

**ORDINANCE NO. \_\_\_\_\_**  
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH REPEALING AND RECASTING**  
**CHAPTER 3 OF TITLE 6 OF THE ANTIOCH MUNICIPAL CODE REGARDING**  
**SOLID WASTE AND RESOURCE RECOVERY**

**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 Antioch to adopt an ordinance to enforce the SB 1383 Regulations by said date, and;

**WHEREAS**, the City Council desires to amend its Solid Waste and Rubbish Ordinance to comply with the SB 1383 Regulations.

The City Council of the City of Antioch, California, does ordain as follows:

**SECTION 1.** **Recitals.** The above recitals are incorporated as though set forth in this section.

**SECTION 2.** **Amendment.** Chapter 3 of Title 6 of the Antioch Municipal Code is hereby amended in its entirety as set forth in Exhibit A, incorporated by this reference.

**SECTION 3.** **CEQA.** Environmental review is not required because adoption of the Ordinance is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline 15378(b)(5) (organization or administrative activities of governments not a project).

**SECTION 4.** **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 5.** **Publication; Effective Date.** This Ordinance shall take effect and be enforced within thirty (30) days from and after the date of its adoption by the City Council

at a second reading and shall be posted and published in accordance with the California Government Code.

I, Ellie Householder, City Clerk of the City of Antioch, hereby certify that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Antioch held on the day of \_\_\_\_\_, 2021 and passed and adopted at a regular meeting thereof held on the \_\_\_ day of \_\_\_\_\_, 2021, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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**Lamar Thorpe, Mayor**

**ATTEST:**

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**Ellie Householder, City Clerk**

Proposed

## EXHIBIT A

### CHAPTER 3: SOLID WASTE AND RESOURCE RECOVERY

#### Article I: Solid Waste Collection for Resource Recovery

- 6-3.01 Definitions
- 6-3.02 Trash, organics, and recyclable materials; mandatory service
- 6-3.03 Trash, organics, and recyclable materials; containers; location
- 6-3.04 Trash, organics, and recyclable materials; type permitted; cleaning
- 6-3.06 Burning and burying solid waste
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- 6-3.201 Definitions
- 6-3.202 Threshold for covered projects
- 6-3.203 Submission of waste management plan
- 6-3.204 Review of waste management plan
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#### Article III: Edible Food Recovery

- 6-3.301 Definitions
- 6-3.302 Requirements for Commercial Edible Food Generators
- 6-3.303 Requirements for Food Recovery Organizations and Services

### ARTICLE I: SOLID WASTE COLLECTION FOR RESOURCE RECOVERY

#### § 6-3.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADEQUATE SIZE or ADEQUATE LEVEL OF SERVICE.** The subscription to collection services from the franchised contractor of containers of sufficient size and/or frequency of service that all Trash, Organics, and Recyclable Materials are enclosed within their respective container with the top of the container in a fully closed position ready for collection.

**AGREEMENT.** A contract entered into between the city and the contractor providing for, among other things, the award of a franchise, payment of franchise fees, and procedures for the contractor's collection and disposal of materials and the setting of rates and charges for services.

**CALIFORNIA CODE OF REGULATIONS or "CCR".** State of California Code of Regulations. CCR references are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).

**CALRECYCLE.** California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on cities (and others).

**CITY.** The City of Antioch, California.

**CITY COUNCIL.** The City Council of the City of Antioch, California.

**CITY MANAGER.** The City Manager of the City of Antioch or his or her designee.

**CODE.** The Antioch Municipal Code.

**COLLECTION.** The act of collecting Solid Waste, Recyclables, or Organic Waste at or near the place of generation or accumulation.

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

**COMMERCIAL EDIBLE FOOD GENERATOR.** Tier One or Tier Two Commercial Edible Food Generator as defined in this section or as otherwise defined in 14 CCR Sections 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators.

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

**COMPLIANCE REVIEW.** A review of records by the City to determine compliance with this chapter.

**COMPOST.** Product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility or as in 14 CCR Section 17896.2(a)(4).

**COMPOSTABLE PLASTICS or COMPOSTABLE PLASTIC.** Plastic materials that meet the ASTM D6400 standard for compostability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).

**CONSTRUCTION AND DEMOLITION DEBRIS or C&D.** Has the same definition as in Section 6-3.201 of this Code.

**CONTAINER.** An approved receptacle for the storage and disposal of Trash, Organics, and Recyclable Materials, including contractor-supplied receptacles such as carts, bins, or drop boxes (or roll-off box, debris box); and also including subscriber-supplied containers for extra materials set out for collection, however limited as to size and weight as specified in the franchise agreement.

**CONTAINER CONTAMINATION or CONTAMINATED CONTAINER.** A container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).

**CONTRACTOR or FRANCHISED CONTRACTOR.** The person or entity with whom the City contracts for the collection and disposal of Solid Waste, including Trash, Organics, and Recyclable Materials or other waste materials.

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

**EDIBLE FOOD.** Food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in the SB 1383 Regulations require or authorize the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

**ENFORCEMENT ACTION.** An action of the City to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

**ENFORCEMENT OFFICER.** 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 wholly responsible for enforcing this chapter.

**EXCLUDED WASTE.** Hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the City and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including land use restrictions or conditions; waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the City's or its Designee's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose City or its Designee to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code. Excluded Waste does not include used motor oil and filters, household batteries, universal wastes, and/or latex paint when such materials are defined as allowable materials for collection through the City's collection programs and the generator or customer has properly placed the materials for collection pursuant to instructions provided by the Contractor for collection services.

**FOOD DISTRIBUTOR.** A company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).

**FOOD FACILITY.** Has same meaning as in Section 113789 of the Health and Safety Code.

**FOOD RECOVERY.** Actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).

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

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

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

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

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

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

**FOOD SERVICE PROVIDER.** An entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).

**FOOD-SOILED PAPER.** Compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.

**FOOD WASTE.** Food Scraps, Food-Soiled Paper, and Compostable Plastics.

**GARBAGE.** See Trash.

**GENERATOR or WASTE GENERATOR.** A person or entity that is responsible for the initial creation of waste.

**GREEN WASTE.** All plant matter cut, trimmed, or pruned from the generator's premises, including grass, garden plants, flowers, and tree and shrubbery trimmings, but excluding cactus, palm fronds and bamboo.

**GROCERY STORE.** 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).

**HAULER ROUTE.** The designated itinerary or sequence of stops for each segment of the City's collection service area, or as otherwise defined in 14 CCR § 18982(a)(31.5).

**HAZARDOUS MATERIALS.** All materials which are defined as being hazardous to the public health or safety by federal, state, or county statutes, legislation, policies, or rules and regulations. Hazardous materials/waste may include those things which are not hazardous in and of themselves, but which may become hazardous in combination with other

materials which may be found in the waste stream. Examples include, but are not limited to, fireworks, gunpowder, antifreeze, paint thinner, mineral spirits, paint, asbestos, insecticides, weed killer, household cleaners with lye or ammonia, and medicines.

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

**INFECTIOUS WASTE.** All waste materials which are defined as being injurious to the public health or safety by federal, state, or county statutes, legislation, policies, or rules and regulations. Examples include, but are not limited to, needles and syringes and other instruments used to administer medication, disposable diapers, rags or other materials used to clean areas infected by human or animal waste, and other materials contaminated with or exposed to infected or contagious persons, animals, or materials.

**INSPECTION.** A site visit where the City reviews records, containers, and an entity's collection, handling, recycling, or landfill disposal of Trash, Recyclable Materials, Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this chapter.

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

**LARGE VENUE.** Permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. A site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply.

**LOCAL EDUCATION AGENCY.** A school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).



MIXED WASTE ORGANIC COLLECTION STREAM or MIXED WASTE. 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 Section 17402(a)(11.5).

MULTIPLE-FAMILY DWELLING or MULTI-FAMILY RESIDENTIAL DWELLING or MULTI-FAMILY. Premises used for residential purposes with five (5) or more dwelling units, including condominium projects, duplexes, townhouse projects, apartment houses, or mobile home parks, irrespective of whether residence therein is transient, temporary or permanent which receive collection services from centralized locations. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

NOTICE OF VIOLATION or NOV. A notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

OCCUPIED. Any structure or property that is served by an active water account.

ORGANIC WASTE or ORGANICS. Includes food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

ORGANIC WASTE CONTAINER or ORGANICS CONTAINER. A Container used for the purpose of storage and collection of Source Separated Organic Waste.

ORGANIC WASTE GENERATOR. Person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

PAPER PRODUCTS. Including but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).

PRINTING AND WRITING PAPERS. Including but not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).

PROHIBITED CONTAINER CONTAMINANTS. Materials placed in the incorrect container for resource recovery, includes the following: (i) discarded materials placed in the Recycling Container that are not identified as acceptable Source Separated Recyclable Materials for the City's Recycle Container; (ii) discarded materials placed in the Organics Container that are not identified as acceptable Source Separated Organics for the City's Organics Container; (iii) discarded materials placed in the Trash Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Organic Waste to be placed in City's Organics

Container and/or Recyclable Materials Container; and, (iv) Excluded Waste placed in any Container.

RECOVERY. Any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

RECYCLABLES or RECYCLABLE MATERIALS. Defined as and including glass, paper, cardboard, wood, concrete, plastic, used motor oil and filters, ferrous and non-ferrous metal, aluminum, and any other waste materials that are capable of being recycled.

RECYCLE, RECYCLED or RECYCLING. The process of collecting, sorting, cleansing, treating, reconstituting and/or selling recycling materials, and returning them to use in the economy. It includes construction and demolition debris, including asphalt and concrete. (See regulations regarding management plan for construction and demolition debris, at § 6-3.201 et seq. of the Antioch Municipal Code.)

RECYCLED-CONTENT PAPER. 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).

RECYCLING 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.

RECYCLING FACILITY. A business that collects or processes Recyclable Materials.

REFUSE. See Trash.

REMOTE MONITORING. The use of the internet of things and/or wireless electronic devices to visualize the contents of Trash Containers, Recycling Containers, and Organics 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.

RESOURCE RECOVERY. Managing Solid Waste and sorting them in a manner as to maximize the ability to use discarded material to create valuable products as new outputs. The aim is to reduce the amount of waste generated, thereby reducing the need for landfill space, optimizing the values created from waste and reducing the need to use raw materials in the manufacturing process.

ROUTE REVIEW. A visual Inspection of Containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

RUBBISH. See Trash.

**SALVAGE.** The authorized and controlled accumulation of Solid Waste materials for subsequent use. **SALVAGEABLE MATERIALS** refers to items that can be put to subsequent use.

**SB 1383.** Senate Bill 1383 (Chapter 395, Statutes of 2016), which established methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants, as amended, supplemented, superseded, and replaced from time to time.

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

**SELF-HAULER.** A person who hauls Solid Waste, Organic Waste or Recyclable Materials they have generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). **BACK-HAUL** means generating and transporting Organic Waste to a destination owned and operated by the generator using the Generator's own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).

**SINGLE-FAMILY** means of, from, or pertaining to any residential premises with fewer than five (5) units.

**SOLID WASTE or WASTE.** All putrescible and non-putrescible solid, semi-solid, and liquid wastes, including solid waste, Trash, refuse, paper, rubbish, ashes, commercial and industrial wastes, green waste, construction and demolition debris, abandoned vehicles and parts thereof, discarded home and industrial appliances, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes. **SOLID WASTE or WASTE** includes Recyclable Materials that are discarded by the generators of such materials and mixed waste which include both recyclable and non-recyclable materials. **SOLID WASTE or WASTE** does not include any of the following wastes: (1) hazardous waste, as defined in Public Resources Code Section 40141; (2) radioactive waste; and (3) medical waste regulated pursuant to the Medical Waste Management Act. It includes all Recyclable Materials that are discarded by the generator, and mixed waste. **SOLID WASTE** does not include exempt waste, as defined above.

**SOURCE SEPARATE.** The process of removing Recyclable Materials and Organic Waste 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 ORGANIC WASTE.** Organic Waste that can be placed in an Organics Container that is specifically intended for the separate collection of Organic Waste by the Generator, excluding Source Separated Recyclable Materials, carpets, non-Compostable paper, and textiles.

**SOURCE SEPARATED RECYCLABLE MATERIALS.** Source Separated Organic Wastes that can be placed in a Recycling Container that is limited to the collection of those Organic

Wastes and Non-Organic Recyclables as defined in 14 CCR Section 18982(a)(43), or as otherwise defined by 14 CCR Section 17402(a)(18.7).

**SOURCE SEPARATED RECYCLABLE MATERIALS.** Source Separated Non-Organic Recyclables and Source Separated Organic Recyclables.

**SPECIAL HANDLING MATERIALS.** All materials which are defined as requiring special handling for the public health and safety by federal, state, or county statutes, legislation, policies, or rules and regulations. SPECIAL HANDLING MATERIALS shall also mean those things which are not dangerous in and of themselves, but which may impose a hazard to the public health when combined with other materials which may be found in a waste stream or disposal site, or which may contaminate water supplies or other facilities used by the public and not disposed of properly, or which cannot be conveniently handled using standard equipment and procedures. Examples include, but are not limited to, used automobile oil and filters, household cleaners which are not inherently hazardous, and large-sized or bulk materials or materials too heavy to dispose of through the normal container process.

**SUBSCRIBER.** All persons, firms, corporations, or entities which generate or accumulate Solid Waste, rubbish, Recyclables/salvageable materials, hazardous materials, infectious wastes, or special handling materials within the boundaries of the city as they may exist from time to time.

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

**TIER ONE COMMERCIAL EDIBLE FOOD GENERATOR** means a Commercial Edible Food Generator that is one of the following:

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

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

**TIER TWO COMMERCIAL EDIBLE FOOD GENERATOR** means a Commercial Edible Food Generator that is one of the following:

(1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.

(2) Hotel with an on-site Food Facility and 200 or more rooms.

(3) Health facility with an on-site Food Facility and 100 or more beds.

(4) Large Venue.

(5) Large Event.

(6) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.

(7) A Local Education Agency facility with an on-site Food Facility.

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

TRASH. Solid Wastes placed in the designated container for disposal to landfill.

TRASH CONTAINER. A Container used for the purpose of storage and collection of Trash.

WASTE DIVERSION. Any effort to reduce the amount of waste disposed of at landfill by reduction, reuse, recycling or composting.

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

#### § 6-3.02 *TRASH, ORGANICS, AND RECYCLABLE MATERIALS; MANDATORY SERVICE.*

Every owner, proprietor, person in possession, manager, or other person, firm, or corporation having the charge or control of any occupied property shall be subject to the provisions of this section based on the property types as defined.

Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

(A) Single-Family Organic Waste Generators shall comply with the following requirements.

- (1) Shall subscribe to City's three-container collection services for Trash, Recyclable Materials, and Organics. 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 and containment of materials; and, Single-

Family generators shall adjust their service level for collection services as requested by the City.

- (2) Shall participate in the City's three-container collection service(s) by placing designated materials in designated containers as described below and shall not place Prohibited Container Contaminants in collection containers. Generator shall place Source Separated Organic Waste, including Food Waste, in the Organics Container; Source Separated Recyclable Materials in the Recycling Container; and Trash in the Trash Container. Generators shall not place materials designated for the Trash Container into the Organics Container or Recycling Container.

(B) Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall:

- (1) Subscribe to City's three-container collection services and comply with requirements of those services as described below:
  - (a) Generator shall place Source Separated Organic Waste, including Food Waste, in the Organics Container; Source Separated Recyclable Materials in the Recycling Container; and Trash in the Trash Container. Generators shall not place materials designated for the Trash Container into the Organics Container or Recycling Container.
  - (b) 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 and containment of materials; and Commercial Businesses shall adjust their service level for their collection services as requested by the City.
- (2) Supply and allow access to an adequate number, size and location of collection containers with sufficient labels or colors (conforming with §6-3.03(A)(3) below) for employees, contractors, tenants, and customers, consistent with City's Recycling Container, Trash Container, and Organics Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with §6-3.08.
- (3) Excluding Multi-Family Residential Dwellings, provide Containers for the collection of Source Separated Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such Containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:

- (a) A body or lid that conforms with the container colors provided through the collection service provided by the Franchised Hauler, 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 to 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
- (4) To the extent practical through education, training, inspection, and/or other measures, prohibit employees from placing materials in a Container not designated for those materials per the City's collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with §6-3.08. For the purpose of this subsection, property managers and maintenance staff are considered employees.
- (5) Inspect Recycling Containers, Organics Containers, and Trash Containers for contamination and inform employees and tenants if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
- (6) Annually provide information to employees, contractors, tenants, and customers about Resource Recovery requirements and about proper sorting of Source Separated Organic Waste and Source Separated Recyclable Materials.
- (7) Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Organic Waste and Source Separated Recyclable Materials separate from Trash (when applicable) and the location of containers and the rules governing their use at each property.
- (8) Provide or arrange access for the City or its agent to their properties during all Inspections to confirm compliance with this chapter and SB 1383 Regulations.
- (9) If a Commercial Business wants to self-haul, meet the Self-Hauler requirements in §6-3.08.

(10) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to §6-3.302

(C) Every person, firm or corporation that generates and that is required by this chapter to dispose of Trash, Organics, and Recyclable Materials shall subscribe with the Contractor for the collection of Trash, Organics, and Recyclable Materials. In the case of any leased or rented single-family dwelling or leased or rented apartment, flat, duplex, or multi-family dwelling, the owner shall ensure that there is adequate collection and disposal service for each occupant residing therein and shall be responsible for the payment of the charges therefor.

(D) The Contractor shall give written notice to the City Manager or his or her designee of the address of any commercial or industrial business or occupied premises within the City which is not furnished with the collection and disposal service provided by the Contractor.

(E) Failure to subscribe for and correctly participate in the collection of Trash, Organics, and Recyclable Materials as required by this code is unlawful. In addition to the penalties provided in Chapter 2 of Title 1 of this code, failure to subscribe for the collection and disposal of Trash, Organics, and Recyclable Materials may also result in abatement action by the city, including the City directing the Contractor to adjust service levels on an account on behalf of the property owner in incremental periods of six months.

(F) If the city manager or his or her designee determines that any person, firm, corporation or entity has failed to subscribe for the collection of Trash, Organics, and Recyclable Materials as required by this code, a written notice may be sent to the person, firm, corporation or entity informing them of the violation and the requirements of this chapter. The notice shall direct the recipient to subscribe with the contractor within ten days after the date of the notice and the penalties for continued failure to comply.

(G) Any person, firm, corporation or other entity may apply for an exemption to the requirements of this chapter upon the showing that the premises are unoccupied. Such application shall be made on any form supplied by the city.

(H) No provision of this chapter shall be construed to prevent an owner from requiring the tenant to furnish the containers required by this chapter, or to subscribe for the collection of Trash, Organics, and Recyclable Materials; provided, however, that such arrangement does not excuse the owner of his or her obligations under this chapter if the tenant fails to comply.

(I) Nothing in this chapter shall be construed to prevent any person, firm, corporation, or entity from the periodically removing and disposing of Trash, Recyclables, and Organics from premises owned, managed or controlled by that person as long as the self-haul requirements of § 6-3.08 are followed and the material removed does not include hazardous, infectious or special handling materials, or to so remove the material would constitute a hazard to the public health or safety or would constitute a public nuisance, or unless such person, firm, corporation or entity is engaged in the business of hauling.



(J) Owners of a structure or property that is vacant but maintains water services for irrigation, property maintenance or similar purpose, may apply to the City Manager or designee for exception to the requirement for Solid Waste service. The conditions and terms of this exemption may be restricted.

#### § 6-3.03 SOLID WASTE AND RECYCLING CONTAINERS; LOCATION.

(A) Commercial accounts. All subscribers of commercial accounts shall comply with the following requirements regarding containers and their placement:

(1) All Trash, Organics, and Recyclable Materials containers and dumpsters shall be placed and maintained in a location readily accessible to the contractor and not constituting either a fire hazard or a public nuisance.

(2) Upon written notification from the city that containers are being maintained in a hazardous or offensive condition, they shall be relocated immediately by the subscriber.

(3) Failure to relocate the Containers following notice shall be unlawful and constitute an infraction, punishable as specified in this code.

(B) Residential accounts. All subscribers of residential accounts shall comply with the following requirements regarding containers and their placement:

(1) It shall be the duty of every residential subscriber to place the containers in the street, with the wheels against the curb, not earlier than 6:00 p.m. the night before the scheduled pickup. There must be at least three feet of space between each Container and four feet between any Container and any other object on the street, such as vehicles.

(2) All Containers shall be removed from the city right-of-way at the end of the day on the scheduled collection day.

(3) It shall be unlawful to place hot ashes or similar materials in Containers. Violations of this provision shall subject the violator to civil liability for any loss, cost or damage of the public or the Contractor for such violation.

(C) Trash, Organics, and Recyclable Materials shall not be transferred from a non-subscribing premises to any other premises.

#### § 6-3.04 TRASH, ORGANICS AND RECYCLABLE MATERIALS CONTAINERS; TYPE PERMITTED; CLEANING.

(A) Only those containers defined in § 6-3.01 of this chapter as subscriber-supplied containers may be supplied or used by subscribers, unless special contractual agreements are made with the contractor for the use of commercial containers and/or other containers approved by the city and contractor, including, but not limited to, containers for Recyclable Materials and Organics. Subscribers shall use containers that are provided by the contractor, except in special situations as authorized by the contractor, such as for the pickup of oil to be recycled.

(B) All containers shall be maintained in a clean and sanitary condition. Failure to do so shall be unlawful and constitute both a public nuisance and an infraction.

(C) Upon the failure of the subscriber to maintain containers in a sanitary condition after notice from the city, the city may order the contractor to clean same. Any such cleaning shall constitute an extra service and shall be the liability of and be recoverable from the subscriber.

#### § 6-3.06 BURNING AND BURYING SOLID WASTE.

It shall be unlawful for any person, firm, corporation or entity to discard, burn, or bury any Solid Waste on any private or public property, except at a landfill licensed by the County Health Department. This section does not prohibit composting when accomplished consistent with criteria and standards of the County Health Department.

#### § 6-3.07 SOLID WASTE VEHICLES.

(A) It shall be unlawful for any person, firm, corporation or entity to collect, transport, or carry Solid Waste, rubbish, hazardous waste, infectious waste, and/or special handling materials in any vehicle which does not comply with all federal, state, and local waste disposal criteria and regulations.

(B) It shall be unlawful for any person, firm, corporation or entity to throw any Solid Waste, rubbish, hazardous waste, infectious waste, and/or special handling materials directly into any of the contractor's vehicles.

#### § 6-3.08 UNLAWFUL COLLECTION OR TRANSPORTING OF SOLID WASTE and SELF-HAUL REQUIREMENTS.

It shall be unlawful for any person, firm, or corporation, other than the Contractor or its employees, or the person, firm, or entity which has contracted with the contractor for such transportation, or unless otherwise excluded or exempted by federal or state law, to collect within the City or to transport or carry any Solid Waste, Trash, Organics, Recyclable Materials, hazardous waste, infectious material, or special handling material through the city with the following exceptions:

(A) Self-haulers who are hauling Trash, Organics or Recyclables/salvageable materials from their own property or job site for disposal or diversion and who are not engaged in the business of hauling must abide by the following

- (1) Self-Haulers shall source separate all Recyclable Materials and Organic Waste (materials that City otherwise requires generators to separate for collection in the City's Organics and Recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
- (2) Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.

- (3) Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the City. The records shall include the following information:
- (a) Delivery receipts and weight tickets from the entity accepting the waste.
  - (b) The amount of material in cubic yards or tons transported by the Generator to each entity.
  - (c) If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
  - (d) Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in § 6-3.08(A)(3) to the City if requested.
- (B) A Residential Organic Waste Generator that self-hauls Organic Waste is not required to record or report information in § 6-3.08(A)(3) above.
- (C) The term "Solid Waste" as used in this section shall not include scrap meat, fats or hides from any butcher shop or restaurant, and provided that any person, other than the contractor, removing, collecting or carrying such scrap meat, fats or hides shall first obtain a permit from the City Manager or his or her designee upon a showing that the transportation will be accomplished in a safe and sanitary manner in equipment designed and maintained for that purpose.
- (D) In the event that the city authorizes collection or transporting of Solid Waste due to a declared emergency.

#### § 6-3.09 TIME OF COLLECTION.

Unless otherwise directed by the city, such as in emergencies or on a case-by-case basis:

(A) No Solid Waste shall be collected in the business district between the hours of 11:00 a.m. and 10:00 p.m. of each day, except for a one-time special service upon a specific request by a subscriber.

(B) No Solid Waste shall be collected in the residential areas between the hours of 6:00 p.m. and 6:00 a.m.

#### § 6-3.10 COLLECTION CONTRACTS.

(A) Authorized. The City Council may let contracts or enter into agreements, including exclusive franchises, contracts or agreements, with any person, firm, or entity for the removal of Trash, Organics, Recyclables/salvageable material, or other waste matter.

(B) Revocation. Any such agreement may be revoked at any time by the City Council for noncompliance with the provisions of this chapter, subject to the terms and conditions of such agreement, including any applicable notice and cure provisions.

(C) Bond. Each such Contractor shall give a bond, payable to the City, in such sum of money as may be fixed in the discretion of the City Council, co-signed by a good and sufficient surety admitted and authorized to do business in California and conditioned for the faithful performance of the duties imposed by the provisions of this chapter and the terms of the agreement entered into with the City. The City, in its discretion, may permit a letter of credit to be substituted in lieu of such bond.

(D) Workers' Compensation insurance. Such agreement shall require that the contractor procure for the period covered by the contract full workers compensation insurance as required by state law.

(E) Liability insurance. Such agreement shall require that the Contractor obtain and maintain liability insurance in amounts and coverage details acceptable to the City Attorney and City Council.

(G) Resource Recovery Requirements for Haulers and Facility Operators:

(1) The Franchised Contractor providing residential, 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 May 1<sup>st</sup>, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Organic Waste.
- (b) Transport Source Separated Recyclable Materials, Source Separated 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 and §6-3, Article II of this Code.

(2) 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.

(3) 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.

#### § 6-3.11 FREQUENCY OF SOLID WASTE COLLECTION.

(A) All Trash, Organics, and Recyclable Materials shall be collected not less frequently than once every seven days with the following exceptions:

- a. More frequent collections shall be made at those premises where it is determined by the City Manager, or his or her designee, that one collection each week is insufficient to maintain the premises in a clean and sanitary condition.
- b. Single Family Residential services shall be allowed to have bi-weekly collection of materials as determined by the Franchise Agreement.

(B) The rates to be charged by the contractor for services shall not exceed the maximum rates authorized by the City Council in the agreement or by subsequent modifications thereto.

#### § 6-3.12 COLLECTION BILLING.

The contractor may bill the subscribers in advance. However, the billing periods shall be at least as often as quarterly.

#### § 6-3.13 COLLECTION; NONPAYMENT.

(A) It shall be unlawful for any subscriber to fail, neglect or refuse to pay the contractor the rates approved by the City Council for such service. Upon an application by the contractor to the city, the city is authorized to use its enforcement authority, including but not limited to, the right to subscribe to Solid Waste or other service for the subject property in six-month increments up to one year and place a special assessment lien the property to which the subscription services are provided, pursuant to the procedures set forth in § 1-5.09 of this code.

(B) If the contractor terminates service to any nonpaying subscriber, such subscriber, as a condition precedent to the reestablishment of service, shall fully comply with the current billing practices and policies of the contractor, including but not limited to, requirements to pay in cash or cash equivalent, prepayment of one full billing cycle, payment of all costs of collection and payment of a reinstatement fee.

(C) All costs of collecting delinquent payments including, but not limited to, interest charges, collection agency charges, and attorney fees and costs shall be added to and become a part of the charges owed for the services rendered to the subscriber by the contractor and shall be governed by this chapter in the same manner as the original charges and may be placed against the property as a special assessment lien.

#### § 6-3.14 UNLAWFUL TO DUMP ON PUBLIC OR PRIVATE PROPERTY.

It shall be unlawful for any person, firm, or corporation to deposit or dump any Solid Waste in any location on public or private property, unless in a location specifically authorized in writing by the city.

§ 6-3.15 PLACE AND MANNER OF DUMPING; COMPLIANCE WITH REGULATIONS.

The contractor and any person acting with its authority shall conform with all laws, ordinances, and regulations of the federal, state, county and city authorities as to the place and manner of dumping Solid Waste collected in the city.

§ 6-3.16 INSPECTION AND ENFORCEMENT DUTIES OF THE CITY MANAGER.

It shall be the right of the City Manager or his or her designee to inspect and supervise all vehicles used in the collection, handling and disposal/recycling of Solid Waste and to ascertain that such vehicles are kept clean and sanitary.

§ 6-3.17 REMOVAL OF RECYCLABLE MATERIALS.

It shall be unlawful for any person other than the contractor to remove or take Recyclable Materials from containers which are left on or near the sidewalk for the contractor's collection and removal. Containers having the contractor's name or initials indicated thereon shall be presumed to be left for its collection.

§ 6-3.18 Inspections and Investigations

(A) City Enforcement Officer and/or its Designee 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 Sections 6-3.02, 6-3.08, 6-3.10, and 6-3.302 through 6-3.303 by Organic Waste Generators, Commercial Businesses, property owners, Tier One and Tier Two Commercial Edible Food Generators, Haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. City may conduct Container Inspections for Prohibited Container Contaminants using Remote Monitoring.

(B) Regulated entities shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the City Enforcement Officer or Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in Containers, Edible Food Recovery activities, records, or any other requirement of this chapter described herein. Failure to provide or arrange for: (i) access to an entity's premises; or (ii) access to records for any Inspection or investigation is a violation of this chapter and may result in penalties described.

(C) Any records obtained by a City or Designee for Edible Food Recovery 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 Enforcement Officer and/or its 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.

#### § 6-3.19 Enforcement

(A) The City may take Enforcement Actions, including the issuance of an administrative citation and assessment of a fine, against persons and entities for violating this chapter. The City's procedures on the imposition of administrative fines under Chapter 5 of Title 1 of this Code shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this chapter and any rule or regulation adopted pursuant to this chapter.

(B) The City Enforcement Officer and/or its Designee will monitor compliance with the SB 1383 Regulations, including Sections 6-3.02, 6-3.08, 6-3.10, and 6-3.302 through 6-3.303, randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program (that may include Remote Monitoring).

(C) Education of SB 1383 Requirements.

(1) Beginning January 1, 2022 and through December 31, 2023, the City or its Designee may conduct Inspections, Remote Monitoring, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance with the SB 1383 Regulations, including Sections 6-3.02, 6-3.08, 6-3.10, and 6-3.302 through 6-3.303, and if City or its Designee determines that Organic Waste Generator, Self-Hauler, Hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials and/or, for the purposes of Edible Food Recovery, training to the entity describing its obligations under this chapter and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

(2) The City Manager or his or her designee shall work with the Contractor and other entities to conduct outreach and educate waste generators regarding compliance with the SB 1383 Regulations, including Sections 6-3.02, 6-3.08, 6-3.10, and 6-3.302 through 6-3.303.

(3) The City Manager or his or her designee shall work with the Contractor to annually identify residences and Commercial Businesses subject to the SB 1383 Regulations, including Sections 6-3.02, 6-3.08, 6-3.10, and 6-3.302 through 6-3.303.

(D) Beginning January 1, 2024, if the City or its Designee determines that an Organic Waste Generator, Self-Hauler, Hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with the SB 1383 Regulations, including Sections 6-3.02, 6-3.08, 6-3.10, and 6-3.302 through 6-3.303, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to this section, as needed.

(E) Prior to taking any Enforcement Action against a person, business, or entity for violating the SB 1383 Regulations, including Sections 6-3.02, 6-3.08, 6-3.10, and 6-3.302 through 6-3.303, the City shall first notify the person, business, or entity and provide an opportunity to correct the violation through the issuance of a Notice of Violation by a City Enforcement Officer. Notices shall be sent to the “owner” at the official address of the owner maintained by the tax collector for the City or if no such address is available, to the owner at the address of the residential dwelling or Commercial property or to the party responsible for paying for the Collection services, depending upon available information. This notice shall contain the information required by Antioch Municipal Code section 1-5.04. The notice shall state the person, business, or entity has 60 days to correct the violation. The person, business, or entity shall be responsible for ensuring and demonstrating compliance with the requirements of the SB 1383 Regulations, including Sections 6-3.02, 6-3.08, 6-3.10, and 6-3.302 through 6-3.303, within the 60-day time frame provided in the notification of violation. Failure to demonstrate compliance shall be cause for enforcement.

(F) For incidences of Prohibited Container Contaminants found in containers, City Enforcement Officer will issue a Notice of Violation to any generator found to have Prohibited Container Contaminants in a Container. Such notice will be provided via a cart tag or other communication immediately upon identification of the Prohibited Container Contaminants or within 30 days after determining that a violation has occurred. Notwithstanding the foregoing, the City may issue administrative citations immediately for container contamination and failure to subscribe to collection service as required by Section 6-3.02. The City may pursue enforcement of the provisions of this chapter through administrative, civil, or criminal proceedings.

(G) The penalty levels for violations are the penalties set forth in Section 1-5.06(A).

(H) The City or its Designee may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with this section if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

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

(I) Persons receiving an administrative citation containing a penalty for an uncorrected Notice of Violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with City’s procedures in the City’s code for appeals of administrative citations. Evidence may be presented at the hearing.



The City will appoint a hearing officer who shall conduct the hearing and issue a final written order.

## ARTICLE II: CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING

### § 6-3.201 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context indicates or requires a different meaning.

**APPLICANT.** Any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the city for the applicable permits to undertake construction, demolition, or renovation project within the city.

**CONSTRUCTION.** The building of any facility or structure or any portion thereof including tenant improvements to an existing facility or structure.

**CONSTRUCTION AND DEMOLITION DEBRIS or C&D DEBRIS.** Used or discarded materials removed from premises during construction or renovation of a structure resulting from construction, remodeling, repair, or demolition operations on any pavement, house, commercial building, or other structure.

**CONVERSION RATE.** The California Integrated Waste Management's accepted conversion rate used in estimating the volume or weight of materials identified in a waste management plan.

**COVERED PROJECT** shall have the meaning set forth in § 6-3.202 and must comply with the 2019 California Green Building Standards Code (CALGreen) and any future changes made to the threshold for covered projects under that code.

**DECONSTRUCTION.** The process of carefully dismantling a building or structure in order to salvage components for reuse or recycling.

**DEMOLITION.** The decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

**DIVERSION REQUIREMENT.** The redirection from the waste stream of at least 65% of the total construction and demolition debris generated by a project via reuse or recycling, and must comply with the 2019 California Green Building Standards Code (CALGreen) and any future changes made to the diversion rate under that code unless the applicant has been granted an infeasibility exemption, in which case the DIVERSION REQUIREMENT shall be the maximum feasible diversion rate established by the WMP Compliance Official for the project.

**DIVERT.** To use material for any purpose other than disposal in a landfill or transformation facility.

**NONCOVERED PROJECT** shall have the meaning set forth in § 6-3.202(B).

**PROJECT.** Any activity, which requires an application for a building or demolition permit, or any similar permit from the city.

**RECYCLING.** The process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become Solid Waste, and returning them to the economic

mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

RENOVATION. Any change, addition, or modification in an existing structure.

REUSE. Further or repeated use of materials in their original form.

SALVAGE. The controlled removal of construction or demolition debris from a permitted building or demolition site for the purpose of recycling, reuse, or storage for later recycling or reuse.

TENANT IMPROVEMENTS. A project involving structural or other modifications of an existing property resulting in the generation of C&D debris.

TOTAL COSTS. The total construction value of the project using standard commercial and residential valuation formulas.

VENDOR. A hauler of commercial recycling materials authorized by the City of Antioch.

WASTE MANAGEMENT PLAN (WMP). A completed WMP form, approved by the city for the purpose of compliance with this article, submitted by the applicant for any covered project. Prior to project start, the WMP shall identify the types of C&D debris materials that will be generated for disposal and recycling. A completed WMP contains actual weight or volume of the material disposed or recycled.

WMP COMPLIANCE OFFICIAL. The Community Development Director or his or her designee.

#### § 6-3.202 THRESHOLD FOR COVERED PROJECTS.

(A) Covered projects.

(1) The following projects shall comply with this article:

(a) All new structures;

(b) All permitted non-residential additions and alterations;

(c) Permitted residential additions or alterations that add to the conditioned area of the property;

(d) Demolition of any structure or portion of a structure larger than 120 square feet.

(2) For the purposes of determining whether a project meets the foregoing thresholds, all phases of a project and all related projects taking place on a single or adjoining parcel, as determined by the WMP Compliance Official, shall be deemed a single project.

(B) Noncovered projects. Applicants for construction, demolition, and renovation projects within the city which are not covered projects ("noncovered projects") shall be encouraged to divert as much project-related construction and demolition debris as possible.

(C) Building and demolition permits. No building, site development or demolition permit shall be issued for a covered project unless and until the WMP Compliance Official has approved a WMP for the project. Compliance with the provisions of this article shall be listed as a condition of approval on any building, site development or demolition permit issued for a covered project.

(D) Projects sponsored by the city. All construction, demolition and renovation projects sponsored by the city shall be considered covered projects for the purposes of this chapter.

The project sponsor shall submit a WPM to the official prior to beginning any or activities and shall be subject to all applicable provisions of this chapter.

#### § 6-3.203 SUBMISSION OF WASTE MANAGEMENT PLAN.

(A) WPM forms. Applicants for building, demolition, or site development permits involving any covered project shall complete and submit a waste management plan ("WPM"), on a WPM form approved by the city for this purpose as part of the application packet for the building, demolition, or site development permit. The completed WPM shall indicate all of the following:

- (1) A list of the C&D Debris material types to be generated;
- (2) The vendor or facility that the applicant proposes to use to collect or receive the materials; and
- (3) Acknowledgment of responsibility. The WPM shall be signed by both the contractor and owner indicating that:
  - (a) Understanding of consequences of not meeting the diversion requirement including being subject to fines; and
  - (b) They are responsible for the actions of their subcontractors with regard to this diversion requirement.

(B) Deconstruction. In preparing the WPM, applicants for building, demolition, or site development permits involving the removal of all or part of an existing structure shall consider deconstruction, to the maximum extent feasible, and shall make the materials generated thereby available for salvage prior to landfilling. Materials generated in this process shall be considered divertable C&D debris and included in the amount of waste generated.

#### § 6-3.204 REVIEW OF WASTE MANAGEMENT PLAN.

(A) Approval.

(1) Notwithstanding any other provision of this code, no building, demolition, or site development permits shall be issued for any covered project, nor shall any demolition, construction or renovation take place on any covered project, unless and until the WPM Compliance Official has approved the WPM. The WPM Compliance Official shall only approve a WPM if he or she first determines that all of the following conditions have been met:

- (a) The WPM provides all of the information required by this article;
- (b) The WPM indicates that diversion requirement for all C&D debris generated by the project will be met.

(2) If the WPM Compliance Official determines that these two conditions have been met, he or she shall mark the WPM "Approved" and return a copy of the WPM to the applicant.

(B) Nonapproval. If the WPM Compliance Official determines that the WPM fails to 1) list all C&D materials to be generated, 2) indicate that diversion requirement will be met, or 3) have both the contractor's and owner's signatures, he or she shall either:

- (1) Return the WMP to the applicant marked "Denied," including a statement of reasons, or
- (2) Return the WMP to the applicant marked "Further Explanation Required", or
- (3) Return the WMP to the applicant marked "Temporary Permit" which will be valid for the period specified.

#### § 6-3.205 INFEASIBILITY EXEMPTION.

(A) Application. If an applicant for a covered project experiences unique circumstances that the applicant believes make it infeasible to comply with the diversion requirement, the applicant may apply for an exemption at the time that he or she submits the WMP. Increased costs to the applicant generally will not be a sufficient basis for an exemption unless such costs are extraordinary. The applicant shall indicate on the WMP the maximum amount of diversion he or she believes is feasible for each material and the specific circumstances that he or she believes make it infeasible to comply with the diversion requirement.

(B) Meeting with WMP Compliance Official. The WMP Compliance Official shall review the information supplied by the applicant and may meet with the applicant to discuss possible ways of meeting the diversion requirement. Upon request of the city, the WMP Compliance Official may request the staff from the Solid Waste Division attend this meeting or may require the applicant to request a separate meeting with Solid Waste Division staff. Based on the information supplied by the applicant and, if applicable, Solid Waste Division staff, the WMP Compliance Official shall determine whether it is possible for the applicant to meet the diversion requirement.

(C) Granting of Exemption. If the WMP Compliance Official determines that it is infeasible for the applicant to meet the diversion requirement due to unique circumstances, he or she shall establish a minimum feasible diversion rate for each material and shall indicate this rate on the WMP submitted by the applicant. The WMP Compliance Official shall return a copy of the WMP to the applicant marked "Approved for Infeasible Exemption."

(D) Denial of exemption. If the WMP Compliance Official determines that it is feasible for the applicant to meet the diversion requirement, he or she shall so inform the applicant in writing. The applicant shall have 30 days to resubmit a WMP form.

#### § 6-3.206 SUBMITTAL OF COMPLETED WASTE MANAGEMENT PLAN.

(A) Documentation.

(1) No permit or approvals related to the project site shall be issued by the city until the applicant complies with the provisions of this section. The completed WMP must be approved prior to final occupancy. A temporary occupancy may be granted by the Building Official.

(2) The applicant shall submit documentation along with a completed WMP that documents the diversion requirement for the project has been met to the City Compliance Official in order to receive final occupancy approval. This documentation shall include the following:

(a) The completed WMP submitted for approval shall list for each construction and demolition material type generated the actual material volume or weight the project generated and receipts from both the disposal and recycling facilities and/or licensed haulers and vendors that received each material showing clearly whether the material was disposed or recycled;

(b) Any additional information the applicant believes is relevant to determining its efforts to comply in good faith with this article.

(B) Weighing of wastes. Applicants shall make reasonable efforts to ensure that all C&D debris diverted or landfilled are measured and recorded using the most accurate method of measurement available. To the extent practical, all construction and demolition debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For construction and demolition debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used.

(C) Determination of compliance and release of permit. The WMP Compliance Official shall review the information submitted under division (A) above and determine whether the applicant has complied with the diversion requirement, as follows:

(1) Full compliance. If the WMP Compliance Officer determines that the applicant has fully complied with the diversion requirement applicable to the project, he or she shall indicate such compliance on the WMP.

(2) Good faith effort to comply. If the WMP Compliance Official determines that the diversion requirement has not been achieved, he or she shall determine on a case-by-case basis whether the applicant has made a good faith effort to comply with this article. In making this determination, the WMP Compliance Official shall consider the availability of markets for the C&D debris landfilled, the size of the project, and the documented efforts of the applicant to divert C&D debris. If the WMP Compliance Official determines that the applicant has made a good faith effort to comply with this article, he or she shall so indicate on the WMP.

(3) Noncompliance. If the WMP Compliance Official determines that the applicant has not made a good faith effort to comply with this article, or if the applicant fails to submit the documentation required by division (A) above within the required time period, then the applicant shall be in violation of this article and be liable for a civil penalty, including that authorized by § 9-5.2707.1 of this code, in addition to any other remedy provided by this article.

#### § 6-3.207 APPEAL.

Appeal of a determination made under this article shall be made to the Director of Community Development or his or her designee.

### ARTICLE III: EDIBLE FOOD RECOVERY

#### § 6-3.301 Definitions

For terms used in this Article, the Definitions in §6-3.01 apply.

§ 6-3.302 Requirements for Commercial Edible Food Generators

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

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

(C) Commercial Edible Food Generators shall comply with the following requirements:

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

(2) Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.

(3) Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.

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

(5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

(a) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).

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

(c) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:

- i. The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
- ii. The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
- iii. The established frequency that food will be collected or self-hauled.

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

(D) Nothing in this chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

§6-3.303. Requirements for Food Recovery Organizations and Services,

(A) Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

- (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.

- (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.

- (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.

- (4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.

(B) Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

- (1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.

- (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.

- (3) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.

(C) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with

one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the City it is located in the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than May 1<sup>st</sup> of each year.

(D) 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.

Proposed