled biological decomposition of organic Solid
88 Wastes that are Source Separated from the municipal Solid Waste stream, or
89 which are separated at a centralized facility.
- 90 (k) “Container Contamination” or “Contaminated Container” means a container,
91 regardless of color, that contains Prohibited Container Contaminants, or as
92 otherwise defined in 14 CCR Section 18982(a)(55).
- 93 (l) “C&D” means construction and demolition debris.
- 94 (m) “Designated Waste” means non-Hazardous Waste which may pose special
95 Disposal problems because of its potential to contaminate the environment, and
96 which may be Disposed of only in Class II Disposal sites or Class III Disposal
97 sites pursuant to a variance issued by the California Department of Health
98 Services. Designated Waste consists of those substances classified as
99 Designated Waste by the State, in California Code of Regulations Title 23,
100 Section 2522 as may be amended from time to time.
- 101 (n) “Designee” means an entity that a District contracts with or otherwise arranges to
102 carry out any of the District’s responsibilities of this ordinance as authorized in 14
103 CCR Section 18981.2. A Designee may be a government entity, a hauler, a
104 private entity, or a combination of those entities.
- 105 (o) “Discarded Materials” means Recyclable Materials, Organic Materials, and Solid
106 Waste placed by a Generator in a collection container and/or at a location for the
107 purposes of collection excluding Excluded Waste.
- 108 (p) “District” means Pebble Beach Community Services District.
- 109 (q) “District Enforcement Official” means the District General Manager or authorized
110 persons responsible for enforcing the ordinance
- 111 (r) “Edible Food” means food intended for human consumption, or as otherwise
112 defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or
113 as otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid
114 Waste if it is recovered and not discarded. Nothing in this ordinance or in 14
115 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food
116 that does not meet the food safety requirements of the California Retail Food
117 Code.

- 118 (s) "Enforcement Action" means an action of the District to address non-compliance
119 with this ordinance including, but not limited to, issuing administrative citations,
120 fines, penalties, or using other remedies.
- 121 (t) "Excluded Waste" means hazardous substance, hazardous waste, infectious
122 waste, designated waste, volatile, corrosive, medical waste, infectious, regulated
123 radioactive waste, and toxic substances or material that facility operator(s), which
124 receive materials from the District and its Generators, reasonably believe(s)
125 would, as a result of or upon acceptance, transfer, processing, or disposal, be a
126 violation of local, State, or Federal law, regulation, or ordinance, including: land
127 use restrictions or conditions, waste that cannot be disposed of in Class III
128 landfills or accepted at the facility by permit conditions, waste that in District, or
129 its Designee's reasonable opinion would present a significant risk to human
130 health or the environment, cause a nuisance or otherwise create or expose
131 District, or its Designee, to potential liability; but not including de minimis volumes
132 or concentrations of waste of a type and amount normally found in Single-Family
133 or Multi-Family Solid Waste after implementation of programs for the safe
134 collection, processing, recycling, treatment, and disposal of batteries and paint in
135 compliance with Sections 41500 and 41802 of the California Public Resources
136 Code. Excluded Waste does not include used motor oil and filters, household
137 batteries, universal wastes, and/or latex paint when such materials are defined
138 as allowable materials for collection through the District's collection programs
139 and the Generator or customer has properly placed the materials for collection
140 pursuant to instructions provided by District or its Designee for collection
141 services. Excluded waste includes fat, oil and grease.
- 142 (u) "Food Distributor" means a company that distributes food to entities including, but
143 not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14
144 CCR Section 18982(a)(22).
- 145 (v) "Food Facility" has the same meaning as in Section 113789 of the Health and
146 Safety Code.
- 147 (w) "Food Recovery" means actions to collect and distribute food for human
148 consumption that otherwise would be disposed, or as otherwise defined in 14
149 CCR Section 18982(a)(24).
- 150 (x) "Food Recovery Organization" means an entity that engages in the collection or
151 receipt of Edible Food from Commercial Edible Food Generators and distributes
152 that Edible Food to the public for Food Recovery either directly or through other
153 entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but
154 not limited to:
- 155 (1) A food bank as defined in Section 113783 of the Health and Safety Code;
- 156 (2) A nonprofit charitable organization as defined in Section 113841 of the
157 Health and Safety code; and,

158 (3) A nonprofit charitable temporary food facility as defined in Section 113842
159 of the Health and Safety Code.

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

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

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

172 (z) "Food Scraps" means all food such as, but not limited to, fruits, vegetables, meat,
173 poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and
174 eggshells. Food Scraps excludes fats, oils, and grease when such materials are
175 Source Separated from other Food Scraps.

176 (aa) "Food Service Provider" means an entity primarily engaged in providing food
177 services to institutional, governmental, Commercial, or industrial locations of
178 others based on contractual arrangements with these types of organizations, or
179 as otherwise defined in 14 CCR Section 18982(a)(27).

180 (bb) "Food-Soiled Paper" is compostable paper material that has come in contact with
181 food or liquid, such as, but not limited to, compostable paper plates, paper coffee
182 cups, napkins, pizza boxes, and milk cartons.

183 (cc) "Food Waste" means Food Scraps, Food-Soiled Paper, and Compostable
184 Plastics.

185 (dd) "Food Waste Self-Hauler" means a Self-Hauler who generates and hauls,
186 utilizing their own employees and equipment, an average of one cubic yard or
187 more per week, or 6,500 pounds or more per quarter of their own Food Waste to
188 a location or facility that is not owned and operated by that Self-Hauler. Food
189 Waste Self-Haulers are a subset of Self-Haulers.

190 (ee) "Generator" means a person or entity that is responsible for the initial creation of
191 one or more types of Discarded Materials.

192 (ff) "Grocery Store" means a store primarily engaged in the retail sale of canned
193 food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and
194 any area that is not separately owned within the store where the food is prepared

- 195 and served, including a bakery, deli, and meat and seafood departments, or as
196 otherwise defined in 14 CCR Section 18982(a)(30).
- 197 (gg) "Hauler Route" means the designated itinerary or sequence of stops for each
198 segment of the District's collection service area, or as otherwise defined in 14
199 CCR Section 18982(a)(31.5).
- 200 (hh) "Hazardous Substance" means any of the following: (a) any substances defined,
201 regulated or listed (directly or by reference) as "Hazardous Substances",
202 "hazardous materials", "Hazardous Wastes", "toxic waste", "pollutant", or "toxic
203 substances", or similarly identified as hazardous to human health or the
204 environment, in or pursuant to: (i) the Comprehensive Environmental Response,
205 Compensation and Liability Act (CERCLA) of 1980, 42 USC §9601 et seq.
206 (CERCLA); (ii) the Hazardous Materials Transportation Act, 49 USC §1802, et
207 seq.; (iii) the Resource Conservation and Recovery Act, 42 USC §6901 et seq.;
208 (iv) the Clean Water Act, 33 USC §1251 et seq.; (v) California Health and Safety
209 Code §§25115-25117, 25249.8, 25281, and 25316; (vi) the Clean Air Act, 42
210 USC §7901 et seq.; and, (vii) California Water Code §13050; (b) any
211 amendments, rules or regulations promulgated thereunder to such enumerated
212 statutes or acts currently existing or hereafter enacted; and, (c) any other
213 hazardous or toxic substance, material, chemical, waste or pollutant identified as
214 hazardous or toxic or regulated under any other Applicable Law currently existing
215 or hereinafter enacted, including, without limitation, friable asbestos,
216 polychlorinated biphenyl's (PCBs), petroleum, natural gas, and synthetic fuel
217 products, and by-products.
- 218 (ii) "Hazardous Waste" means all substances defined as Hazardous Waste, acutely
219 Hazardous Waste, or extremely Hazardous Waste by the State in Health and
220 Safety Code §25110.02, §25115, and §25117 or in the future amendments to or
221 recodifications of such statutes or identified and listed as solar panels from
222 residential premises, and Hazardous Waste by the U.S. Environmental Protection
223 Agency (EPA), pursuant to the Federal Resource Conservation and Recovery Act
224 (42 USC §6901 et seq.), all future amendments thereto, and all rules and
225 regulations promulgated thereunder.
- 226 (jj) "Infectious Waste" means (a) equipment, instruments, utensils and other fomites
227 of a disposable nature from the rooms of patients who are suspected to have or
228 have been diagnosed as having a communicable disease and must, therefore,
229 be isolated as required by public health agencies; (b) laboratory wastes,
230 including pathological specimens (i.e., all tissues, specimens of blood elements,
231 excreta and secretions obtained from patients or laboratory animals) and
232 disposable fomites (any substance that may harbor or transmit pathogenic
233 organisms) attendant thereto; and/or (c) surgical operating room pathologic
234 specimens - including recognizable anatomical parts, human tissue, anatomical
235 human remains and disposable materials from hospitals, clinics, outpatient areas
236 and emergency rooms, as defined in 14 CCR Section 17225.36. .

- 237 (kk) “Inspection” means a site visit where a District reviews records, containers, and
 238 an entity’s collection, handling, recycling, or landfill disposal of Recyclable
 239 Materials, Organic Waste, Solid Waste or Edible Food handling to determine if
 240 the entity is complying with requirements set forth in this ordinance, or as
 241 otherwise defined in 14 CCR Section 18982(a)(35).
- 242 (ll) “Large Event” means an event, including, but not limited to, a sporting event or a
 243 flea market, that charges an admission price, or is operated by a local agency,
 244 and serves an average of more than 2,000 individuals per day of operation of the
 245 event, at a location that includes, but is not limited to, a public, nonprofit, or
 246 privately owned park, parking lot, golf course, street system, or other open space
 247 when being used for an event. If the definition in 14 CCR Section 18982(a)(38)
 248 differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall
 249 apply to this ordinance.
- 250 (mm) “Large Venue” means a permanent venue facility that annually seats or serves
 251 an average of more than 2,000 individuals within the grounds of the facility per
 252 day of operation of the venue facility. For purposes of this ordinance and
 253 implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but
 254 is not limited to, a public, nonprofit, or privately owned or operated stadium,
 255 amphitheater, arena, hall, amusement park, conference or civic center, zoo,
 256 aquarium, airport, racetrack, horse track, performing arts center, fairground,
 257 museum, theater, or other public attraction facility. For purposes of this ordinance
 258 and implementation of 14 CCR, Division 7, Chapter 12, a site under common
 259 ownership or control that includes more than one Large Venue that is contiguous
 260 with other Large Venues in the site, is a single Large Venue. If the definition in 14
 261 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR
 262 Section 18982(a)(39) shall apply to this ordinance.
- 263 (nn) “Local Education Agency” means a school district, charter school, or county
 264 office of education that is not subject to the control of city or county regulations
 265 related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- 266 (oo) “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining
 267 to residential Premises with five (5) or more dwelling units. Multi-Family Premises
 268 do not include hotels, motels, or other transient occupancy facilities, which are
 269 considered Commercial Businesses.
- 270 (pp) “MWELo” refers to the Model Water Efficient Landscape Ordinance (MWELo),
 271 23 CCR, Division 2, Chapter 2.7.
- 272 (qq) “Non-Local Entity” means entities that are not subject to the PBCSD enforcement
 273 authority, or as otherwise defined in 14 CCR Section 18982(a)(42):
- 274 (rr) “Notice of Violation (NOV)” means a notice that a violation has occurred that
 275 includes a compliance date to avoid an action to seek penalties, or as otherwise

- 276 defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section
277 18995.4.
- 278 (ss) “Organic Materials” means Yard Trimmings, Food Scraps, and Food-Soiled
279 Papers that are set aside, handled, packaged, or offered for collection in a
280 manner different from Solid Waste for the purpose of processing.
- 281 (tt) “Organic Materials Container” shall be used for the purpose of storage and
282 collection of Source Separated Organic Materials.
- 283 (uu) “Organic Waste” means Solid Wastes containing material originated from living
284 organisms and their metabolic waste products, including but not limited to food,
285 green material, landscape and pruning waste, organic textiles and carpets,
286 lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids,
287 digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46).
288 Biosolids and digestate are as defined by 14 CCR Section 18982(a).
- 289 (vv) “Owner” means the Person(s) holding legal title to real property and/or any
290 improvements thereon and shall include the Person(s) listed on the latest
291 equalized assessment roll of the County Assessor.
- 292 “Paper Products” include, but are not limited to, paper janitorial supplies, cartons,
293 wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and
294 toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- 295 (ww) “Printing and Writing Papers” include, but are not limited to, copy, xerographic,
296 watermark, cotton fiber, offset, forms, computer printout paper, white wove
297 envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint,
298 and other uncoated writing papers, posters, index cards, calendars, brochures,
299 reports, magazines, and publications, or as otherwise defined in 14 CCR Section
300 18982(a)(54).
- 301 (xx) “Premises” means and includes any land, building and/or structure, or portion
302 thereof, in the District where Discarded Materials are produced, generated, or
303 accumulated. All structures on the same legal parcel, which are owned by the
304 same person shall be considered as one Premises.
- 305 (yy) “Prohibited Container Contaminants” means the following: (i) Discarded Materials
306 placed in the Recyclable Materials Container that are not identified as acceptable
307 Source Separated Recyclable Materials for the District’s Recyclable Materials
308 Container; (ii) Discarded Materials placed in the Organic Materials Container that
309 are not identified as acceptable Source Separated Organic Materials for the
310 District’s Organic Materials Container; (iii) Discarded Materials placed in the Solid
311 Waste Container that are acceptable Source Separated Recyclable Materials
312 and/or Source Separated Organic Materials to be placed in District’s Organic
313 Materials Container and/or Recyclable Materials Container; and, (iv) Excluded
314 Waste placed in any container.

- 315 (zz) “Recovered Organic Waste Products” means products made from California,
316 landfill-diverted recovered Organic Waste processed in a permitted or otherwise
317 authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).
- 318 (aaa) “Recovery” means any activity or process described in 14 CCR Section
319 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).
- 320 (bbb) “Recyclable Materials” means Discarded Materials set aside, handled, packaged,
321 or offered for collection in a manner different from Solid Waste for the purpose of
322 recycling. No Discarded Materials shall be considered Recyclable Materials
323 unless such material is separated from Organic Materials, and Solid Waste.
324 Recyclable Materials shall include, but not be limited to newspaper (including
325 inserts, coupons, and store advertisements); mixed paper (including office paper,
326 computer paper, magazines, junk mail, catalogs, brown paper bags, colored
327 paper legal pad backings, shoe boxes, cereal, and other similar food boxes),
328 chipboard, corrugated Cardboard, glass containers of any color (including brown,
329 clear, and green glass bottles and jars), aluminum (including beverage
330 containers and small pieces of scrap metal), steel, tin, or bi-metal cans, rigid
331 plastics with a neck, and, those materials added by the Service Provider from
332 time to time.
- 333 (ccc) “Recyclable Materials Container” shall be used for the purpose of storage and
334 collection of Source Separated Recyclable Materials.
- 335 (ddd) “Regional Agency” means regional agency as defined in Public Resources Code
336 Section 40181.
- 337 (eee) “Regional or County Agency Enforcement Official” means a regional or county
338 agency enforcement official, designated by the District with responsibility for
339 enforcing the ordinance in conjunction or consultation with District Enforcement
340 Official.
- 341 (fff) “Remote Monitoring” means the use of the internet of things (IoT) and/or wireless
342 electronic devices to visualize the contents of Recyclable Materials Containers,
343 Organic Materials Containers, and Solid Waste Containers for purposes of
344 identifying the quantity of materials in containers (level of fill) and/or presence of
345 Prohibited Container Contaminants.
- 346 (ggg) “Renewable Gas” means gas derived from Organic Waste that has been diverted
347 from a California landfill and processed at an in-vessel digestion facility that is
348 permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as
349 otherwise defined in 14 CCR Section 18982(a)(62).
- 350 (hhh) “Residential” shall mean of, from, or pertaining to a Single-Family Premises or
351 Multi-Family Premises including Single-Family homes, apartments,
352 condominiums, Townhouse complexes, mobile home parks, and cooperative
353 apartments.

- 354 (iii) “Responsible Party” means the owner, property manager, tenant, lessee,
355 occupant, or other designee that subscribes to and pays for Recyclable
356 Materials, Organic Materials, and/or Solid Waste collection services for a
357 Premises in the District, or, if there is no such subscriber, the owner or property
358 manager of a Single-Family Premises, Multi-Family Premises, or Commercial
359 Premises. In instances of dispute or uncertainty regarding who is the
360 Responsible Party for a Premises, Responsible Party shall mean the owner of a
361 Single-Family Premises, Multi-Family Premises, or Commercial Premises.
- 362 (jjj) “Restaurant” means an establishment primarily engaged in the retail sale of food
363 and drinks for on-Premises or immediate consumption, or as otherwise defined in
364 14 CCR Section 18982(a)(64).
- 365 (kkk) “Route Review” means a visual Inspection of containers along a Hauler Route for
366 the purpose of determining Container Contamination and may include
367 mechanical Inspection methods such as the use of cameras, or as otherwise
368 defined in 14 CCR Section 18982(a)(65).
- 369 (III) “SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on
370 September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and
371 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing
372 with Section 42652) to Part 3 of Division 30 of the Public Resources Code,
373 establishing methane emissions reduction targets in a Statewide effort to reduce
374 emissions of short-lived climate pollutants as amended, supplemented,
375 superseded, and replaced from time to time.
- 376 (mmm) “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the
377 purposes of this ordinance, the Short-Lived Climate Pollutants: Organic Waste
378 Reduction regulations developed by CalRecycle and adopted in 2020 that
379 created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of
380 14 CCR and 27 CCR.
- 381 (nnn) “Self-Haul” means to act as a Self-Hauler.
- 382 (ooo) “Self-Hauler” means a person, who hauls Solid Waste, Organic Waste or
383 Recyclable Material they have generated to another person. Self-hauler also
384 includes a landscaper, or a person who back-hauls waste. Back-haul means
385 generating and transporting Recyclable Materials or Organic Waste to a
386 destination owned and operated by the Generator or Responsible Party using the
387 Generator’s or Responsible Party’s own employees and equipment, or as
388 otherwise defined in 14 CCR Section 18982(a)(66)(A).
- 389 (ppp) “Single-Family” means of, from, or pertaining to any residential Premises with
390 fewer than five (5) units.
- 391 (qqq) “Solid Waste” has the same meaning as defined in State Public Resources Code
392 Section 40191, which defines Solid Waste as all putrescible and non-putrescible
393 solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper,

394 rubbish, ashes, industrial wastes, demolition and construction wastes,
395 abandoned vehicles and parts thereof, discarded home and industrial appliances,
396 dewatered, treated, or chemically fixed sewage sludge which is not hazardous
397 waste, manure, vegetable or animal solid and semi-solid wastes, and other
398 discarded solid and semisolid wastes, with the exception that Solid Waste does
399 not include any of the following wastes:

400 (1) Hazardous waste, as defined in the State Public Resources Code Section
401 40141.

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

405 (3) Medical waste regulated pursuant to the State Medical Waste
406 Management Act (Part 14 (commencing with Section 117600) of Division
407 104 of the State Health and Safety Code). Untreated medical waste shall
408 not be disposed of in a Solid Waste landfill, as defined in State Public
409 Resources Code Section 40195.1. Medical waste that has been treated
410 and deemed to be Solid Waste shall be regulated pursuant to Division 30
411 of the State Public Resources Code.

412 (4) Recyclable Materials, Organic Waste, and Construction and Demolition
413 Debris when such materials are Source Separated.

414 (rrr) "Solid Waste Container" shall be used for the purpose of storage and collection
415 of Solid Waste.

416 (sss) "Source Separated" or "Source-Separated (materials)" means materials,
417 including commingled Recyclable Materials and Organic Materials, that have
418 been separated or kept separate from the Solid Waste stream, at the point of
419 generation, for the purpose of additional sorting or processing those materials for
420 recycling or reuse in order to return them to the economic mainstream in the form
421 of raw material for new, reused, or reconstituted products, which meet the quality
422 standards necessary to be used in the marketplace, or as otherwise defined in 14
423 CCR Section 17402.5(b)(4). For the purposes of the ordinance, Source
424 Separated shall include separation of materials by the Generator, Responsible
425 Party, or Responsible Party's employee, into different containers for the purpose
426 of collection such that Source-Separated materials are separated from Solid
427 Waste for the purposes of collection and processing.

428 (ttt) "Source Separated Organic Materials" means Organic Materials that are Source
429 Separated and placed in an Organic Materials Container.

430 (uuu) "Source Separated Recyclable Materials" means Recyclable Materials that are
431 Source Separated and placed in a Recyclable Materials Container.

- 432 (vvv) “Low-Population Areas” mean geographic areas of the unincorporated County
 433 covered by low-population waivers issued by the State pursuant to 14 CCR
 434 section 18984.12(a).
- 435 (xxx) “State” means the State of California.
- 436 (yyy) “Supermarket” means a full-line, self-service retail store with gross annual sales
 437 of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery,
 438 canned goods, or nonfood items and some perishable items, or as otherwise
 439 defined in 14 CCR Section 18982(a)(71).
- 440 (zzz) “Tier One Commercial Edible Food Generator” means a Commercial Edible Food
 441 Generator that is one of the following:
- 442 (1) Supermarket.
 - 443 (2) Grocery Store with a total facility size equal to or greater than 10,000
 444 square feet.
 - 445 (3) Food Service Provider.
 - 446 (4) Food Distributor.
 - 447 (5) Wholesale Food Vendor.
- 448 If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible
 449 Food Generator differs from this definition, the definition in 14 CCR Section
 450 18982(a)(73) shall apply to this ordinance.
- 451 (a4) “Tier Two Commercial Edible Food Generator” means a Commercial Edible Food
 452 Generator that is one of the following:
- 453 (1) Restaurant with 250 or more seats, or a total facility size equal to or
 454 greater than 5,000 square feet.
 - 455 (2) Hotel with an on-site Food Facility and 200 or more rooms.
 - 456 (3) Health facility with an on-site Food Facility and 100 or more beds.
 - 457 (4) Large Venue.
 - 458 (5) Large Event.
 - 459 (6) A State agency with a cafeteria with 250 or more seats or total cafeteria
 460 facility size equal to or greater than 5,000 square feet.
 - 461 (7) A Local Education Agency facility with an on-site Food Facility.

462 If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible
463 Food Generator differs from this definition, the definition in 14 CCR Section
464 18982(a)(74) shall apply to this ordinance.

465 (b4) "Wholesale Food Vendor" means a business or establishment engaged in the
466 merchant wholesale distribution of food, where food (including fruits and
467 vegetables) is received, shipped, stored, prepared for distribution to a retailer,
468 warehouse, distributor, or other destination, or as otherwise defined in 14 CCR
469 Section 189852(a)(76).

470 (c4) "Yard Waste" or "Yard Trimmings" means types of Organic Waste resulting from
471 normal yard and landscaping installation, maintenance, or removal.

472 **Section 4. Requirements for Single-Family Premises**

473 (a) Except Responsible Parties of Single-Family Premises in Low-Population Areas
474 that meet requirements of Section 4(b) of this ordinance, Responsible Parties of
475 Single-Family Premises shall comply with the following requirements:

476 (1) Subscribe to and pay for District's three-container collection services for
477 weekly collection of Recyclable Materials, Organic Materials, and Solid
478 Waste generated by the Single-Family Premises and comply with
479 requirements of those services as described below in Section 4(a)(2).
480 District shall have the right to review the number and size of a Generator's
481 containers to evaluate adequacy of capacity provided for each type of
482 collection service for proper separation of materials and containment of
483 materials. The Responsible Parties for Single-Family Premises shall
484 adjust their service level for their collection services as requested by the
485 District.

486 (2) Participate in the District's three-container collection service in the manner
487 described below.

488 (A) Place and/or direct its Generators to place Source Separated
489 Organic Materials, including Food Waste, in the Organic Materials
490 Container; Source Separated Recyclable Materials in the
491 Recyclable Materials Container; and Solid Waste in the Solid
492 Waste Container.

493 (B) Not place and/or direct its Generators to not place Prohibited
494 Container Contaminants in collection containers and not place
495 materials designated for the Organic Materials Containers or
496 Recyclable Materials Containers in the Solid Waste Containers.

497 (b) Responsible Parties of Single-Family Premises in Low-Population Areas

498 (i) Responsible parties of Single-Family Premises in Low-Population
499 Areas that generate less than two (2) cubic yards or more of total solid

500 waste, recyclable materials, and organic materials per week (or other
501 threshold defined by the State) are exempt from the requirements in
502 Subsection (a) of this Section related to organic materials, provided
503 that such organic materials are stored and disposed of in accordance
504 with applicable law or regulations.

505 (ii) Responsible parties of Single-Family Premises in Low-Population
506 Areas that generate two (2) cubic yards or more of total solid waste,
507 recyclable materials, and organic materials per week, shall comply
508 with requirements of Subsections (a) above, except those that meet
509 the self-hauler requirements in section 68.572 of this chapter.

510 (iii) Responsible parties of Single-Family Premises in Low-Population
511 Areas that generate less than two (2) cubic yards of total solid waste,
512 recyclable materials, and organic materials per week (or other
513 threshold defined by the State), subscribe to and participate in the
514 District's collection service for one or more materials such as
515 recyclable materials, organic materials, or solid waste and follow
516 District's instructions regarding source separation of discarded
517 materials and placement of materials in the proper containers, except
518 those that meet the self-hauler requirements in section 68.572 of this
519 chapter.

520

521 (c) Nothing in this Section prohibits a Responsible Party or Generator of a Single-
522 Family Premises from preventing or reducing Discarded Materials generation,
523 managing Organic Waste on site, and/or using a Community Composting site
524 pursuant to 14 CCR Section 18984.9(c).

525 **Section 5. Requirements for Multi-Family Residential Dwellings**

526 (a) Responsible Parties of Multi-Family Premises shall provide or arrange for
527 Recyclable Materials, Organic Materials, and Solid Waste collection services
528 consistent with this ordinance and for employees, contractors, and tenants
529 subject to exceptions for Multi-Family Premises in Low-Population Areas
530 specified in Section 5(c) of this ordinance.

531 (b) Except for Responsible Parties of Multi-Family Premises that meet the Self-
532 Hauler requirements in Section 11 of this ordinance and Responsible Parties of
533 Multi-Family Premises in Low-Population Areas that meet requirements in
534 Section 5(c) of this ordinance, Responsible Parties of Multi-Family Premises
535 shall:

536 (1) Subscribe to and pay for District's three-container collection services and
537 comply with requirements of those services for all Recyclable Materials,
538 Organic Materials, and Solid Waste generated at the Multi-Family
539 Premises as further described below in this Section 5. District shall have
540 the right to review the number and size of the Multi-Family Premises'

541 collection containers and frequency of collection to evaluate adequacy of
542 capacity provided for each type of collection service for proper separation
543 of materials and containment of materials. The Responsible Party of a
544 Multi-Family Premises shall adjust their service level for their collection
545 services as requested by the District or its Designee.

546 (2) Participate in the District's three-container collection services for at least
547 weekly collection of Recyclable Materials, Organic Materials, and Solid
548 Waste in the manner described below.

549 (A) Place and/or direct its Generators to place Source Separated
550 Organic Materials, including Food Waste, in the Organic Materials
551 Container; Source Separated Recyclable Materials in the
552 Recyclable Materials Container; and Solid Waste in the Solid
553 Waste Container.

554 (C) Not place and/or direct its Generators to not place Prohibited
555 Container Contaminants in collection containers and to not place
556 materials designated for the Organic Materials Containers or
557 Recyclable Materials Containers in the Solid Waste Containers.

558 (3) Supply and allow access to adequate number, size and location of
559 collection containers with sufficient labels or colors for employees,
560 contractors, tenants, and customers, consistent with District's Recyclable
561 Materials Container, Organic Materials Container, and Solid Waste
562 Container collection service or, if Self-Hauling, consistent with the Multi-
563 Family Premises' approach to complying with Self-Hauler requirements in
564 Section 11 of this ordinance.

565 (4) Annually provide information to employees, contractors, tenants, and
566 customers about Recyclable Materials and Organic Waste Recovery
567 requirements and about proper sorting of Recyclable Materials, Organic
568 Materials, and Solid Waste.

569 (5) Provide education information before or within fourteen (14) days of
570 occupation of the Premises to new tenants that describes requirements to
571 Source Separate Recyclable Materials and Organic Materials and to keep
572 Source Separated Organic Materials and Source Separated Recyclable
573 Materials separate from each other and from Solid Waste (when
574 applicable) and the location of containers and the rules governing their
575 use at each property.

576 (6) Provide or arrange access for District or its Designee to their properties
577 during all Inspections conducted in accordance with this ordinance to
578 confirm compliance with the requirements of this ordinance.

579 (c) Responsible Parties of Multi-Family Premises in Low-Population Areas shall
580 comply with the following requirements:

- 581 (1) Responsible parties of Multi-Family Premises in Low-Population Areas
582 that generate less than two (2) cubic yards or more of total solid waste,
583 recyclable materials, and organic materials per week (or other threshold
584 defined by the State) are exempt from the requirements in Subsection (b)
585 of this Section related to organic materials, provided that such organic
586 materials are stored and disposed of in accordance with applicable law or
587 regulations.
- 588 (2) Responsible Party of the Multi-Family Premises shall subscribe to and pay
589 for Recyclable Materials collection services in accordance with Sections
590 5(b)(1) and 5(b)(2) of this Ordinance or shall Self-Haul Recyclable
591 Materials in accordance with Section 11 of this ordinance.
- 592 (3) If a Multi-Family Premises generates two (2) cubic yards or more of Solid
593 Waste per week, Responsible Party of the Multi-Family Premises shall
594 subscribe to and pay for Green Waste collection services in accordance
595 with Sections 5(b)(1) and 5(b)(2) of this ordinance or shall Self-Haul Green
596 Waste in accordance with Section 11 of this ordinance. If a Multi-Family
597 Premises generates less than two (2) cubic yards of Solid Waste per
598 week, Responsible Party of Multi-Family Premises is not required to
599 subscribe to and pay for Green Waste collection services or to Source
600 Separate and Self-Haul Green Waste. For the purposes of this subsection,
601 the total Solid Waste shall be the sum of weekly container capacity
602 measured in cubic yards for Solid Waste, Recyclable Materials, and
603 Organic Materials collection service.
- 604 (d) If the Responsible Party of a Multi-Family Premises wants to Self-Haul, meet the
605 Self-Hauler requirements in Section 11 of this ordinance.
- 606 (e) Multi-family Premises that generate two (2) cubic yards or more of total Solid
607 Waste, Recyclable Materials, and Organic Materials per week (or other threshold
608 defined by the State) that arrange for gardening or landscaping services shall
609 require that the contract or work agreement between the owner, occupant, or
610 operator of a Multi-Family Premises and a gardening or landscaping service
611 specifies that the designated organic materials generated by those services be
612 managed in compliance with this chapter.
- 613 (f) Nothing in this Section prohibits a Responsible Party or Generator of a Multi-
614 Family Premises from preventing or reducing Discarded Materials generation,
615 managing Organic Waste on site, or using a Community Composting site
616 pursuant to 14 CCR Section 18984.9(c).

617 **Section 6. Requirements for Commercial Businesses**

- 618 (a) Responsible Parties of Commercial Businesses shall provide or arrange for
619 Recyclable Materials, Organic Materials, and Solid Waste collection services
620 consistent with this ordinance and for employees, contractors, tenants, and
621 customers subject to exceptions for Commercial Premises in Low-Population
622 Areas specified in Section 6(c) of this ordinance.

623 (b) Except Responsible Parties of Commercial Businesses that meet the Self-Hauler
624 requirements in Section 11 of this ordinance and Responsible Parties of
625 Commercial Premises in Low-Population Areas that meet requirements in
626 Section 6(c) of this ordinance, Responsible Parties of Commercial Premises
627 shall:

628 (1) Subscribe to and pay for District's three-container collection services and
629 comply with requirements of those services for all Recyclable Materials,
630 Organic Materials, and Solid Waste generated at the Commercial
631 Premises as further described below in this Section 6. District shall have
632 the right to review the number and size of a Commercial Premises'
633 containers and frequency of collection to evaluate adequacy of capacity
634 provided for each type of collection service for proper separation of
635 materials and containment of materials. The Responsible Party of the
636 Commercial Business shall adjust their service level for their collection
637 services as requested by the District or its Designee.

638 (2) Participate in the District's three -container collection service(s) for at least
639 weekly collection of Recyclable Materials, Organic Materials, and Solid
640 Waste in the manner described below.

641 (A) Place and/or direct its Generators to place Source Separated
642 Organic Materials, including Food Waste, in the Organic Materials
643 Container; Source Separated Recyclable Materials in the
644 Recyclable Materials Container; and Solid Waste in the Solid
645 Waste Container.

646 (C) Not place and/or direct its Generators to not place Prohibited
647 Container Contaminants in collection containers and to not place
648 materials designated for the Organic Materials Containers or
649 Recyclable Materials Containers in the Solid Waste Containers.

650 (3) Supply and allow access to adequate number, size and location of
651 collection containers with sufficient labels or colors (conforming with
652 Section 6(b)(4) below) for employees, contractors, tenants, and
653 customers, consistent with City's Recyclable Materials Container, Organic
654 Materials Container, and Solid Waste Container collection service or, if
655 Self-Hauling, consistent with the Commercial Premises' approach to
656 complying with Self-Hauler requirements in Section 11 of this ordinance.

657 (4) Provide containers for the collection of Source Separated Recyclable
658 Materials and Source Separated Organic Materials in all indoor and
659 outdoor areas where Solid Waste containers are provided for customers,
660 for materials generated by that Commercial Business. Such containers
661 shall be visible and easily accessible. Such containers do not need to be
662 provided in restrooms. If a Commercial Business does not generate any of
663 the materials that would be collected in one type of container, then the

664 Responsible Party of the Commercial Business does not have to provide
665 that particular container in all areas where Solid Waste containers are
666 provided for customers. Pursuant to 14 CCR Section 18984.9(b), the
667 containers provided by the Responsible Party of the Commercial Business
668 shall have either:

669 (A) A body and lid that conforms with the container colors provided
670 through the collection service provided by City, with either lids
671 conforming to the color requirements or bodies conforming to the
672 color requirements or both lids and bodies conforming to color
673 requirements. The Responsible Party of the Commercial Business
674 is not required to replace functional containers, including containers
675 purchased prior to January 1, 2022, that do not comply with the
676 requirements of the subsection prior to the end of the useful life of
677 those containers, or prior to January 1, 2036, whichever comes
678 first.

679 (B) Container labels that include language or graphic images, or both,
680 indicating the primary material accepted and the primary materials
681 prohibited in that container, or containers with imprinted text or
682 graphic images that indicate the primary materials accepted and
683 primary materials prohibited in the container. Pursuant 14 CCR
684 Section 18984.8, the container labeling requirements are required
685 on new containers commencing January 1, 2022.

686 (5) To the extent practical through education, training, Inspection, and/or
687 other measures, prohibit employees from placing materials in a container
688 not designated for those materials per the District's Recyclable Materials
689 Container, Organic Materials Container, and Solid Waste collection
690 service or, if Self-Hauling, per the instructions of the Commercial
691 Business's Responsible Party to support its compliance with Self-Hauler
692 requirements in Section 11 of this ordinance.

693 (6) Periodically inspect Recyclable Materials Containers, Organic Materials
694 Containers, and Solid Waste Containers for contamination and inform
695 employees if containers are contaminated and of the requirements to keep
696 contaminants out of those containers pursuant to 14 CCR Section
697 18984.9(b)(3).

698 (7) Annually provide information to employees, contractors, tenants, and
699 customers about Recyclable Materials and Organic Waste Recovery
700 requirements and about proper sorting of Recyclable Materials, Organic
701 Materials, and Solid Waste.

702 (8) Provide education information before or within fourteen (14) days of
703 occupation of the Premises to new tenants that describes requirements to
704 Source Separate Recyclable Materials and Organic Materials and to keep

- 705 Source Separated Organic Materials and Source Separated Recyclable
706 Materials separate from each other and from other Solid Waste and the
707 location of containers and the rules governing their use at each property.
- 708 (9) Provide or arrange access for District or its Designee to their properties
709 during all Inspections conducted in accordance with this ordinance to
710 confirm compliance with the requirements of this ordinance.
- 711 (c) Responsible Parties of Commercial Premises in Low-Population Areas shall
712 comply with the following requirements:
- 713 (1) If a Commercial Premises generates four (4) cubic yards or more of Solid
714 Waste per week, Responsible Party of Commercial Premises shall
715 subscribe to and pay for Recyclable Materials collection services in
716 accordance with Sections 6(b)(1) and 6(b)(2) of this Ordinance or shall
717 Self-Haul Recyclable Materials in accordance with Section 11 of this
718 ordinance. If a Commercial Premises generates less than four (4) cubic
719 yards of Solid Waste per week, Responsible Party of Commercial
720 Premises is not required to subscribe to and pay for Recyclable Materials
721 collection services or to Source Separate and Self-Haul Recyclable
722 Materials. For the purposes of determining the total Solid Waste for this
723 subsection, the total Solid Waste shall be the sum of weekly container
724 capacity measured in cubic yards for Solid Waste collection service.
- 725 (2) If a Commercial Premises generates two (2) cubic yards or more of Solid
726 Waste per week, Responsible Party of the Commercial Premises shall
727 subscribe to and pay for Organic Materials collection services in
728 accordance with Sections 6(b)(1) and 6(b)(2) or shall Self-Haul Organic
729 Materials in accordance with Section 11 of this ordinance. If a Commercial
730 Premises generates less than two (2) cubic yards of Solid Waste per
731 week, Responsible Party of the Commercial Premises is not required to
732 subscribe to and pay for Organic Materials collection services or Source
733 Separate and Self-Haul Organic Materials. For the purposes of
734 determining the total Solid Waste for this subsection, the total Solid Waste
735 shall be the sum of weekly container capacity measured in cubic yards for
736 Solid Waste, Recyclable Materials, and Organic Materials collection
737 service.
- 738 (f) If the Responsible Party of a Commercial Business wants to Self-Haul, meet the
739 Self-Hauler requirements in Section 11 of this ordinance.
- 740 (g) Nothing in this Section prohibits a Responsible Party or a Generator of a
741 Commercial Business from preventing or reducing Discarded Materials
742 generation, managing Organic Waste on site, or using a Community Composting
743 site pursuant to 14 CCR Section 18984.9(c).

744 (h) Responsible Parties of Commercial Businesses that are Tier One or Tier Two
745 Commercial Edible Food Generators shall comply with Food Recovery
746 requirements, pursuant to Section 8 of this ordinance.

747 **Section 7. Waivers for Multi-Family Premises and Commercial Premises**

748 (a) De Minimis Waivers for Multi-Family Premises and Commercial Premises that
749 are not in Low-Population Areas. The District may waive a Responsible Party's
750 obligation to comply with some or all Recyclable Materials and/or Organic Waste
751 requirements of this ordinance if the Responsible Party of the Commercial
752 Business or Multi-Family Premises provides documentation that the Commercial
753 Business or Multi-Family Premises meets one of the criteria in subsections (1)
754 and (2) below. For the purposes of subsections (1) and (2), the total Solid Waste
755 shall be the sum of weekly container capacity measured in cubic yards for Solid
756 Waste, Recyclable Materials, and Organic Materials collection service.

757 (1) The Commercial Business's or Multi-Family Premises' total Solid Waste
758 collection service is two (2) cubic yards or more per week and Recyclable
759 Materials and Organic Materials subject to collection in Recyclable
760 Materials Container(s) or Organic Materials Container(s) comprises less
761 than twenty (20) gallons per week per applicable material stream of the
762 Multi-family Premises' or Commercial Business's total waste (i.e.,
763 Recyclable Materials in the Recyclable Materials stream are less than
764 twenty (20) gallons per week or Organic Materials in the Organic Materials
765 stream are less than twenty (20) gallons per week); or,

766 (2) The Commercial Business's or Multi-Family Premises' total Solid Waste
767 collection service is less than two (2) cubic yards per week and
768 Recyclable Materials and Organic Materials subject to collection in a
769 Recyclable Materials Container(s) or Organic Materials Container(s)
770 comprises less than ten (10) gallons per week per applicable material
771 stream of the Multi-family Premises' or Commercial Business's total waste
772 (i.e., Recyclable Materials in the Recyclable Materials stream are less
773 than ten (10) gallons per week or Organic Materials in the Organic
774 Materials stream are less than ten (10) gallons per week).

775 (b) De Minimis Waivers for Organic Materials for Multi-Family and Commercial
776 Premises that are in Low-Population Areas. For a Multi-Family Premises or
777 Commercial Premises in a Low-Population Area that generates two (2) cubic
778 yards or more of total Solid Waste per week, the City may waive a Responsible
779 Party's requirements to comply with some or all Organic Materials recycling
780 requirements if the Responsible Party of the Commercial Business or Multi-
781 Family Premises meets one of the criteria in subsections (1) through (4) below.
782 For the purposes of determining the total Solid Waste for this paragraph, the total
783 Solid Waste shall be the sum of weekly container capacity measured in cubic
784 yards for Solid Waste, Recyclable Materials, and Organic Materials collection
785 service.

- 786 (1) Physical space waiver pursuant to Section 7(d) of this ordinance.
- 787 (2) The current implementation by a Multi-Family Premises or Commercial
788 Premises of actions that result in the recycling of a significant portion of its
789 Organic Material.
- 790 (3) The Multi-Family Premises or Commercial Premises does not generate at
791 least one half of a cubic yard of Organic Material per week.
- 792 (4) Extraordinary and unforeseen events warrant limited-term exemptions.
- 793 (c) De Minimis Waivers for Recyclable Materials for Multi-Family and Commercial
794 Premises that are in Low-Population Areas. For a Commercial Premises in a
795 Low-Population Area that generates two (2) cubic yards or more of total Solid
796 Waste per week or for a Multi-Family Premises in a Low-Population Area, the
797 City may waive a Responsible Party's requirements to comply with some or all
798 Recyclable Materials recycling requirements if the Responsible Party of the
799 Commercial Business or Multi-Family Premises meets one of the criteria in
800 subsections (1) through (4) below. For the purposes of determining the total Solid
801 Waste for this paragraph, the total Solid Waste shall be the sum of weekly
802 container capacity measured in cubic yards for Solid Waste and shall exclude
803 cubic yards of Source Separated Recyclable Materials and Organic Materials
804 collection service.
- 805 (1) Physical space waiver pursuant to Section 7(d) of this ordinance.
- 806 (2) The current implementation by a Multi-Family Premises or Commercial
807 Premises of actions that result in the recycling of a significant portion of its
808 Recyclable Materials.
- 809 (3) Non-generation of Recyclable Materials.
- 810 (4) Lack of recycling markets as determined by the District.
- 811 (d) Physical Space Waivers. The District may waive a Commercial Business's or
812 Multi-Family Premises' obligation to comply with some or all of the Recyclable
813 Materials and/or Organic Waste collection service requirements if the District has
814 evidence from its own staff, a hauler, licensed architect, or licensed engineer
815 demonstrating that the Premises lacks adequate space for Recyclable Materials
816 Containers and/or Organic Materials Containers required for compliance with the
817 Recyclable Materials and Organic Materials collection requirements of Section 5
818 or 6 as applicable.
- 819 (e) Collection Frequency Waiver: District, at its discretion and in accordance with 14
820 CCR Section 18984.11(a)(3), may allow the Responsible Party of any Single-
821 Family Premises, Multi-Family Premises, or Commercial Business that
822 subscribes to the District's three-container Recyclable Materials, Organic
823 Materials, and Solid Waste/Mixed Waste collection service to arrange for the

824 collection of their Recyclable Materials Container, Solid Waste Container, or both
825 once every fourteen (14) days, rather than once per week.

826 (f) Review and Approval of Waivers by District. Waivers shall be granted to
827 Responsible Parties by District according to the following process:

828 (1) Responsible Parties of Premises seeking waivers shall submit a
829 completed application form to District Manager or their designee for a
830 waiver specifying the waiver type requested, type(s) of collection services
831 for which they are requesting a waiver, the reason(s) for such waiver, and
832 documentation supporting such request.

833 (2) Upon waiver approval, District shall specify that the waiver is valid for five
834 (5) years.

835 (3) Waiver holder shall notify District if circumstances change such that
836 Commercial Business's or Multi-Family Premises' may no longer qualify
837 for the waiver granted, in which case waiver will be rescinded.

838 (4) Any waiver holder must cooperate with the District for compliance
839 Inspections and enforcement as stated in Sections 15 and 16.

840 (5) Waiver holder shall reapply to the District Manager or their designee for a
841 waiver upon the expiration of the waiver period and shall submit any
842 required documentation, and/or fees/payments as required by the District.
843 Failure to submit a completed application shall equate to an automatic
844 denial of said application.

845 (6) District Manager may revoke a waiver upon a determination that any of
846 the circumstances justifying a waiver are no longer applicable.

847 **Section 8. Requirements for Commercial Edible Food Generators**

848 (a) Tier One Commercial Edible Food Generators must comply with the
849 requirements of this Section commencing January 1, 2022, and Tier Two
850 Commercial Edible Food Generators must comply commencing January 1, 2024,
851 pursuant to 14 CCR Section 18991.3.

852 (b) Large Venue or Large Event operators not providing food services, but allowing
853 for food to be provided by others, shall require Food Facilities operating at the
854 Large Venue or Large Event to comply with the requirements of this Section,
855 commencing January 1, 2024.

856 (c) Commercial Edible Food Generators shall comply with the following
857 requirements:

858 (1) Arrange to recover the maximum amount of Edible Food that would
859 otherwise be disposed.

- 860 (2) Contract with or enter into a written agreement with Food Recovery
861 Organizations or Food Recovery Services for: (i) the collection of Edible
862 Food for Food Recovery; or, (ii) acceptance of the Edible Food that the
863 Commercial Edible Food Generator Self-Hauls to the Food Recovery
864 Organization for Food Recovery.
- 865 (3) Not intentionally spoil Edible Food that is capable of being recovered by a
866 Food Recovery Organization or a Food Recovery Service.
- 867 (4) Allow District's designated enforcement entity or designated third party
868 enforcement entity to access the Premises and review records pursuant to
869 14 CCR Section 18991.4.
- 870 (5) Keep records that include the following information, or as otherwise
871 specified in 14 CCR Section 18991.4:
- 872 (A) A list of each Food Recovery Service or organization that collects
873 or receives its Edible Food pursuant to a contract or written
874 agreement established under 14 CCR Section 18991.3(b).
- 875 (B) A copy of all contracts or written agreements established under 14
876 CCR Section 18991.3(b).
- 877 (C) A record of the following information for each of those Food
878 Recovery Services or Food Recovery Organizations:
- 879 (i) The name, address and contact information of the Food
880 Recovery Service or Food Recovery Organization.
- 881 (ii) The types of food that are collected by or Self-Hauled to the
882 Food Recovery Service or Food Recovery Organization.
- 883 (iii) The established frequency that food is collected or Self-
884 Hauled.
- 885 (iv) The quantity of food, measured in pounds recovered per
886 month, collected or Self-Hauled to a Food Recovery Service
887 or Food Recovery Organization for Food Recovery.
- 888 (6) Maintain records required by this section for five (5) years.
- 889 (7) No later than March 1st of each year commencing no later than 2023 for
890 Tier One Commercial Edible Food Generators and 2025 for Tier Two
891 Commercial Edible Food Generators, provide an annual Food Recovery
892 report to the City/County/District that includes the following information:

- 893 (A) The amount, in pounds, of edible food donated to a Food
 894 Recovery Service or Food Recovery Organization annually;
 895 and,
- 896 (B) The amount, in pounds of edible food rejected by a Food
 897 Recovery Service or Food Recovery Organization annually.
- 898 (C) Any additional information required by the District Manager
 899 or their designee.
- 900 (d) Nothing in this ordinance shall be construed to limit or conflict with the
 901 protections provided by the California Good Samaritan Food Donation Act of
 902 2017, the Federal Good Samaritan Act, or share table and school food donation
 903 guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the
 904 State of California on September 25, 2017, which added Article 13 [commencing
 905 with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the
 906 Education Code, and to amend Section 114079 of the Health and Safety Code,
 907 relating to food safety, as amended, supplemented, superseded and replaced
 908 from time to time).

909 **Section 9. Requirements for Food Recovery Organizations and Services**

- 910 (a) Food Recovery Services collecting or receiving Edible Food directly from
 911 Commercial Edible Food Generators, via a contract or written agreement
 912 established under 14 CCR Section 18991.3(b), shall maintain the following
 913 records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
- 914 (1) The name, address, and contact information for each Commercial Edible
 915 Food Generator from which the service collects Edible Food.
- 916 (2) The quantity in pounds of Edible Food collected from each Commercial
 917 Edible Food Generator per month.
- 918 (3) The quantity in pounds of Edible Food transported to each Food Recovery
 919 Organization per month.
- 920 (4) The name, address, and contact information for each Food Recovery
 921 Organization that the Food Recovery Service transports Edible Food to for
 922 Food Recovery.
- 923 (b) Food Recovery Organizations collecting or receiving Edible Food directly from
 924 Commercial Edible Food Generators, via a contract or written agreement
 925 established under 14 CCR Section 18991.3(b), shall maintain the following
 926 records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
- 927 (1) The name, address, and contact information for each Commercial Edible
 928 Food Generator from which the organization receives Edible Food.

- 929 (2) The quantity in pounds of Edible Food received from each Commercial
 930 Edible Food Generator per month.
- 931 (3) The name, address, and contact information for each Food Recovery
 932 Service that the organization receives Edible Food from for Food
 933 Recovery.
- 934 (c) Maintain records required by this section for five years.
- 935 (d) Food Recovery Organizations and Food Recovery Services that have their
 936 primary address physically located in the District and contract with or have
 937 written agreements with one or more Commercial Edible Food Generators
 938 pursuant to 14 CCR Section 18991.3(b) shall report to the District the total
 939 pounds of Edible Food recovered in the previous calendar year from the Tier One
 940 and Tier Two Commercial Edible Food Generators they have established a
 941 contract or written agreement with pursuant to 14 CCR Section 18991.3(b). The
 942 annual report shall be submitted to the District no later than March 1st of each
 943 year.
- 944 (e) In order to support Edible Food Recovery capacity planning assessments or
 945 other studies conducted by the County, or its designated entity, Food Recovery
 946 Services and Food Recovery Organizations operating in the District shall provide
 947 information and consultation to the District, upon request, regarding existing, or
 948 proposed new or expanded, Food Recovery capacity that could be accessed by
 949 the District and its Commercial Edible Food Generators. A Food Recovery
 950 Service or Food Recovery Organization contacted by the District shall respond to
 951 such request for information within 60 days, unless a shorter timeframe is
 952 otherwise specified by the District.
- 953 (f) Food Recovery Organizations and Food Recovery Services that have their
 954 primary address physically located in the District and contract with or have
 955 written agreements with one or more Commercial Edible Food Generators shall
 956 include language in all agreements with Tier 1 and Tier 2 edible food generators
 957 located in the District identifying and describing the California Good Samaritan
 958 Act of 2017.

959 **Section 10. Requirements for Haulers and Facility Operators**

- 960 (a) Requirements for Haulers
- 961 (1) Franchise hauler providing Recyclable Materials, Organic Waste, and/or
 962 Solid Waste collection services to Generators within the District's
 963 boundaries shall meet the following requirements and standards as a
 964 condition of approval of its contract, agreement, permit, license, or other
 965 authorization with the District to collect Recyclable Materials, Organic
 966 Materials, and/or Solid Waste:

- 967 (A) Through written notice to the District annually on or before January
 968 1st of each year, identify the facilities to which they will transport
 969 Discarded Materials, including facilities for Source Separated
 970 Recyclable Materials, Source Separated Organic Materials, and
 971 Solid Waste unless otherwise stated in the franchise agreement,
 972 contract, permit, or license, or other authorization with the District.
- 973 (B) Transport Source Separated Recyclable Materials to a facility that
 974 recovers those materials; transport Source Separated Organic
 975 Materials to a facility, operation, activity, or property that recovers
 976 Organic Waste as defined in 14 CCR, Division 7, Chapter 12,
 977 Article 2; transport Solid Waste to a disposal facility or transfer
 978 facility or operation that processes or disposes of Solid Waste; and
 979 transport manure to a facility that manages manure in conformance
 980 with 14 CCR Article 12 and such that the manure is not landfilled,
 981 used as Alternative Daily Cover (ADC), or used as Alternative
 982 Intermediate Cover (AIC).
- 983 (C) Obtain approval from the District to haul Organic Waste, unless it is
 984 transporting Source Separated Organic Waste to a Community
 985 Composting site or lawfully transporting C&D in a manner that
 986 complies with 14 CCR Section 18989.1, Section 12 of this
 987 ordinance and County C&D ordinance. Franchise hauler
 988 authorized to collect Recyclable Materials, Organic Materials,
 989 and/or Solid Waste shall comply with education, equipment,
 990 signage, container labeling, container color, contamination
 991 monitoring, reporting, and other requirements contained within its
 992 franchise agreement, permit, license, or other agreement entered
 993 into with District.
- 994 (b) Requirements for Facility Operators and Community Composting Operations
- 995 (1) Owners of facilities, operations, and activities located in the District's
 996 boundaries that recover Organic Waste, including, but not limited to,
 997 Compost facilities, in-vessel digestion facilities, and publicly-owned
 998 treatment works shall, upon District request, provide information regarding
 999 available and potential new or expanded capacity at their facilities,
 1000 operations, and activities, including information about throughput and
 1001 permitted capacity necessary for planning purposes. Entities contacted by
 1002 the District shall respond within 60 days.
- 1003 (2) Community Composting operators with operations located in the District's
 1004 boundaries, upon District request, shall provide information to the District
 1005 to support Organic Waste capacity planning, including, but not limited to,
 1006 an estimate of the amount of Organic Waste anticipated to be handled at
 1007 the Community Composting operation. Entities contacted by the District
 1008 shall respond within 60 days.

1009 (3) Owners of facilities, operations, and activities located in the District's
1010 boundaries that receive Recyclable Materials, Organic Materials, and/or
1011 Solid Waste shall provide to the District, on a quarterly basis, copies of all
1012 reports they are required to report to CalRecycle, including at minimum,
1013 those required by AB 901 and SB 1383.

1014 **Section 11. Self-Hauler Requirements**

1015 (a) Every Self-Hauler shall Source Separate its Recyclable Materials and Organic
1016 Materials (materials that District otherwise requires Generators or Responsible
1017 Parties to separate for collection in the District's Recyclable Materials and
1018 Organic Materials collection program) generated on-site from Solid Waste in a
1019 manner consistent with 14 CCR Section 18984.1 and the District's collection
1020 program. Self-Haulers shall deliver their materials to facilities described in
1021 subsection (b) below. Alternatively, Self-Haulers may or choose not to Source
1022 Separate Recyclable Materials and Organic Materials and shall haul its Solid
1023 Waste (that includes Recyclable Materials and Organic Materials) to a High
1024 Diversion Organic Waste Processing Facility that is approved by the District.

1025 (b) Self-Haulers that Source Separate their Recyclable Materials and Organic
1026 Materials shall haul their Source Separated Recyclable Materials to a facility that
1027 recovers those materials; haul their Source Separated Organic Waste to a
1028 facility, operation, activity, or property that processes or recovers Source
1029 Separated Organic Waste; haul their Solid Waste to a disposal facility or transfer
1030 facility or operation that processes or disposes of Solid Waste; and, transport
1031 manure to a facility that manages manure in conformance with 14 CCR Article 12
1032 and such that the manure is not landfilled, used as Alternative Daily Cover
1033 (ADC), or used as Alternative Intermediate Cover (AIC).

1034 (c) Self-Haulers that are Responsible Parties of Commercial Businesses or Multi-
1035 Family Premises shall keep records of the amount of Recyclable Materials,
1036 Organic Waste, and Solid Waste delivered to each facility, operation, activity, or
1037 property that processes or recovers Recyclable Materials and Organic Waste
1038 and processes or disposes of Solid Waste or shall keep records of Solid Waste
1039 delivered to High Diversion Organic Waste Processing Facilities. These records
1040 shall be subject to Inspection by the District or its designee. The records shall
1041 include the following information:

1042 (1) Delivery receipts and weight tickets from the entity accepting the
1043 Recyclable Materials, Organic Materials, and Solid Waste.

1044 (2) The amount of material in cubic yards or tons transported by the
1045 Generator or Responsible Party to each entity.

1046 (3) If the material is transported to an entity that does not have scales on-site
1047 or employs scales incapable of weighing the Self-Hauler's vehicle in a
1048 manner that allows it to determine the weight of materials received, the
1049 Self-Hauler is not required to record the weight of material but shall keep a

1050 record of the entities that received the Recyclable Materials, Organic
1051 Materials, and Solid Waste.

1052 (d) Self-Haulers shall retain all records and data required to be maintained by this
1053 Section for no less than five (5) years after the Recyclable Materials, Organic
1054 Materials, and/or Solid Waste was first delivered to the facility accepting the
1055 material.

1056 (e) Self-Haulers that are Commercial Businesses or Multi-Family Premises shall
1057 provide copies of records required by this Section to District if requested by the
1058 District Manager and shall provide the records at the frequency requested by the
1059 City/County/District Manager.

1060 (e) A Single-Family Generator or Single-Family Responsible Party that Self-Hauls
1061 Recyclable Materials, Organic Waste, or Solid Waste is not required to record or
1062 report information in Section 11(c) and (d).

1063 (f) Pursuant to 14 CCR Section 18815.9, Food Waste Self-Haulers are required to
1064 maintain records and report to CalRecycle information on the tons of Food Waste
1065 Self-Hauled and the facilities or each use of such material. Food Waste Self-
1066 Haulers shall provide to the District, on a quarterly basis, copies of all reports
1067 they are required to report to CalRecycle.

1068 **Section 12. Inspections and Investigations by District**

1069 (a) District representatives and/or its designated entity, including Designees are
1070 authorized to conduct Inspections and investigations, at random or otherwise, of
1071 any collection container, collection vehicle loads, or transfer, processing, or
1072 disposal facility for materials collected from Generators, or Source Separated
1073 materials to confirm compliance with this ordinance by Generators, Responsible
1074 Parties of Commercial Businesses, Responsible Parties of Multi-Family
1075 Premises, Commercial Edible Food Generators, haulers, Self-Haulers, Food
1076 Recovery Services, and Food Recovery Organizations, subject to applicable
1077 laws. This Section does not allow District to enter the interior of a private
1078 residential property for Inspection.

1079 (b) Regulated entity shall provide or arrange for access during all Inspections (with
1080 the exception of residential property interiors) and shall cooperate with the
1081 District's representative or its Designee during such Inspections and
1082 investigations. Such Inspections and investigations may include confirmation of
1083 proper placement of materials in containers, inspection of Edible Food Recovery
1084 activities, review of required records, or other verification or Inspection to confirm
1085 compliance with any other requirement of this ordinance. Failure of a
1086 Responsible Party to provide or arrange for: access to an entity's Premises or
1087 access to records for any Inspection or investigation is a violation of this
1088 ordinance and may result in penalties described in Section 16.

- 1089 (c) Any records obtained by District during its Inspections, Remote Monitoring, and
1090 other reviews shall be subject to the requirements and applicable disclosure
1091 exemptions of the Public Records Act as set forth in Government Code Section
1092 6250 et seq.
- 1093 (d) City/County/District representatives, its designated entity, and/or Designee are
1094 authorized to conduct any Inspections, Remote Monitoring, or other
1095 investigations as reasonably necessary to further the goals of this ordinance,
1096 subject to applicable laws.
- 1097 (e) City/County/District shall review and investigate written complaints received from
1098 persons regarding an entity that may be potentially non-compliant with SB 1383
1099 Regulations, including receipt of anonymous complaints.

1100 **Section 13. Enforcement**

- 1101 (a) Violation of any provision of this ordinance shall constitute grounds for issuance
1102 of a Notice of Violation and assessment of a fine by a District Enforcement
1103 Official or representative. Enforcement Actions under this ordinance are issuance
1104 of an administrative citation and assessment of a fine. The District’s procedures
1105 on imposition of administrative fines are hereby incorporated in their entirety, as
1106 modified from time to time, and shall govern the imposition, enforcement,
1107 collection, and review of administrative citations issued to enforce this ordinance
1108 and any rule or regulation adopted pursuant to this ordinance, except as
1109 otherwise indicated in this ordinance.
- 1110 (b) Other remedies allowed by law may be used, including civil action or prosecution
1111 as misdemeanor or infraction. District may pursue civil actions in the California
1112 courts to seek recovery of unpaid administrative citations. District may choose to
1113 delay court action until such time as a sufficiently large number of violations, or
1114 cumulative size of violations exist such that court action is a reasonable use of
1115 District staff and resources.
- 1116 (c) Enforcement pursuant to this ordinance may be undertaken by the District
1117 Enforcement Official, which may be the District manager or their designated
1118 entity, legal counsel, or combination thereof.
- 1119 (d) Process for Enforcement
 - 1120 (1) District Enforcement Officials or Regional or County Enforcement Officials
1121 and/or their designee will monitor compliance with the ordinance randomly
1122 and through Compliance Reviews, Route Reviews, investigation of
1123 complaints, and an Inspection program (that may include Remote
1124 Monitoring). Section 15 establishes District’s right to conduct Inspections
1125 and investigations.
 - 1126 (2) District may issue an official notification to notify regulated entities of its
1127 obligations under the ordinance.

- 1128 (3)
- 1129 (4) With the exception of violations of contamination of container contents
1130 addressed under Section 16(k), District shall issue a Notice of Violation
1131 requiring compliance within a maximum of 60 days of issuance of the
1132 notice.
- 1133 (5) Absent compliance by the respondent within the deadline set forth in the
1134 Notice of Violation, District shall commence an action to impose penalties,
1135 via an administrative citation and fine, pursuant to the requirements
1136 contained in Section 16(k), Table 1, List of Violations.
- 1137 Notices shall be sent to “owner” at the official address of the owner
1138 maintained by the tax collector for the District or if no such address is
1139 available, to the owner at the address of the Multi-Family Premises or
1140 Commercial Premises or to the Responsible Party for the collection
1141 services, depending upon available information.
- 1142 (e) Penalty Amounts for Types of Violations
- 1143 The penalty levels are as follows:
- 1144 (1) For a first violation, the amount of the base penalty shall be \$50 to \$100
1145 per violation.
- 1146 (2) For a second violation, the amount of the base penalty shall be \$100 to
1147 \$200 per violation.
- 1148 (3) For a third or subsequent violation, the amount of the base penalty shall
1149 be \$250 to \$500 per violation.
- 1150 (f) Factors Considered in Determining Penalty Amount
- 1151 The following factors shall be used to determine the amount of the penalty for
1152 each violation within the appropriate penalty amount range:
- 1153 (1) The nature, circumstances, and severity of the violation(s).
- 1154 (2) The violator’s ability to pay.
- 1155 (3) The willfulness of the violator's misconduct.
- 1156 (4) Whether the violator took measures to avoid or mitigate violations of this
1157 chapter.
- 1158 (5) Evidence of any economic benefit resulting from the violation(s).
- 1159 (6) The deterrent effect of the penalty on the violator.

- 1160 (7) Whether the violation(s) were due to conditions outside the control of the
1161 violator.
- 1162 (g) Compliance Deadline Extension Considerations
- 1163 District may extend the compliance deadlines set forth in a Notice of Violation
1164 issued in accordance with this Section if it finds that there are extenuating
1165 circumstances beyond the control of the respondent that make compliance within
1166 the deadlines impracticable, including the following:
- 1167 (1) Acts of God such as earthquakes, wildfires, flooding, and other
1168 emergencies or natural disasters;
- 1169 (2) Delays in obtaining discretionary permits or other government agency
1170 approvals; or,
- 1171 (3) Deficiencies in Organic Waste recycling infrastructure or Edible Food
1172 Recovery capacity and the District is under a corrective action plan with
1173 CalRecycle pursuant to 14 CCR Section 18996.2 due to those
1174 deficiencies.
- 1175 (h) Appeals Process
- 1176 Persons receiving an administrative citation containing a penalty for an
1177 uncorrected violation may request a hearing to appeal the citation. A hearing will
1178 be held only if it is requested within the time prescribed and consistent with
1179 District's procedures in the District's codes for appeals of administrative citations.
1180 Evidence may be presented at the hearing. The District will appoint a hearing
1181 officer who shall conduct the hearing and issue a final written order.
- 1182 (i) Education Period for Non-Compliance
- 1183 Beginning January 1, 2022 and through December 31, 2023, District will conduct
1184 Inspections, Remote Monitoring, Route Reviews or waste evaluations, and
1185 Compliance Reviews, depending upon the type of regulated entity, to determine
1186 compliance, and if District determines that Generator, Responsible Party, Self-
1187 Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery
1188 Organization, Food Recovery Service, or other entity is not in compliance, it shall
1189 provide educational materials to the entity describing its obligations under this
1190 ordinance and a notice that compliance is required by January 1, 2022, and that
1191 violations may be subject to administrative civil penalties starting on January 1,
1192 2024.
- 1193 (j) Civil Penalties for Non-Compliance
- 1194 Beginning January 1, 2024, if the District determines that a Generator,
1195 Responsible Party, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible
1196 Food Generator, Food Recovery Organization, Food Recovery Service, or other

1197 entity is not in compliance with this ordinance, it shall document the
 1198 noncompliance or violation, issue a Notice of Violation, and take Enforcement
 1199 Action pursuant to this Section, as needed.

1200 (k) Enforcement Table

1201 **Table 1. List of Violations**
 1202

Requirement	Description of Violation
Commercial Business Multi-Family Premises Responsibility Requirement Sections 5 and 6	Responsible Party for a Commercial Business or Multi-Family Premises fails to provide or arrange for Organic Waste collection services consistent with District 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 or Responsible Party Requirement Section 4, 5, and 6	Organic Waste Generator or Responsible Party fails to comply with requirements pursuant to this ordinance.
Hauler Requirement Section 10	A hauler providing Single-Family, Multi-Family or Commercial collection service fails to transport Discarded Materials to a facility, operation, activity, or property that recovers Organic Waste, as prescribed by this ordinance.
Hauler Requirement Section 10	A hauler providing Single-Family, Multi-Family or Commercial Recyclable Materials, Organic Materials, or Solid Waste collection service fails to obtain applicable approval issued by the District to haul Recyclable Materials, Organic Materials, or Solid Waste as prescribed by this ordinance.
Hauler Requirement Section 10	A hauler fails to keep a record of the applicable documentation of its approval by the District, as prescribed by this ordinance.

Requirement	Description of Violation
Self-Hauler Requirement Section 11	A Generator or Responsible Party who is a Self-Hauler fails to comply with the requirements of this ordinance.
Commercial Edible Food Generator Requirement Section 8	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/or fails to comply with other requirements of this ordinance.
Commercial Edible Food Generator Requirement Section 8	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/or fails to comply with other requirements of this ordinance commencing Jan. 1, 2024.
Commercial Edible Food Generator Requirement Section 8	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.
Commercial Business Responsible Party, Multi-Family Premises Responsible Party, Commercial Edible Food Generator, Food Recovery Organization or Food Recovery Service Sections 5, 6, 8, and 9	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 8	Tier One or Tier Two Commercial Edible Food Generator fails to keep records, as prescribed by Section 8 of this ordinance.

Requirement	Description of Violation
Recordkeeping Requirements for Food Recovery Services and Food Recovery Organizations Section 9	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 9 of this ordinance.

1203 **Section 14. Effective Date**

1204 This ordinance shall be effective commencing on March 1, 2022.

- 1205
- 1206
- 1207
- 1208
- 1209
- 1210
- 1211
- 1212
- 1213
- 1214
- 1215
- 1216
- 1217
- 1218
- 1219
- 1220
- 1221
- 1222

1223 The foregoing ordinance was introduced at an adjourned regular meeting of the Board of
1224 Directors of the Pebble Beach Community Services District duly held on **December 10,**
1225 **2021**, and was passed and adopted, following a noticed public hearing, at an adjourned
1226 regular meeting duly held on **January 28, 2022**, by the following vote:

1227

1228 AYES: Directors: Leo M. Laska, Richard D. Verbanec, Richard B. Gebhart,

1229 Richard B. Gebhart, Peter B. McKee

1230 NOES: Directors:

1231

1232 ABSENT: Directors: Jeffrey B. Froke

1233

1234 ATTEST:

1235

1236

1237 _____
Leo M. Laska, Board Vice President

Michael A. Niccum, Board Secretary