

ORDINANCE NO. O2022-05

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT
AMENDING DISTRICT CODE CHAPTER 31 (SOLID WASTE)
REGARDING MANDATORY ORGANIC WASTE DISPOSAL REDUCTION**

The Board of Directors of the Rancho Murieta Community Services District ordains as follows:

SECTION 1. PURPOSE AND AUTHORITY. District Code chapter 31 governs the collection and disposal of solid waste. The purpose of this ordinance is to revise chapter 31 to conform to the requirements of SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, concerning reduction of organic waste in landfills. This ordinance is adopted pursuant to Government Code sections 61060, section 18981.2 of Title 14 of the California Code of Regulations, and other applicable law.

SECTION 2. CODE AMENDMENT

Section 2.01 is amended in District Code as follows:

2.01 Bulky Waste or Large Items

Bulky Waste or Large Items shall mean: materials including furniture, carpets, mattresses, clothing, tires; electronic equipment such as televisions, stereos, computers, monitors, VCR's and similar items; refrigerators, ranges, water heaters, freezers, and similar household appliances; or some combination of such items in a container the dimensions and weight of which container does not exceed four feet by four feet by two feet (4'x4'x2') and sixty (60) pounds, which are attributed to the normal activities of a residential dwelling. Bulky Waste or Large Items must be generated by and at the physical location wherein the large items are collected. Bulky Waste shall not include Excluded Waste.

The term "Exempt Waste" is replaced by "Excluded Waste" wherever it appears in Sections 2.10, 4.07, 7.01, and 7.02.

Section 2.10 is amended in District Code as follows:

2.10 Excluded Waste

Excluded Waste shall mean biohazardous or biomedical waste; hazardous waste sludge; organic waste more than five (5) feet in length or with a diameter more than six (6) inches or a weight more than fifty (50) pounds; boats and boat trailers; automobiles; automobile parts; internal combustion engines; batteries of any type or chemistry; and those wastes under the control of the Nuclear Regulatory Commission.

Section 2.11 is amended in District Code as follows:

2.11 Food Waste

Food Waste shall mean all putrescible waste, which generally includes but is not limited to kitchen and table food waste, animal, vegetative, food or any organic waste that is attendant with, or results from the storage, preparation, cooking or handling of food materials. Food Waste must be generated by and at the physical location wherein the Food Waste is collected.

Section 2.12 is deleted in District Code and existing Section 2.13 is renumbered to Section 2.12.

New Section 2.13 is added in District Code as follows:

2.13 Organic Waste

Organic Waste shall mean Solid Waste containing material originated from living organisms and their metabolic waste products, including but not limited to Food Waste, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, Manure or Stable Matter, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46).

Section 2.14 is amended in District Code as follows:

2.14 Recyclable Materials

Recyclable Materials shall mean those materials that are capable of being recycled and which would otherwise be processed or disposed of as Food Waste or Rubbish. Recyclable Materials include: newsprint (including inserts); mixed paper (including magazines, catalogs, envelopes, junk mail, corrugated cardboard, Kraft brown bags and paper, paperboard, paper egg cartons, office ledger paper, and telephone books); glass containers; aluminum beverage containers; small scrap and cast aluminum (not exceeding five (5) pounds in weight nor two (2) feet in any dimension for any single item); steel, including "tin" cans; bimetal containers; mixed plastics such as plastic bags, plastic film, plastic containers (1-7), and bottles including containers made of HDPE, LDPE, PET, or PVC; aseptic containers; and polystyrene.

Section 2.15 is amended in District Code as follows:

2.15 Rubbish

Rubbish shall mean accumulation of refuse, paper, excelsior, rags, wooden boxes and containers, sweep-ups, and all other accumulations of a nature other than Food Waste, Organic Waste or Recyclable Materials. Rubbish must be generated by and at the physical location wherein the Rubbish is collected.

Section 2.16 is amended in District Code as follows:

2.16 Solid Waste

Solid Waste shall mean Food Waste, Organic Waste, Large Items, Recyclable Materials, or Rubbish that is generated or accumulates in homes, hotels, restaurants, businesses, offices or government buildings. Solid Waste must be generated by and at the physical location wherein the Solid Waste is collected. Solid Waste shall not include Excluded Waste.

Section 3.01 is amended in District Code as follows:

3.01 Mandatory Service

Except as otherwise expressly provided by this Chapter, the owner, tenant, or occupant of every improved and occupied parcel (parcel with one or more residential buildings approved for occupancy) located within the District shall subscribe to Solid Waste Collection Service provided by the District.

Section 3.03 is deleted in District Code.

Section 4.01 is amended in District Code as follows:

4.01 Collection by District – Applicable Provisions

- a. The District may provide for the collection and disposal of Solid Waste from all premises in the District. When the District so acts, the following provisions shall be applicable. Such provisions may be made either by letting a contract for such collection and removal or otherwise. The District shall have charge and supervision of such collection and removal and shall prescribe and establish routes and days for the collection and removal of Solid Waste from the various parts of the District so as to conform to the provisions of this Chapter 31 of this Code and may change the same from time to time. When such routes or days of collection are established or changed, the District shall give notice thereof in such manner as the District deems best. Every person desiring to have the District collect and remove Solid Waste from any premises in the District shall place and keep the same in such containers as are required by this Chapter.
- b. When the collection of Solid Waste is desired, the containers shall be placed along the street curb in front of the premises from which the Solid Waste is to be removed or in such other location designated by the District. No person shall place any cart for or containing Solid Waste in any street or public highway of the District before 5:00 p.m. prior to the day of collection or allow any cart for Solid Waste placed by him or her in any such street or other collection location after 7:00 a.m. on the day following collection.
- c. When the collection of Large Item (Bulky) Waste is desired, residents may place Bulky Waste along the street curb in front of the premises from which the Large Item (Bulky) Waste is to be removed no earlier than 5:00 p.m. prior to the scheduled day of Bulky Waste collection.

Section 4.03 is amended in District Code as follows:

4.03 Collection Rates and Billings

a. Rates

The rates for collection of Solid Waste from premises in the District shall be those rates that the Board may determine and establish from time to time by ordinance. The Board may establish rates for residential collection without establishing rates for commercial or industrial collection.

1. Gray Cart Collection Services

38-gallon cart	\$ 23.42
64-gallon cart	\$ 27.82
96-gallon cart	\$ 44.97

2. Additional Gray Carts

38-gallon cart	\$ 9.72
64-gallon cart	\$ 12.61
96-gallon cart	\$ 27.69

3. Additional Recycling Cart (in excess of 1 recycled cart)

38-gallon cart	N/A
64-gallon cart	\$ 6.91
96-gallon cart	\$ 6.91

4. Additional Green Waste Cart (in excess of 2 green waste carts)

38-gallon cart	N/A
64-gallon cart	\$ 6.91
96-gallon cart	\$ 6.91

5. Sacramento County Surcharge \$ 2.00

b. Collection of Charges for Collection Services

The rates and charges imposed by this Chapter may be collected together with charges for any other service provided by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the services for which the bill is rendered in the manner herein provided.

c. Billing

All solid waste accounts shall be billed monthly.

d. Due Date

All bills are due and payable on the date they are issued by the District.

e. Delinquency

A bill for service is delinquent if not paid and received at the Rancho Murieta Community Services District office by the 25th day of the month following the month in which the bill was mailed.

f. Delinquency Penalty

1. A one-time basic penalty of ten percent (10%) of the delinquent service charges shall be added to each delinquent bill for the first month the bill is delinquent.
2. After levying the basic penalty provided in in the preceding subsection, the District shall thereafter levy an additional penalty of one percent (1%) per month to all delinquent charges and basic penalties remaining unpaid, until and unless the Board requests the County Auditor to include the amount of all delinquent rates, charges and penalties for collection on the County property tax roll as set forth in the succeeding subsection. Monies paid when any portion of an account is delinquent shall first be credited to interest and penalties, then to the delinquent portion of the bill, and then to the current portion of the bill.

g. Collection of Delinquent Charges on County Tax Roll

All rates, charges, penalties, and interest, which remain delinquent, may be collected on the County property tax roll in the same manner as property taxes in accordance with Government Code section 61115(b), provided that the District shall first have given the property owner notice and an opportunity to be heard as provided by law. After delinquent amounts have been turned over to the County Auditor for collection, no payment shall be received by the District on the delinquent amounts except as collected by the County Tax Collector. *(Added by Ordinance 2019-03)*

Section 4.05 is amended in District Code as follows:

4.05 Carts, Containers, and Lawn and Leaf Bags

No person shall dump any Solid Waste nor deposit the same in anything except a cart for holding Solid Waste. Each cart shall be as follows:

a. Gray Rubbish Cart

A heavy plastic receptacle with a rated capacity of at least thirty-two (32) and not more than ninety-six (96) gallons, having a hinged tight-fitting lid and wheels, that is approved by the District and is labeled appropriately labeled as a garbage cart.

b. Green Organic Waste Cart

A heavy plastic receptacle with a rated capacity at least thirty-two (32) gallons and not exceeding ninety-six (96) gallons, having a hinged, tight fitting lid and wheels that are approved for such purpose by the District and is appropriately labeled as an organic waste cart. Organic Waste is further governed by Section 9 of this Code.

c. Blue Recycling Cart

A heavy plastic receptacle with a rated capacity of at least thirty-two (32) gallons and not more than ninety-six (96) gallons, having a hinged tight-fitting lid, and wheels that is approved for such purpose by the District and is appropriately labeled as a recycling cart.

d. Used Oil Container

A plain copoly container provided by the District or its designee for the accumulation of used oil that is at least four (4) quarts in capacity, leak-proof, has a screw-on lid and has a label designating it for use as a used oil container.

e. Lawn and Leaf Bags

During the four (4) month period beginning October 1 and ending January 31 and annually thereafter during the term of this Contract, Service Recipients may place unlimited amounts of leaves at the curb alongside their Organic Waste Cart as part of Green Waste Collection Service. The leaves shall be placed in paper lawn and leaf bags and closed in such a manner as to contain the leaves during Collection. Leaves must be generated by and at the Residential Service Unit wherein the leaves are collected. During this period, CONTRACTOR shall Collect and dispose of all leaves that are properly bagged and placed at the curb at no additional charge to the Service Recipient.

Section 8.00 is amended in District Code as follows:

SECTION 8.00 Residential Solid Waste Collection Vehicles

No person authorized to engage in residential Solid Waste collection service shall operate any truck-mounted Solid Waste loading and/or compacting equipment or similar device in any manner so as to create any noise exceeding seventy-five (75) dBA, measured at a distance of twenty-five (25) feet measured at an elevation of five (5) feet above ground level using the "A" scale of the standard sound level meter at slow response from the equipment in an open. If requested by the District, residential collection vehicles are to be tested annually during the months of March and April, beginning March of 2023, and certificates of testing showing that the vehicles met the requirements of this section.

Section 9.0 is added in District Code as follows:

SECTION 9.00 Mandatory Organic Waste Disposal Reduction

9.01 Purpose and Findings

The District finds and declares:

- a. State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities

and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.

- b. State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires jurisdictions to implement a Mandatory Commercial Recycling program.
- c. State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires jurisdictions to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires jurisdictions to implement a Mandatory Commercial Organics Recycling program.
- d. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including jurisdictions, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets.
- e. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.

9.02 Definitions

In addition to those definitions provided in Section 1 of this Code, whenever in Section 9 of this Code, the following words or phrases are used; they shall have the meanings respectively ascribed to them in this section:

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

Materials or Source Separated Blue Container Organic Waste.

- b. "CalRecycle" means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on jurisdictions (and others).
- c. "California Code of Regulations" or "CCR" means the State of California Code of Regulations. CCR references in this ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).
- d. "Commercial Business" or "Commercial" means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance.
- e. "Commercial Edible Food Generator" includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in Section 9.02 of this Code or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- f. "Compliance Review" means a review of records by the District to determine compliance with this ordinance.
- g. "Community Composting" means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- h. "Compost" has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this ordinance, that "Compost" means the 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.
- i. "Compostable Plastics" or "Compostable Plastic" means plastic materials that meet the ASTM D6400 standard for compostability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).
- j. "Container Contamination" or "Contaminated Container" means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- k. "C&D" means construction and demolition debris.
- l. "Designee" means an entity that the District contracts with or otherwise arranges to

carry out any of the District's responsibilities of this ordinance 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.

- m. "District Enforcement Official" means the District General Manager or authorized Designee(s) who is/are partially or whole responsible for enforcing the ordinance.
- n. "Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
- o. "Enforcement Action" means an action of the District to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- p. "Excluded Waste" means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the District 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 District'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 District, 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 household batteries and motor oil and filters in compliance with Sections 41500 and 41802 of the California Public Resources Code.
- q. "Food Distributor" means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
- r. "Food Facility" has the same meaning as in Section 113789 of the Health and Safety Code.
- s. "Food Recovery" means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
- t. "Food Recovery Organization" means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as

otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

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

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7). If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this ordinance.

- u. "Food Recovery Service" means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- v. "Food Scraps" means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.
- w. "Food Service Provider" means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
- x. "Food-Soiled Paper" is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.
- y. "Food Waste" means Food Scraps, Food-Soiled Paper, and Compostable Plastics.
- z. "Gray Container" has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.
- aa. "Gray Container Waste" means Solid Waste that is collected in a Gray Container that is part of a three-container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).
- bb. "Green Container" has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container

Organic Waste.

- cc. “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- dd. “Hauler Route” means the designated itinerary or sequence of stops for each segment of the District’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).
- ee. “High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).
- ff. “Inspection” means a site visit where the District reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).
- gg. “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this ordinance.
- hh. “Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this 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. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this ordinance.
- ii. “Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid

Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).

- jj. “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.
- kk. “Non-Compostable Paper” includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).
- ll. “Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).
- mm. “Notice of Violation (NOV)” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.
- nn. “Organic Waste Generator” means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).
- oo. “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- pp. “Printing and Writing Papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).
- qq. “Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the District’s Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the District’s Green Container; (iii) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in District’s Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.
- rr. “Recovered Organic Waste Products” means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).
- ss. “Recovery” means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

- tt. "Recycled-Content Paper" means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).
- uu. "Renewable Gas" means gas derived from Organic Waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).
- vv. "Restaurant" means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).
- ww. "Route Review" means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).
- xx. "SB 1383" means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.
- yy. "SB 1383 Regulations" or "SB 1383 Regulatory" means or refers to, for the purposes of this ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
- zz. "Self-Hauler" means a person, who hauls Solid Waste, Organic Waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator's own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).
- aaa. "Single-Family" means of, from, or pertaining to any residential premises with fewer than five (5) units.
- bbb. "Solid Waste" has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

1. Hazardous waste, as defined in the State Public Resources Code Section 40141.
 2. Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
 3. Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.
- ccc. "Source Separated" means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of the ordinance, Source Separated shall include separation of materials by the generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source Separated materials are separated from Gray Container Waste or other Solid Waste for the purposes of collection and processing.
- ddd. "Source Separated Green Container Organic Waste" means Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Blue Container Organic Waste, carpets, Non-Compostable Paper, and textiles.
- eee. "Source Separated Blue Container Recyclable Materials" means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.
- fff. "State" means the State of California.
- ggg. "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).
- hhh. "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:
1. Supermarket.
 2. Grocery Store with a total facility size equal to or greater than 10,000 square feet.
 3. Food Service Provider.

4. Food Distributor.
5. Wholesale Food Vendor.

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

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

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

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

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

9.03 Requirements for Single-Family Generators

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

- a. Shall subscribe to District’s Organic Waste collection services for all Organic Waste generated as described below in Section 9.03. District shall have the right to review the number and size of a generator’s containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Single-Family generators shall adjust its service level for its collection services as requested by the District.
- b. Shall participate in the District’s Organic Waste collection service(s) by placing designated materials in designated containers as described below, and shall not place

Prohibited Container Contaminants in collection containers. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

9.04 Requirements for Commercial Businesses

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

- a. Subscribe to District's three container collection services and comply with requirements of those services as described below in Section 9.04, except Commercial Businesses that meet the Self-Hauler requirements in Section 9.07 of this Code. District shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Businesses shall adjust their service level for their collection services as requested by the District.
- b. Except Commercial Businesses that meet the Self-Hauler requirements in Section 9.07 of this Code, participate in the District's Organic Waste collection service(s) by placing designated materials in designated containers as described below. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container or Blue Container.
- c. Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors conforming with this section for employees, contractors, tenants, and customers, consistent with District's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 9.07.
- d. Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal occurs. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:
 1. A body or lid that conforms with the container colors provided through the collection service provided by District, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required

to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

2. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
- e. Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirement in Section 9.04 pursuant to 14 CCR Section 18984.9(b).
 - f. To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the District's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 9.07.
 - g. Excluding Multi-Family Residential Dwellings, periodically inspect Blue Containers, Green Containers, and Gray Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
 - h. Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials.
 - i. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste and Source Separated Recyclable Materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.
 - j. Provide or arrange access for District or its agent to their properties during all Inspections conducted in accordance with Section 9.09 of this Code to confirm compliance with the requirements of this ordinance.
 - k. If a Commercial Business wants to self haul, meet the Self-Hauler requirements in Section 9.07 of this Code.
 - l. 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).

- m. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 9.06.

9.05 Waivers for Generators

- a. De Minimis Waivers. District may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this ordinance if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in subsection (a)(2) below. Commercial Businesses requesting a de minimis waiver shall:
 - 1. Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in subsection (a)(2) below.
 - 2. Provide documentation that either:
 - (a) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,
 - (b) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.
 - 3. Notify the District if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.
 - 4. Provide written verification of eligibility for de minimis waiver every 5 years, if District has approved de minimis waiver.
- b. Physical Space Waivers. District may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the District has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of Section 9.04.

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

- 1. Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.

2. Provide documentation that the premises lacks adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.
 3. Provide written verification to District that it is still eligible for physical space waiver every five years, if District has approved application for a physical space waiver.
- c. Collection Frequency Waiver. District, at its discretion and in accordance with 14 CCR Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to the District's three-container Organic Waste collection service to arrange for the collection of their Blue Container, Gray Container, or both once every fourteen days, rather than once per week.

9.06 Requirements for Commercial Edible Food Generators

- a. Tier One Commercial Edible Food Generators must comply with the requirements of this Section 9 commencing January 1, 2023, 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 District'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 ordinance 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).

9.07 Requirements for Haulers

- a. Exclusive franchise haulers providing residential, Commercial, or industrial Organic Waste collection services to generators within the District's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the District to collect Organic Waste:
 - 1. Through written notice to the District annually on or before January 1, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste.
 - 2. Transport Source Separated Recyclable Materials and Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
 - 3. Obtain approval from the District 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 District's C&D ordinance.
- b. Exclusive franchise haulers authorized to collect Organic Waste shall comply with

education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement entered into with District.

9.08 Self-Hauler Requirements

- a. Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that District otherwise requires generators to separate for collection in the District'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.
- b. Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
- c. Self-Haulers that are Commercial Businesses (including Multi-Family 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 District. The records shall include the following information:
 1. Delivery receipts and weight tickets from the entity accepting the waste.
 2. The amount of material in cubic yards or tons transported by the generator to each entity.
 3. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
- d. A residential Organic Waste Generator that self hauls Organic Waste is not required to record or report information in subsections (c) and (d).

9.09 Inspections and Investigations by District

- a. District representatives and/or its designated entity, including Designees are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery

Organizations, subject to applicable laws. This Section does not allow District to enter the interior of a private residential property for Inspection.

- b. Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the District's employee or its designated entity/Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this ordinance 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 ordinance and may result in penalties described.
- c. Any records obtained by the District during its Inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
- d. District representatives, its designated entity, and/or Designee are authorized to conduct any Inspections, or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.
- e. District shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

9.10 Enforcement

- a. Violation of any provision of this ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the District Enforcement Official or representative. Enforcement Actions under this ordinance are issuance of an administrative citation and assessment of a fine. The District's procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this ordinance and any rule or regulation adopted pursuant to this ordinance, except as otherwise indicated in this ordinance.
- b. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. District may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. District may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of District staff and resources.
- c. Enforcement pursuant to this ordinance may be undertaken by the District Enforcement Official, which may be the District General Manager or designee.
- d. Process for Enforcement
 - 1. District Enforcement Officials and/or their Designee will monitor compliance with the ordinance randomly and through Compliance Reviews, Route Reviews,

investigation of complaints, and an Inspection program. Section 9.09 establishes District's right to conduct Inspections and investigations.

2. District may issue an official notification to notify regulated entities of its obligations under the ordinance.
3. District shall issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.
4. Absent compliance by the respondent within the deadline set forth in the Notice of Violation, District shall commence an action to impose penalties, via an administrative citation and fine. Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the District or if no such address is available, to the owner at the address of the dwelling or Commercial property or to the party responsible for paying for the collection services, depending upon available information

e. Penalty Amounts for Types of Violations

The penalty levels are as follows:

1. For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.
2. For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.
3. For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 per violation.

f. Factors Considered in Determining Penalty Amount

The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty amount range:

1. The nature, circumstances, and severity of the violation(s).
2. The violator's ability to pay.
3. The willfulness of the violator's misconduct.
4. Whether the violator took measures to avoid or mitigate violations of this chapter.
5. Evidence of any economic benefit resulting from the violation(s).
6. The deterrent effect of the penalty on the violator.
7. Whether the violation(s) were due to conditions outside the control of the violator.

g. Compliance Deadline Extension Considerations

The District may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with Section 9.10 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 District is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

h. Appeals Process

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

i. Education Period for Non-Compliance

Beginning January 1, 2023 and through December 31, 2023, Jurisdiction will conduct Inspections, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if District 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 to the entity describing its obligations under this ordinance and a notice that compliance is required by January 1, 2023, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

j. Civil Penalties for Non-Compliance

Beginning January 1, 2024, if the District 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 this ordinance, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to Section 9.10, as needed.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect on January 1, 2023.

SECTION 4. SEVERABILITY. If any section or provision of this ordinance or the application of it to any person, transaction or circumstance is held invalid or unenforceable, such invalidity or unenforceability

shall not affect the other provisions of this ordinance that can be given effect without the invalid or unenforceable provision, and to this end the provisions of this ordinance are declared to be severable.

SECTION 5. PUBLICATION. The District Secretary is directed to publish this ordinance once in a newspaper of general circulation published in the District within 15 days after the adoption of the ordinance.

INTRODUCED by the Board of Directors on the 21st day of September 2022.

PASSED AND ADOPTED by the Board of Directors of the Rancho Murieta Community Services District at a regular meeting on the 19th day of October 2022 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Tim Maybee
President, Board of Directors

Attest:

Amelia Wilder, District Secretary

RANCHO MURIETA COMMUNITY SERVICES DISTRICT

DISTRICT CODE
CHAPTER 31

SOLID WASTE COLLECTION AND DISPOSAL



Amended ~~June 16, 2021~~ September 21, 2022
Ordinance O2021~~2~~-05~~1~~

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DISTRICT CODE

CHAPTER 31

SOLID WASTE COLLECTION AND DISPOSAL

SECTION 1.00 Findings — Purpose of Provisions

The Board does find and determine that the storage, accumulation, collection and disposal of Solid Waste, and other discarded goods and material, is a service the District is authorized to provide, and is a matter of great public concern in that improper control of such matters can lead to air pollution, fire hazards, rat infestation, and other problems affecting the health, welfare and safety of the District. The Board declares that the regulations in Chapter 31 of this Code provided are designed to eliminate or alleviate such problems.

The Board further finds as follows:

- a. Reduction of the amount of Solid Waste and conservation of recyclable materials is an important public concern of the District by reason of the growing problem of Solid Waste disposal and its impact on our environment;
- b. Recycling conserves valuable material resources and energy, and promotes greater efficiency; and
- c. Recycling will reduce the overall amount of Solid Waste presently generated, and thus reduce storage, collection, transportation and disposal costs for residents of the District.

SECTION 2.00 Definitions

Whenever in Chapter 31 of this Code, the following words or phrases are used; they shall have the meanings respectively ascribed to them in this section:

2.01 Bulky Waste or Large Items

~~Bulky Waste or Large Items shall mean materials including furniture, carpets, mattresses, clothing, tires, electronic equipment such as televisions, stereos, computers, monitors, VCR's and similar items; refrigerators, ranges, water heaters, freezers, and similar household appliances; or some combination of such items in a container the dimensions and weight of which container does not exceed four feet by four feet by two feet (4'x4'x2') and sixty (60) pounds, which are attributed to the normal activities of a residential dwelling. Bulky Waste or Large Items must be generated by and at the physical location wherein the large items are collected. Bulky Waste shall not include Excluded Waste.~~

~~Bulky Waste or Large Items shall mean materials including furniture, carpets, mattresses, clothing, tires, large green waste, or some combination of such items in a container the dimensions and weight of which container does not exceed four feet by four feet by two feet (4'x4'x2') and sixty (60) pounds, which are attributed to the normal activities of a residential dwelling. Bulky Waste or Large Items must be generated by and at the physical location wherein the large items are collected. Bulky Waste shall not include Exempt Waste.~~

2.02 Board

Board shall mean the Board of the Rancho Murieta Community Services District.

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2.03 Collection

Collection shall mean the operation of gathering together and transporting to the point of disposal of Solid Waste and other waste material.

2.04 Cart or Container

Cart or Container shall mean a receptacle constructed of metal, rubber, plastic or a combination thereof.

2.05 Contractor

Contractor shall mean the person entering into a contract with the District for the collection and disposal of Solid Waste.

2.06 County

County shall mean the County of Sacramento.

2.07 Department

Department shall mean the Sacramento County Department of Public Works acting by, through and under the authority of the Director of Public Works, unless the context indicates otherwise.

2.08 Disposal

Disposal shall mean the complete operation of treating and disposing of the accumulations of Solid Waste and the product or residue arising from such treatment.

2.09 District

District shall mean the Rancho Murieta Community Services District.

2.10 ~~Exempt~~Excluded Waste

~~Exempt~~Excluded Waste shall mean biohazardous or biomedical waste; hazardous waste sludge; Manure or Stable Matter; organic waste more than five (5) feet in length or with a diameter more than six (6) inches or a weight more than fifty (50) pounds; electronic equipment such as televisions, stereos, computers, monitors, VCR's and similar items; and refrigerators, ranges, water heaters, freezers and similar household appliances; boats and boat trailers; automobiles; automobile parts; internal combustion engines; lead-acid batteries; and those wastes under the control of the Nuclear Regulatory Commission.

2.11

Food Waste

Food Waste shall mean all putrescible waste, which generally includes but is not limited to kitchen and table food waste, animal, vegetative, food or any organic waste that is attendant with, or results from the storage, preparation, cooking or handling of food materials. Food Waste must be generated by and at the physical location wherein the Food Waste is collected.

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Garbage

~~Garbage shall mean all putrescible waste, which generally includes but is not limited to kitchen and~~

~~table food waste, animal, vegetative, food or any organic waste that is attendant with, or results from the storage, preparation, cooking or handling of food materials. Garbage must be generated by and at the physical location wherein the Garbage is collected.~~

2.12 Green Waste

Green Waste shall mean any vegetative matter resulting from normal yard and landscaping maintenance. Green Waste includes plant debris, such as grass clippings, leaves, pruning, weeds, branches, brush, Christmas trees, and other forms of organic waste not more than five (5) feet in its longest dimension or with a diameter not more than six (6) inches or weights more than fifty (50) pounds and must be generated by and at the physical location wherein the Green Waste are collected.

2.12 Organic Waste

~~Organic Waste shall mean Solid Waste containing material originated from living organisms and their metabolic waste products, including but not limited to Food Waste, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, Manure and Stable Matter, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46).~~

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2.133 Manure or Stable Matter

Manure or Stable Matter shall mean any waste matter normally accumulated in stables, or in livestock or poultry enclosures.

2.14 Recyclable Materials

~~Recyclable Materials shall mean those materials that are capable of being recycled and which would otherwise be processed or disposed of as Food Waste or Rubbish. Recyclable Materials include: newsprint (including inserts); mixed paper (including magazines, catalogs, envelopes, junk mail, corrugated cardboard, Kraft brown bags and paper, paperboard, paper egg cartons, office ledger paper, and telephone books); glass containers; aluminum beverage containers; small scrap and cast aluminum (not exceeding five (5) pounds in weight nor two (2) feet in any dimension for any single item); steel, including "tin" cans; bimetal containers; mixed plastics such as plastic bags, plastic film, plastic containers (1-7), and bottles including containers made of HDPE, LDPE, PET, or PVC; aseptic containers; and polystyrene.~~

~~2.14 Recyclable Materials~~

~~Recyclable Materials shall mean those materials that are capable of being recycled and which would otherwise be processed or dispose of as garbage or rubbish. Recyclable Materials include: newsprint (including inserts); mixed paper (including magazines, catalogs, envelopes, junk mail, corrugated cardboard, Kraft brown bags and paper, paperboard, paper egg cartons, office ledger paper, and telephone books); glass containers; aluminum beverage containers; small scrap and cast aluminum (not exceeding forty (40) pounds in weight nor two (2) feet in any dimension for any single item); steel, including "tin" cans and small scrap (not exceeding forty (40) pounds in weight nor two (2) feet in any dimension for any single item); bimetal containers; mixed plastics such as plastic bags, plastic film, plastic containers (1-7), and bottles including containers made of HDPE, LDPE, PET, or PVC; textiles; aseptic containers; and polystyrene.~~

2.15 Rubbish

~~Rubbish shall mean accumulation of refuse, paper, excelsior, rags, wooden boxes and containers, sweep-ups, and all other accumulations of a nature other than Food Waste, Organic Waste or Recyclable Materials. Rubbish must be generated by~~

and at the physical location wherein the Rubbish is collected.

~~**2.15 Rubbish**~~

~~Rubbish shall mean accumulation of refuse, paper, excelsior, rags, wooden boxes and containers, sweep ups, and all other accumulations of a nature other than Garbage, Green Waste or Recyclable Materials. Rubbish must be generated by and at the physical location wherein the Rubbish is collected.~~

2.16 Solid Waste

Solid Waste shall mean Food Waste, Organic Waste, Large Items, Recyclable Materials, or Rubbish that is generated or accumulates in homes, hotels, restaurants, businesses, offices or government buildings. Solid Waste must be generated by and at the physical location wherein the Solid Waste is collected. Solid Waste shall not include Excluded Waste.

~~**2.16 Solid Waste**~~

~~Solid Waste shall mean Garbage, Green Waste, Large Items, Recyclable Materials, or Rubbish that is generated or accumulates in homes, hotels, restaurants, businesses, offices or government buildings. Solid Waste must be generated by and at the physical location wherein the Solid Waste is collected. Solid Waste shall not include Exempt Waste.~~

SECTION 3.00 Mandatory Service

3.01 Mandatory Service

Except as otherwise expressly provided by this Chapter, the owner, tenant, or occupant of every improved and occupied parcel (parcel with one or more residential buildings approved for occupancy) located within the District shall subscribe to Solid Waste Collection Service provided by the District.

~~**3.01 Mandatory Service**~~

~~Except as otherwise expressly provided by this Chapter, the owner, tenant, or occupant of every improved parcel (parcel with one or more residential buildings approved for occupancy) located within the District shall subscribe to Solid Waste Collection Service provided by the District.~~

3.02 Exceptions to Mandatory Service

A residential construction contractor, commercial gardener and those engaged in the business of cleaning residential properties and employees thereof, when collecting or transporting Solid Waste consisting of by-products of the services provided to a lawful disposal location.

~~**3.03 Exemptions from Green Waste Collection**~~

~~District residents that do not generate any green waste may apply to the District for an exemption from green waste collection. If exemptions are granted by the District, residents receiving the exemptions shall be entitled to reduction on the monthly collection rate as established by the Board and will not be provided with a green waste cart.~~

SECTION 4.00 Exclusive Right of Collection

The District and its duly authorized agents, servants, and employees, or any Contractor with whom the District may at any time enter into a contract therefore, and the agents, servants, and employees of such contractor, while any such contract shall be in force, shall have the exclusive right to gather, collect and remove Solid Waste from all premises in the District; and no person other than those above specified shall

gather, collect or remove any Solid Waste, or convey or transport any Solid Waste in, along or over any public streets, alley or highway in the District, or take any Solid Waste from any container in which the same may be placed for collection or removal, or interfere with or disturb any such container from any location where the same is placed by the owner thereof; provided, however, that nothing in this section contained shall be deemed to prohibit the occupant of any dwelling house from himself removing any Solid Waste accumulated on the premises occupied by him as a dwelling house and disposing of the same in a lawful manner, or to prohibit any person from gathering, collecting or removing from the premises occupied by him any Solid Waste.

4.01 Collection by District – Applicable Provisions

- a. The District may provide for the collection and disposal of Solid Waste from all premises in the District. When the District so acts, the following provisions shall be applicable. Such provisions may be made either by letting a contract for such collection and removal or otherwise. The District shall have charge and supervision of such collection and removal and shall prescribe and establish routes and days for the collection and removal of Solid Waste from the various parts of the District so as to conform to the provisions of this Chapter 31 of this Code and may change the same from time to time. When such routes or days of collection are established or changed, the District shall give notice thereof in such manner as the District deems best. Every person desiring to have the District collect and remove Solid Waste from any premises in the District shall place and keep the same in such containers as are required by this Chapter.
- b. When the collection of Solid Waste is desired, the containers shall be placed along the street curb in front of the premises from which the Solid Waste is to be removed or in such other location designated by the District. No person shall place any cart for or containing Solid Waste in any street or public highway of the District before 5:00 p.m. prior to the day of collection or allow any cart for Solid Waste placed by him or her in any such street or other collection location after 7:00 a.m. on the day following collection.
- c. When the collection of Large Item (Bulky) Waste is desired, residents may place Bulky Waste along the street curb in front of the premises from which the Large Item (Bulky) Waste is to be removed no earlier than 5:00 p.m. prior to the scheduled day of Bulky Waste collection.

~~4.01 Collection by District – Applicable Provisions:~~

- ~~a. The District may provide for the collection and disposal of Solid Waste from all premises in the District. When the District so acts, the following provisions shall be applicable. Such collection and disposal shall be accomplished at least once each calendar week. Such provisions may be made either by letting a contract for such collection and removal or otherwise. The District shall have charge and supervision of such collection and removal and shall prescribe and establish routes and days for the collection and removal of Solid Waste from the various parts of the District so as to conform to the provisions of this Chapter 31 of this Code and may change the same from time to time. When such routes or days of collection are established or changed, the District shall give notice thereof in such manner as the District deems best. Every person desiring to have the District collect and remove Solid Waste from any premises in the District shall place and keep the same in such containers as are required by this Chapter.~~
- ~~b. When the collection of Solid Waste is desired, the containers shall be placed along the street curb in front of the premises from which the Solid Waste is to be removed or in such other location designated by the District. No person shall place any cart for or containing Solid Waste in any street~~

~~or public highway of the District before 5:00 p.m. prior to the day of collection or allow any cart for Solid Waste placed by him or her in any such street or other collection location after 7:00 a.m. on the day following collection.~~

~~e. When the collection of Bulky Waste is desired, residents may place Bulky Waste along the street curb in front of the premises from which the Bulky Waste is to be removed no earlier than 5:00 p.m. prior to the scheduled day of Bulky Waste collection.~~

4.02 Collection by Independent Contractor

If the Board has the collection and disposal of Solid Waste collected by an independent contractor or contractors, the contract shall be made under such terms and conditions as may be prescribed by resolution and set forth in such contract.

4.03 Collection Rates and Billings

d. Rates

The rates for collection of Solid Waste from premises in the District shall be those rates that the Board may determine and establish from time to time by ordinance. The Board may establish rates for residential collection without establishing rates for commercial or industrial collection.

1. Gray Cart Collection Services

<u>38-gallon cart</u>	<u>\$ 23.42</u>
<u>64-gallon cart</u>	<u>\$ 27.82</u>
<u>96-gallon cart</u>	<u>\$ 44.97</u>

2. Additional Gray Carts

<u>38-gallon cart</u>	<u>\$ 9.72</u>
<u>64-gallon cart</u>	<u>\$ 12.61</u>
<u>96-gallon cart</u>	<u>\$ 27.69</u>

3. Additional Recycling Cart (in excess of 1 recycled cart)

<u>38-gallon cart</u>	<u>N/A</u>
<u>64-gallon cart</u>	<u>\$ 6.91</u>
<u>96-gallon cart</u>	<u>\$ 6.91</u>

4. Additional Green Waste Cart (in excess of 2 green waste carts)

<u>38-gallon cart</u>	<u>N/A</u>
<u>64-gallon cart</u>	<u>\$ 6.91</u>
<u>96-gallon cart</u>	<u>\$ 6.91</u>

5. Sacramento County Surcharge \$ 2.00

e. Collection of Charges for Collection Services

The rates and charges imposed by this Chapter may be collected together with charges for any other service provided by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the services for which the bill is rendered in the manner herein provided.

f. Billing

All solid waste accounts shall be billed monthly.

g. Due Date

All bills are due and payable on the date they are issued by the District.

h. Delinquency

A bill for service is delinquent if not paid and received at the Rancho Murieta Community Services District office by the 25th day of the month following the month in which the bill was mailed.

i. Delinquency Penalty

1. A one-time basic penalty of ten percent (10%) of the delinquent service charges shall be added to each delinquent bill for the first month the bill is delinquent.
2. After levying the basic penalty provided in in the preceding subsection, the District shall thereafter levy an additional penalty of one percent (1%) per month to all delinquent charges and basic penalties remaining unpaid, until and unless the Board requests the County Auditor to include the amount of all delinquent rates, charges and penalties for collection on the County property tax roll as set forth in the succeeding subsection. Monies paid when any portion of an account is delinquent shall first be credited to interest and penalties, then to the delinquent portion of the bill, and then to the current portion of the bill.

j. Collection of Delinquent Charges on County Tax Roll

All rates, charges, penalties, and interest, which remain delinquent, may be collected on the County property tax roll in the same manner as property taxes in accordance with Government Code section 61115(b), provided that the District shall first have given the property owner notice and an opportunity to be heard as provided by law. After delinquent amounts have been turned over to the County Auditor for collection, no payment shall be received by the District on the delinquent amounts except as collected by the County Tax Collector. *(Added by Ordinance 2019-03)*

4.03 — Collection Rates and Billings

a. Rates

The rates for collection of Solid Waste from premises in the District shall be those rates that the Board may determine and establish from time to time by ordinance. The Board may establish rates for residential collection without establishing rates for commercial or industrial collection. *(Amended by Ordinance 2021-01)*

(1) Garbage Collection Services

38-gallon cart	\$ 23.42
64-gallon cart	\$ 27.82
96-gallon cart	\$ 44.97

(2) Additional Garbage Carts

38-gallon cart	\$ 9.72
64-gallon cart	\$ 12.61
96-gallon cart	\$ 27.69

(3) Additional Recycling Cart (in excess of 1 recycled cart)

38-gallon cart	N/A
64-gallon cart	\$ 6.91
96-gallon cart	\$ 6.91

(4) Additional Green Waste Cart (in excess of 2 green waste carts)

38-gallon cart	N/A
64-gallon cart	\$ 6.91
96-gallon cart	\$ 6.91

(5) Sacramento County Surcharge

	\$ 2.00
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b. Collection of Charges for Collection Services

The rates and charges imposed by this Chapter may be collected together with charges for any other service provided by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the services for which the bill is rendered in the manner herein provided.

c. Billing

All solid waste accounts shall be billed monthly.

d. Due Date

All bills are due and payable on the date they are issued by the District.

e. Delinquency

A bill for service is delinquent if not paid and received at the Rancho Murieta Community Services District office by the 25th day of the month following the month in which the bill was mailed.

f. Delinquency Penalty

1. A one-time basic penalty of ten percent (10%) of the delinquent service charges shall be added to each delinquent bill for the first month the bill is delinquent.
2. After levying the basic penalty provided in Section 4.03(f)(1), the District shall thereafter levy an additional penalty of one percent (1%) per month to all delinquent charges and basic penalties remaining unpaid, until and unless the Board requests the County Auditor to include the amount of all delinquent rates, charges and penalties for collection on the County property tax roll as set forth in Section 4.03(g). Monies paid

when any portion of an account is delinquent shall first be credited to interest and penalties, then to the delinquent portion of the bill, and then to the current portion of the bill.

g. Collection of Delinquent Charges on County Tax Roll

~~All rates, charges, penalties, and interest, which remain delinquent, may be collected on the County property tax roll in the same manner as property taxes in accordance with Government Code section 61115(b), provided that the District shall first have given the property owner notice and an opportunity to be heard as provided by law. After delinquent amounts have been turned over to the County Auditor for collection, no payment shall be received by the District on the delinquent amounts except as collected by the County Tax Collector. (Added by Ordinance 2019-03)~~

4.04 Collection Hours and Collection Days

Residential collection starts no earlier than 7:00 a.m. and terminates no later than 5:00 p.m. Residential collection may occur on Tuesdays, Wednesdays, or Thursdays.

4.05 Carts, Containers, and Lawn and Leaf Bags

No person shall dump any Solid Waste nor deposit the same in anything except a cart for holding Solid Waste. Each cart shall be as follows:

a. Gray Rubbish Cart

A heavy plastic receptacle with a rated capacity of at least thirty-two (32) and not more than ninety-six (96) gallons, having a hinged tight-fitting lid and wheels, that is approved by the District and is appropriately labeled as a garbage cart.

b. Green Organic Waste Cart

A heavy plastic receptacle with a rated capacity at least thirty-two (32) gallons and not exceeding ninety-six (96) gallons, having a hinged, tight fitting lid and wheels that are approved for such purpose by the District and is appropriately labeled as an organic waste cart. Organic Waste is further governed by Section 9 of this Code.

c. Blue Recycling Cart

A heavy plastic receptacle with a rated capacity of at least thirty-two (32) gallons and not more than ninety-six (96) gallons, having a hinged tight-fitting lid, and wheels that is approved for such purpose by the District and is appropriately labeled as a recycling cart.

d. Used Oil Container

A plain copoly container provided by the District or its designee for the accumulation of used oil that is at least four (4) quarts in capacity, leak-proof, has a screw-on lid and has a label designating it for use as a used oil container.

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e. Lawn and Leaf Bags

~~During the four (4) month period beginning October 1 and ending January 31 and annually thereafter during the term of this Contract, Service Recipients may place unlimited amounts of leaves at the curb alongside their Organic Waste Cart as part of Green Waste Collection Service. The leaves shall be placed in paper lawn and leaf bags and closed in such a manner as to contain the leaves during Collection. Leaves must be generated by and at the Residential Service Unit wherein the leaves are collected. During this period, CONTRACTOR shall Collect and dispose of all leaves that are properly bagged and placed at the curb at no additional charge to the Service Recipient.~~

4.05 ~~Carts, Containers, and Lawn and Leaf Bags~~

~~No person shall dump any Solid Waste nor deposit the same in anything except a cart for holding Solid Waste. Each cart shall be as follows:~~

~~a. Garbage Cart~~

~~— A heavy plastic receptacle with a rated capacity of at least thirty two (32) and not more than ninety six (96) gallons, having a hinged tight fitting lid and wheels, that is approved by the District and is labeled appropriately labeled as a garbage cart.~~

~~b. Green Waste Cart~~

~~— A heavy plastic receptacle with a rated capacity at least thirty two (32) gallons and not exceeding ninety six (96) gallons, having a hinged, tight fitting lid and wheels that are approved for such purpose by the District and is appropriately labeled as a green waste cart.~~

~~c. Recycling Cart~~

~~— A heavy plastic receptacle with a rated capacity of at least thirty two (32) gallons and not more than ninety six (96) gallons, having a hinged tight fitting lid, and wheels that is approved for such purpose by the District and is appropriately labeled as a recycling cart.~~

~~d. Used Oil Container~~

~~— A plain copoly container provided by the District or its designee for the accumulation of used oil that is at least four (4) quarts in capacity, leak proof, has a screw on lid and has a label designating it for use as a used oil container.~~

~~e. Lawn and Leaf Bags~~

~~During the four (4) month period beginning October 1 and ending January 31 and annually thereafter during the term of this Contract, Service Recipients may place unlimited amounts of leaves at the curb alongside their Green Waste Cart as part of Green Waste Collection Service. The leaves shall be placed in plastic lawn and leaf bags and closed in such a manner as to contain the leaves during Collection. Leaves must be generated by and at the Residential Service Unit wherein the leaves are collected. During this period, CONTRACTOR shall Collect and dispose of all leaves that are properly bagged and placed at the curb at no additional charge to the Service Recipient.~~

4.06 Solid Waste Burning

No person shall burn any Solid Waste within the District without having first complied with all rules and regulations of the District, the county, the air pollution control district and the state.

4.07 Depositing in Streets

No person shall throw, place, scatter or deposit any Solid Waste, ~~Exempt~~Excluded Waste, or other waste of any kind or composition in or upon any public street or highway in the District except as herein expressly authorized, nor throw, place, scatter or deposit any Solid Waste, ~~Exempt~~Excluded Waste, or other waste of any kind or composition upon or below the surface of any premises in such a manner that the same is or may become a nuisance or endanger the public health.

SECTION 5.00 Recyclable Materials - Property Rights - Collection by Unauthorized Persons

5.01 Property Rights

From time of placement of Recyclable Materials at the curb or in recycling shelters for collection in accordance with the District's recycling program, such Recyclable Materials shall be and become the property of the District or its authorized agent. It shall be a violation of the ordinance codified in this section for any person unauthorized by the District to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

5.02 Violation

Violation of any provision of this Chapter shall constitute a misdemeanor punishable in the manner prescribed by the laws of the State.

5.03 Recyclable Material—Owner's Rights

Nothing in Chapter 31 shall limit the right of any person to donate, sell, or otherwise dispose of his or her Recyclable Materials.

SECTION 6.00 Construction and Demolition Refuse

6.01 Storage

No Solid Waste from building construction or demolition may be stored on site and in the open. All Solid Waste from construction and demolition shall be placed and contained in commercial type debris containers. Solid Waste, which may be transported by the wind shall be placed in suitable Containers daily and removed as necessary. Adequate storage capacity shall be provided to prevent littering of surrounding areas.

6.02 Disposal

Solid Waste from construction and demolition shall not be disposed in residential garbage, recycle or yard waste containers.

SECTION 7.00 Dumping Solid Waste

7.01 On Public Property

No person shall dispose of or dump upon any public or commonly owned property or street of the District or upon any property of another, except such property as may be provided and set apart for such use by the District, Solid Waste, ~~Exempt~~Excluded Waste, or other waste of any kind or composition. The Board may enter into a contract for the collection and disposal of the Solid Waste, and may provide such rules for the regulation thereof as it may from time to time deem best and necessary.

7.02 On Private Property

No person shall dispose of or dump upon any private property within the District any Solid Waste, ~~Exempt~~Excluded Waste or other waste of any kind or composition.

SECTION 8.00 SECTION 8.0

SECTION 8.00 Residential Solid Waste Collection Vehicles

No person authorized to engage in residential Solid Waste collection service shall operate any truck-mounted Solid Waste loading and/or compacting equipment or similar device in any manner so as to create any noise exceeding seventy-five (75) dBA, measured at a distance of twenty-five (25) feet measured at an elevation of five (5) feet above ground level using the "A" scale of the standard sound level meter at slow response from the equipment in an open. If requested by the District, residential collection vehicles are to be tested annually during the months of March and April, beginning March of 2006~~2023~~, and certificates of testing showing that the vehicles met the requirements of this section.

Residential Solid Waste Collection Vehicles

~~No person authorized to engage in residential Solid Waste collection service shall operate any truck-mounted Solid Waste loading and/or compacting equipment or similar device in any manner so as to create any noise exceeding seventy-five (75) dBA, measured at a distance of twenty-five (25) feet measured at an elevation of five (5) feet above ground level using the "A" scale of the standard sound level meter at slow response from the equipment in an open. If requested by the District, residential collection vehicles are to be tested annually during the months of March and April, beginning March of 2006, and certificates of testing showing that the vehicles met the requirements of this section.~~**Mandatory Organic Waste Disposal Reduction**

8.01 Purpose and Findings

The District finds and declares:

- a. State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.
- b. State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires jurisdictions to implement a Mandatory Commercial Recycling program.
- c. State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold

amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires jurisdictions to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires jurisdictions to implement a Mandatory Commercial Organics Recycling program.

- d. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including jurisdictions, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets.
- e. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.

8.02 Definitions

In addition to those definitions provided in Section 1 of this Code, whenever in Section 9 of this Code, the following words or phrases are used; they shall have the meanings respectively ascribed to them in this section:

- a. “Blue Container” has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Organic Waste.
- b. “CalRecycle” means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on jurisdictions (and others).
- c. “California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references in this ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).
- d. “Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance.
- e. “Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in Section 9.02 of this Code or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- f. “Compliance Review” means a review of records by the District to determine compliance

with this ordinance.

- g. "Community Composting" means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- h. "Compost" has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this ordinance, that "Compost" means the 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.
- i. "Compostable Plastics" or "Compostable Plastic" means plastic materials that meet the ASTM D6400 standard for composability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).
- j. "Container Contamination" or "Contaminated Container" means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- k. "C&D" means construction and demolition debris.
- l. "Designee" means an entity that the District contracts with or otherwise arranges to carry out any of the District's responsibilities of this ordinance 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.
- m. "District Enforcement Official" means the District General Manager or authorized Designee(s) who is/are partially or whole responsible for enforcing the ordinance.
- n. "Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
- o. "Enforcement Action" means an action of the District to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- p. "Excluded Waste" means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the District 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 District'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 District, 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 household batteries and motor oil and filters in compliance with Sections 41500 and 41802 of the California Public Resources Code.

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

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

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

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

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

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7). If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this ordinance.

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

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

w. "Food Service Provider" means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14

CCR Section 18982(a)(27).

- x. “Food-Soiled Paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.
- y. “Food Waste” means Food Scraps, Food-Soiled Paper, and Compostable Plastics.
- z. “Gray Container” has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.
- aa. “Gray Container Waste” means Solid Waste that is collected in a Gray Container that is part of a three-container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).
- bb. “Green Container” has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.
- cc. “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- dd. “Hauler Route” means the designated itinerary or sequence of stops for each segment of the District’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).
- ee. “High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).
- ff. “Inspection” means a site visit where the District reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).
- gg. “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14

CCR Section 18982(a)(38) shall apply to this ordinance.

- hh. “Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this 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. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this ordinance.
- ii. “Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- jj. “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.
- kk. “Non-Compostable Paper” includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).
- ll. “Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).
- mm. “Notice of Violation (NOV)” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.
- nn. “Organic Waste Generator” means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).
- oo. “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- pp. “Printing and Writing Papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).

- qq. “Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the District’s Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the District’s Green Container; (iii) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in District’s Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.
- rr. “Recovered Organic Waste Products” means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).
- ss. “Recovery” means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).
- tt. “Recycled-Content Paper” means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).
- uu. “Renewable Gas” means gas derived from Organic Waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).
- vv. “Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).
- ww. “Route Review” means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).
- xx. “SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.
- yy. “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the purposes of this ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
- zz. “Self-Hauler” means a person, who hauls Solid Waste, Organic Waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul

means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator's own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).

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

bbb. "Solid Waste" has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

1. Hazardous waste, as defined in the State Public Resources Code Section 40141.
2. Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
3. Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.

ccc. "Source Separated" means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of the ordinance, Source Separated shall include separation of materials by the generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source Separated materials are separated from Gray Container Waste or other Solid Waste for the purposes of collection and processing.

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

eee. "Source Separated Blue Container Recyclable Materials" means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.

fff. “State” means the State of California.

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

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

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

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

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

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

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

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

8.03 Requirements for Single-Family Generators

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

- a. Shall subscribe to District's Organic Waste collection services for all Organic Waste generated as described below in Section 9.03. District shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Single-Family generators shall adjust its service level for its collection services as requested by the District.
- b. Shall participate in the District's Organic Waste collection service(s) by placing designated materials in designated containers as described below, and shall not place Prohibited Container Contaminants in collection containers. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

8.04 Requirements for Commercial Businesses

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

- a. Subscribe to District's three container collection services and comply with requirements of those services as described below in Section 9.04, except Commercial Businesses that meet the Self-Hauler requirements in Section 9.07 of this Code. District shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Businesses shall adjust their service level for their collection services as requested by the District.
- b. Except Commercial Businesses that meet the Self-Hauler requirements in Section 9.07 of this Code, participate in the District's Organic Waste collection service(s) by placing designated materials in designated containers as described below. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container or Blue Container.
- c. Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors conforming with this section for employees, contractors, tenants, and customers, consistent with District's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 9.07.
- d. Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal occurs. Such containers do not

need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:

1. A body or lid that conforms with the container colors provided through the collection service provided by District, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
2. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.

e. Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirement in Section 9.04 pursuant to 14 CCR Section 18984.9(b).

f. To the extent practical through education, training, inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the District's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 9.07.

g. Excluding Multi-Family Residential Dwellings, periodically inspect Blue Containers, Green Containers, and Gray Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).

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

i. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste and Source Separated Recyclable Materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.

j. Provide or arrange access for District or its agent to their properties during all Inspections conducted in accordance with Section 9.09 of this Code to confirm compliance with the

requirements of this ordinance.

k. If a Commercial Business wants to self haul, meet the Self-Hauler requirements in Section 9.07 of this Code.

l. 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).

m. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 9.06.

8.05 Waivers for Generators

a. De Minimis Waivers. District may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this ordinance if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in subsection (a)(2) below. Commercial Businesses requesting a de minimis waiver shall:

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

2. Provide documentation that either:

(a) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,

(b) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.

3. Notify the District if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.

4. Provide written verification of eligibility for de minimis waiver every 5 years, if District has approved de minimis waiver.

b. Physical Space Waivers. District may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the District has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of Section 9.04.

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

1. Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
 2. Provide documentation that the premises lacks adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.
 3. Provide written verification to District that it is still eligible for physical space waiver every five years, if District has approved application for a physical space waiver.
- c. Collection Frequency Waiver. District, at its discretion and in accordance with 14 CCR Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to the District's three-container Organic Waste collection service to arrange for the collection of their Blue Container, Gray Container, or both once every fourteen days, rather than once per week.

8.06 Requirements for Commercial Edible Food Generators

- a. Tier One Commercial Edible Food Generators must comply with the requirements of this Section 9 commencing January 1, 2023, 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 District'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 ordinance 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).

8.07 Requirements for Haulers

a. Exclusive franchise haulers providing residential, Commercial, or industrial Organic Waste collection services to generators within the District's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the District to collect Organic Waste:

1. Through written notice to the District annually on or before January 1, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste.

2. Transport Source Separated Recyclable Materials and Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

3. Obtain approval from the District 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 District's C&D ordinance.

b. Exclusive franchise haulers authorized to collect Organic Waste shall comply with education, equipment, signage, container labeling, container color, contamination

monitoring, reporting, and other requirements contained within its franchise agreement entered into with District.

8.08 Self-Hauler Requirements

- a. Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that District otherwise requires generators to separate for collection in the District'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.
- b. Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
- c. Self-Haulers that are Commercial Businesses (including Multi-Family 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 District. The records shall include the following information:
 1. Delivery receipts and weight tickets from the entity accepting the waste.
 2. The amount of material in cubic yards or tons transported by the generator to each entity.
 3. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
- d. A residential Organic Waste Generator that self hauls Organic Waste is not required to record or report information in subsections (c) and (d).

8.09 Inspections and Investigations by District

- a. District representatives and/or its designated entity, including Designees are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow District to enter the interior of a private residential property for Inspection.

- b. Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the District's employee or its designated entity/Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this ordinance 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 ordinance and may result in penalties described.
- c. Any records obtained by the District during its Inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
- d. District representatives, its designated entity, and/or Designee are authorized to conduct any Inspections, or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.
- e. District shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

8.10 Enforcement

- a. Violation of any provision of this ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the District Enforcement Official or representative. Enforcement Actions under this ordinance are issuance of an administrative citation and assessment of a fine. The District's procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this ordinance and any rule or regulation adopted pursuant to this ordinance, except as otherwise indicated in this ordinance.
- b. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. District may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. District may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of District staff and resources.
- c. Enforcement pursuant to this ordinance may be undertaken by the District Enforcement Official, which may be the District General Manager or designee.
- d. Process for Enforcement
 - 1. District Enforcement Officials and/or their Designee will monitor compliance with the ordinance randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program. Section 9.09 establishes District's right to conduct Inspections and investigations.

2. District may issue an official notification to notify regulated entities of its obligations under the ordinance.
3. District shall issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.
4. Absent compliance by the respondent within the deadline set forth in the Notice of Violation, District shall commence an action to impose penalties, via an administrative citation and fine. Notices shall be sent to “owner” at the official address of the owner maintained by the tax collector for the District or if no such address is available, to the owner at the address of the dwelling or Commercial property or to the party responsible for paying for the collection services, depending upon available information

e. Penalty Amounts for Types of Violations

The penalty levels are as follows:

1. For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.
2. For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.
3. For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 per violation.

f. Factors Considered in Determining Penalty Amount

The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty amount range:

1. The nature, circumstances, and severity of the violation(s).
2. The violator’s ability to pay.
3. The willfulness of the violator's misconduct.
4. Whether the violator took measures to avoid or mitigate violations of this chapter.
5. Evidence of any economic benefit resulting from the violation(s).
6. The deterrent effect of the penalty on the violator.
7. Whether the violation(s) were due to conditions outside the control of the violator.

g. Compliance Deadline Extension Considerations

The District may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with Section 9.10 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 District is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

h. Appeals Process

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

i. Education Period for Non-Compliance

Beginning January 1, 2023 and through December 31, 2023, Jurisdiction will conduct Inspections, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if District 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 to the entity describing its obligations under this ordinance and a notice that compliance is required by January 1, 2023, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

j. Civil Penalties for Non-Compliance

Beginning January 1, 2024, if the District 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 this ordinance, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to Section 9.10, as needed.

RANCHO MURIETA COMMUNITY SERVICES DISTRICT

DISTRICT CODE
CHAPTER 31

SOLID WASTE COLLECTION AND DISPOSAL



Amended September 21, 2022
Ordinance O2022-05

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DISTRICT CODE

CHAPTER 31

SOLID WASTE COLLECTION AND DISPOSAL

SECTION 1.00 Findings — Purpose of Provisions

The Board does find and determine that the storage, accumulation, collection and disposal of Solid Waste, and other discarded goods and material, is a service the District is authorized to provide, and is a matter of great public concern in that improper control of such matters can lead to air pollution, fire hazards, rat infestation, and other problems affecting the health, welfare and safety of the District. The Board declares that the regulations in Chapter 31 of this Code provided are designed to eliminate or alleviate such problems.

The Board further finds as follows:

- a. Reduction of the amount of Solid Waste and conservation of recyclable materials is an important public concern of the District by reason of the growing problem of Solid Waste disposal and its impact on our environment;
- b. Recycling conserves valuable material resources and energy, and promotes greater efficiency; and
- c. Recycling will reduce the overall amount of Solid Waste presently generated, and thus reduce storage, collection, transportation and disposal costs for residents of the District.

SECTION 2.00 Definitions

Whenever in Chapter 31 of this Code, the following words or phrases are used; they shall have the meanings respectively ascribed to them in this section:

2.01 Bulky Waste or Large Items

Bulky Waste or Large Items shall mean materials including furniture, carpets, mattresses, clothing, tires, electronic equipment such as televisions, stereos, computers, monitors, VCR's and similar items; refrigerators, ranges, water heaters, freezers, and similar household appliances; or some combination of such items in a container the dimensions and weight of which container does not exceed four feet by four feet by two feet (4'x4'x2') and sixty (60) pounds, which are attributed to the normal activities of a residential dwelling. Bulky Waste or Large Items must be generated by and at the physical location wherein the large items are collected. Bulky Waste shall not include Excluded Waste.

2.02 Board

Board shall mean the Board of the Rancho Murieta Community Services District.

2.03 Collection

Collection shall mean the operation of gathering together and transporting to the point of disposal of Solid Waste and other waste material.

2.04 Cart or Container

Cart or Container shall mean a receptacle constructed of metal, rubber, plastic or a combination

thereof.

2.05 Contractor

Contractor shall mean the person entering into a contract with the District for the collection and disposal of Solid Waste.

2.06 County

County shall mean the County of Sacramento.

2.07 Department

Department shall mean the Sacramento County Department of Public Works acting by, through and under the authority of the Director of Public Works, unless the context indicates otherwise.

2.08 Disposal

Disposal shall mean the complete operation of treating and disposing of the accumulations of Solid Waste and the product or residue arising from such treatment.

2.09 District

District shall mean the Rancho Murieta Community Services District.

2.10 Excluded Waste

Excluded Waste shall mean biohazardous or biomedical waste; hazardous waste sludge; Manure or Stable Matter; organic waste more than five (5) feet in length or with a diameter more than six (6) inches or a weight more than fifty (50) pounds; electronic equipment such as televisions, stereos, computers, monitors, VCR's and similar items; and refrigerators, ranges, water heaters, freezers and similar household appliances; boats and boat trailers; automobiles; automobile parts; internal combustion engines; lead-acid batteries; and those wastes under the control of the Nuclear Regulatory Commission.

2.11

Food Waste

Food Waste shall mean all putrescible waste, which generally includes but is not limited to kitchen and table food waste, animal, vegetative, food or any organic waste that is attendant with, or results from the storage, preparation, cooking or handling of food materials. Food Waste must be generated by and at the physical location wherein the Food Waste is collected.

2.12 Green Waste

Green Waste shall mean any vegetative matter resulting from normal yard and landscaping maintenance. Green Waste includes plant debris, such as grass clippings, leaves, pruning, weeds, branches, brush, Christmas trees, and other forms of organic waste not more than five (5) feet in its longest dimension or with a diameter not more than six (6) inches or weights more than fifty (50) pounds and must be generated by and at the physical location wherein the Green Waste are collected.

2.12 Organic Waste

Organic Waste shall mean Solid Waste containing material originated from living organisms and their metabolic waste products, including but not limited to Food Waste, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, Manure and Stable Matter, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46).

2.13 Manure or Stable Matter

Manure or Stable Matter shall mean any waste matter normally accumulated in stables, or in livestock or poultry enclosures.

2.14 Recyclable Materials

Recyclable Materials shall mean those materials that are capable of being recycled and which would otherwise be processed or disposed of as Food Waste or Rubbish. Recyclable Materials include: newsprint (including inserts); mixed paper (including magazines, catalogs, envelopes, junk mail, corrugated cardboard, Kraft brown bags and paper, paperboard, paper egg cartons, office ledger paper, and telephone books); glass containers; aluminum beverage containers; small scrap and cast aluminum (not exceeding five (5) pounds in weight nor two (2) feet in any dimension for any single item); steel, including "tin" cans; bimetal containers; mixed plastics such as plastic bags, plastic film, plastic containers (1-7), and bottles including containers made of HDPE, LDPE, PET, or PVC; aseptic containers; and polystyrene.

2.15 Rubbish

Rubbish shall mean accumulation of refuse, paper, excelsior, rags, wooden boxes and containers, sweep-ups, and all other accumulations of a nature other than Food Waste, Organic Waste or Recyclable Materials. Rubbish must be generated by and at the physical location wherein the Rubbish is collected.

2.16 Solid Waste

Solid Waste shall mean Food Waste, Organic Waste, Large Items, Recyclable Materials, or Rubbish that is generated or accumulates in homes, hotels, restaurants, businesses, offices or government buildings. Solid Waste must be generated by and at the physical location wherein the Solid Waste is collected. Solid Waste shall not include Excluded Waste.

SECTION 3.00 Mandatory Service

3.01 Mandatory Service

Except as otherwise expressly provided by this Chapter, the owner, tenant, or occupant of every improved and occupied parcel (parcel with one or more residential buildings approved for occupancy) located within the District shall subscribe to Solid Waste Collection Service provided by the District.

3.02 Exceptions to Mandatory Service

A residential construction contractor, commercial gardener and those engaged in the business of cleaning residential properties and employees thereof, when collecting or transporting Solid Waste consisting of by-products of the services provided to a lawful disposal location.

SECTION 4.00 Exclusive Right of Collection

The District and its duly authorized agents, servants, and employees, or any Contractor with whom the

District may at any time enter into a contract therefore, and the agents, servants, and employees of such contractor, while any such contract shall be in force, shall have the exclusive right to gather, collect and remove Solid Waste from all premises in the District; and no person other than those above specified shall gather, collect or remove any Solid Waste, or convey or transport any Solid Waste in, along or over any public streets, alley or highway in the District, or take any Solid Waste from any container in which the same may be placed for collection or removal, or interfere with or disturb any such container from any location where the same is placed by the owner thereof; provided, however, that nothing in this section contained shall be deemed to prohibit the occupant of any dwelling house from himself removing any Solid Waste accumulated on the premises occupied by him as a dwelling house and disposing of the same in a lawful manner, or to prohibit any person from gathering, collecting or removing from the premises occupied by him any Solid Waste.

4.01 Collection by District – Applicable Provisions

- a. The District may provide for the collection and disposal of Solid Waste from all premises in the District. When the District so acts, the following provisions shall be applicable. Such provisions may be made either by letting a contract for such collection and removal or otherwise. The District shall have charge and supervision of such collection and removal and shall prescribe and establish routes and days for the collection and removal of Solid Waste from the various parts of the District so as to conform to the provisions of this Chapter 31 of this Code and may change the same from time to time. When such routes or days of collection are established or changed, the District shall give notice thereof in such manner as the District deems best. Every person desiring to have the District collect and remove Solid Waste from any premises in the District shall place and keep the same in such containers as are required by this Chapter.
- b. When the collection of Solid Waste is desired, the containers shall be placed along the street curb in front of the premises from which the Solid Waste is to be removed or in such other location designated by the District. No person shall place any cart for or containing Solid Waste in any street or public highway of the District before 5:00 p.m. prior to the day of collection or allow any cart for Solid Waste placed by him or her in any such street or other collection location after 7:00 a.m. on the day following collection.
- c. When the collection of Large Item (Bulky) Waste is desired, residents may place Bulky Waste along the street curb in front of the premises from which the Large Item (Bulky) Waste is to be removed no earlier than 5:00 p.m. prior to the scheduled day of Bulky Waste collection.

4.02 Collection by Independent Contractor

If the Board has the collection and disposal of Solid Waste collected by an independent contractor or contractors, the contract shall be made under such terms and conditions as may be prescribed by resolution and set forth in such contract.

4.03 Collection Rates and Billings

d. Rates

The rates for collection of Solid Waste from premises in the District shall be those rates that the Board may determine and establish from time to time by ordinance. The Board may establish rates for residential collection without establishing rates for commercial or industrial collection.

1. Gray Cart Collection Services

38-gallon cart	\$ 23.42
64-gallon cart	\$ 27.82
96-gallon cart	\$ 44.97

2. Additional Gray Carts

38-gallon cart	\$ 9.72
64-gallon cart	\$ 12.61
96-gallon cart	\$ 27.69

3. Additional Recycling Cart (in excess of 1 recycled cart)

38-gallon cart	N/A
64-gallon cart	\$ 6.91
96-gallon cart	\$ 6.91

4. Additional Green Waste Cart (in excess of 2 green waste carts)

38-gallon cart	N/A
64-gallon cart	\$ 6.91
96-gallon cart	\$ 6.91

5. Sacramento County Surcharge \$ 2.00

e. Collection of Charges for Collection Services

The rates and charges imposed by this Chapter may be collected together with charges for any other service provided by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the services for which the bill is rendered in the manner herein provided.

f. Billing

All solid waste accounts shall be billed monthly.

g. Due Date

All bills are due and payable on the date they are issued by the District.

h. Delinquency

A bill for service is delinquent if not paid and received at the Rancho Murieta Community Services District office by the 25th day of the month following the month in which the bill was mailed.

i. Delinquency Penalty

1. A one-time basic penalty of ten percent (10%) of the delinquent service charges shall be added to each delinquent bill for the first month the bill is delinquent.
2. After levying the basic penalty provided in in the preceding subsection, the District shall thereafter levy an additional penalty of one percent (1%) per month to all delinquent charges and basic penalties remaining unpaid, until and unless the Board requests the County Auditor to include the amount of all delinquent rates, charges and penalties for collection on the County property tax roll as set forth in the succeeding subsection. Monies paid when any portion of an account is delinquent shall first be credited to interest and penalties, then to the delinquent portion of the bill, and then to the current portion of the bill.

j. **Collection of Delinquent Charges on County Tax Roll**

All rates, charges, penalties, and interest, which remain delinquent, may be collected on the County property tax roll in the same manner as property taxes in accordance with Government Code section 61115(b), provided that the District shall first have given the property owner notice and an opportunity to be heard as provided by law. After delinquent amounts have been turned over to the County Auditor for collection, no payment shall be received by the District on the delinquent amounts except as collected by the County Tax Collector. *(Added by Ordinance 2019-03)*

4.04 Collection Hours and Collection Days

Residential collection starts no earlier than 7:00 a.m. and terminates no later than 5:00 p.m. Residential collection may occur on Tuesdays, Wednesdays, or Thursdays.

4.05 Carts, Containers, and Lawn and Leaf Bags

No person shall dump any Solid Waste nor deposit the same in anything except a cart for holding Solid Waste. Each cart shall be as follows:

a. **Gray Rubbish Cart**

A heavy plastic receptacle with a rated capacity of at least thirty-two (32) and not more than ninety-six (96) gallons, having a hinged tight-fitting lid and wheels, that is approved by the District and is appropriately labeled as a garbage cart.

b. **Green Organic Waste Cart**

A heavy plastic receptacle with a rated capacity at least thirty-two (32) gallons and not exceeding ninety-six (96) gallons, having a hinged, tight fitting lid and wheels that are approved for such purpose by the District and is appropriately labeled as an organic waste cart. Organic Waste is further governed by Section 9 of this Code.

c. **Blue Recycling Cart**

A heavy plastic receptacle with a rated capacity of at least thirty-two (32) gallons and not more than ninety-six (96) gallons, having a hinged tight-fitting lid, and wheels that is approved for such purpose by the District and is appropriately labeled as a recycling cart.

d. Used Oil Container

A plain copoly container provided by the District or its designee for the accumulation of used oil that is at least four (4) quarts in capacity, leak-proof, has a screw-on lid and has a label designating it for use as a used oil container.

e. Lawn and Leaf Bags

During the four (4) month period beginning October 1 and ending January 31 and annually thereafter during the term of this Contract, Service Recipients may place unlimited amounts of leaves at the curb alongside their Organic Waste Cart as part of Green Waste Collection Service. The leaves shall be placed in paper lawn and leaf bags and closed in such a manner as to contain the leaves during Collection. Leaves must be generated by and at the Residential Service Unit wherein the leaves are collected. During this period, CONTRACTOR shall Collect and dispose of all leaves that are properly bagged and placed at the curb at no additional charge to the Service Recipient.

4.06 Solid Waste Burning

No person shall burn any Solid Waste within the District without having first complied with all rules and regulations of the District, the county, the air pollution control district and the state.

4.07 Depositing in Streets

No person shall throw, place, scatter or deposit any Solid Waste, Excluded Waste, or other waste of any kind or composition in or upon any public street or highway in the District except as herein expressly authorized, nor throw, place, scatter or deposit any Solid Waste, Excluded Waste, or other waste of any kind or composition upon or below the surface of any premises in such a manner that the same is or may become a nuisance or endanger the public health.

SECTION 5.00 Recyclable Materials - Property Rights - Collection by Unauthorized Persons

5.01 Property Rights

From time of placement of Recyclable Materials at the curb or in recycling shelters for collection in accordance with the District's recycling program, such Recyclable Materials shall be and become the property of the District or its authorized agent. It shall be a violation of the ordinance codified in this section for any person unauthorized by the District to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

5.02 Violation

Violation of any provision of this Chapter shall constitute a misdemeanor punishable in the manner prescribed by the laws of the State.

5.03 Recyclable Material—Owner's Rights

Nothing in Chapter 31 shall limit the right of any person to donate, sell, or otherwise dispose of his or her Recyclable Materials.

SECTION 6.00 Construction and Demolition Refuse

6.01 Storage

No Solid Waste from building construction or demolition may be stored on site and in the open. All Solid Waste from construction and demolition shall be placed and contained in commercial type debris containers. Solid Waste, which may be transported by the wind shall be placed in suitable Containers daily and removed as necessary. Adequate storage capacity shall be provided to prevent littering of surrounding areas.

6.02 Disposal

Solid Waste from construction and demolition shall not be disposed in residential garbage, recycle or yard waste containers.

SECTION 7.00 Dumping Solid Waste

7.01 On Public Property

No person shall dispose of or dump upon any public or commonly owned property or street of the District or upon any property of another, except such property as may be provided and set apart for such use by the District, Solid Waste, Excluded Waste, or other waste of any kind or composition. The Board may enter into a contract for the collection and disposal of the Solid Waste, and may provide such rules for the regulation thereof as it may from time to time deem best and necessary.

7.02 On Private Property

No person shall dispose of or dump upon any private property within the District any Solid Waste, Excluded Waste or other waste of any kind or composition.

SECTION 8.00 SECTION 8.0

SECTION 8.00 Residential Solid Waste Collection Vehicles

No person authorized to engage in residential Solid Waste collection service shall operate any truck-mounted Solid Waste loading and/or compacting equipment or similar device in any manner so as to create any noise exceeding seventy-five (75) dBA, measured at a distance of twenty-five (25) feet measured at an elevation of five (5) feet above ground level using the "A" scale of the standard sound level meter at slow response from the equipment in an open. If requested by the District, residential collection vehicles are to be tested annually during the months of March and April, beginning March of 20062023, and certificates of testing showing that the vehicles met the requirements of this section.

Mandatory Organic Waste Disposal Reduction

8.01 Purpose and Findings

The District finds and declares:

- a. State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.
- b. State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of,

and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires jurisdictions to implement a Mandatory Commercial Recycling program.

- c. State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires jurisdictions to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires jurisdictions to implement a Mandatory Commercial Organics Recycling program.
- d. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including jurisdictions, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets.
- e. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.

8.02 Definitions

In addition to those definitions provided in Section 1 of this Code, whenever in Section 9 of this Code, the following words or phrases are used; they shall have the meanings respectively ascribed to them in this section:

- a. “Blue Container” has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Organic Waste.
- b. “CalRecycle” means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on jurisdictions (and others).
- c. “California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references in this ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).
- d. “Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR

Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance.

- e. "Commercial Edible Food Generator" includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in Section 9.02 of this Code or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- f. "Compliance Review" means a review of records by the District to determine compliance with this ordinance.
- g. "Community Composting" means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- h. "Compost" has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this ordinance, that "Compost" means the 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.
- i. "Compostable Plastics" or "Compostable Plastic" means plastic materials that meet the ASTM D6400 standard for composability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).
- j. "Container Contamination" or "Contaminated Container" means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- k. "C&D" means construction and demolition debris.
- l. "Designee" means an entity that the District contracts with or otherwise arranges to carry out any of the District's responsibilities of this ordinance 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.
- m. "District Enforcement Official" means the District General Manager or authorized Designee(s) who is/are partially or whole responsible for enforcing the ordinance.
- n. "Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
- o. "Enforcement Action" means an action of the District to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or

using other remedies.

- p. “Excluded Waste” means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the District 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 District’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 District, 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 household batteries and motor oil and filters in compliance with Sections 41500 and 41802 of the California Public Resources Code.
- q. “Food Distributor” means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
- r. “Food Facility” has the same meaning as in Section 113789 of the Health and Safety Code.
- s. “Food Recovery” means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
- t. “Food Recovery Organization” means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:
 - 1. A food bank as defined in Section 113783 of the Health and Safety Code;
 - 2. A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
 - 3. A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7). If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this ordinance.

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

- v. "Food Scraps" means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.
- w. "Food Service Provider" means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
- x. "Food-Soiled Paper" is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.
- y. "Food Waste" means Food Scraps, Food-Soiled Paper, and Compostable Plastics.
- z. "Gray Container" has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.
- aa. "Gray Container Waste" means Solid Waste that is collected in a Gray Container that is part of a three-container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).
- bb. "Green Container" has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.
- cc. "Grocery Store" means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- dd. "Hauler Route" means the designated itinerary or sequence of stops for each segment of the District's collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).
- ee. "High Diversion Organic Waste Processing Facility" means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the "Mixed waste organic collection stream" as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).
- ff. "Inspection" means a site visit where the District reviews records, containers, and an entity's collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).

- gg. "Large Event" means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this ordinance.
- hh. "Large Venue" means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this 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. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this ordinance.
- ii. "Local Education Agency" means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- jj. "Multi-Family Residential Dwelling" or "Multi-Family" means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.
- kk. "Non-Compostable Paper" includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).
- ll. "Non-Organic Recyclables" means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).
- mm. "Notice of Violation (NOV)" means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.
- nn. "Organic Waste Generator" means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).
- oo. "Paper Products" include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- pp. "Printing and Writing Papers" include, but are not limited to, copy, xerographic,

watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).

- qq. “Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the District’s Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the District’s Green Container; (iii) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in District’s Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.
- rr. “Recovered Organic Waste Products” means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).
- ss. “Recovery” means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).
- tt. “Recycled-Content Paper” means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).
- uu. “Renewable Gas” means gas derived from Organic Waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).
- vv. “Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).
- ww. “Route Review” means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).
- xx. “SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.
- yy. “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the purposes of this ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

- zz. “Self-Hauler” means a person, who hauls Solid Waste, Organic Waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).
- aaa. “Single-Family” means of, from, or pertaining to any residential premises with fewer than five (5) units.
- bbb. “Solid Waste” has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:
1. Hazardous waste, as defined in the State Public Resources Code Section 40141.
 2. Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
 3. Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.
- ccc. “Source Separated” means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of the ordinance, Source Separated shall include separation of materials by the generator, property owner, property owner’s employee, property manager, or property manager’s employee into different containers for the purpose of collection such that Source Separated materials are separated from Gray Container Waste or other Solid Waste for the purposes of collection and processing.
- ddd. “Source Separated Green Container Organic Waste” means Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Blue Container Organic Waste, carpets, Non-Compostable Paper, and textiles.
- eee. “Source Separated Blue Container Recyclable Materials” means Source Separated Non-

Organic Recyclables and Source Separated Blue Container Organic Waste.

fff. "State" means the State of California.

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

hhh. "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

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

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

iii. "Tier Two Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

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

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

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

8.03 Requirements for Single-Family Generators

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

- a. Shall subscribe to District's Organic Waste collection services for all Organic Waste generated as described below in Section 9.03. District shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Single-Family generators shall adjust its service level for its collection services as requested by the District.
- b. Shall participate in the District's Organic Waste collection service(s) by placing designated materials in designated containers as described below, and shall not place Prohibited Container Contaminants in collection containers. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

8.04 Requirements for Commercial Businesses

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

- a. Subscribe to District's three container collection services and comply with requirements of those services as described below in Section 9.04, except Commercial Businesses that meet the Self-Hauler requirements in Section 9.07 of this Code. District shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Businesses shall adjust their service level for their collection services as requested by the District.
- b. Except Commercial Businesses that meet the Self-Hauler requirements in Section 9.07 of this Code, participate in the District's Organic Waste collection service(s) by placing designated materials in designated containers as described below. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container or Blue Container.
- c. Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors conforming with this section for employees, contractors, tenants, and customers, consistent with District's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 9.07.
- d. Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal occurs. Such containers do not

need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:

1. A body or lid that conforms with the container colors provided through the collection service provided by District, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
 2. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
- e. Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirement in Section 9.04 pursuant to 14 CCR Section 18984.9(b).
 - f. To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the District's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 9.07.
 - g. Excluding Multi-Family Residential Dwellings, periodically inspect Blue Containers, Green Containers, and Gray Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
 - h. Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials.
 - i. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste and Source Separated Recyclable Materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.
 - j. Provide or arrange access for District or its agent to their properties during all Inspections conducted in accordance with Section 9.09 of this Code to confirm compliance with the requirements of this ordinance.

- k. *If a Commercial Business wants to self haul, meet the Self-Hauler requirements in Section 9.07 of this Code.*
- l. 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).
- m. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 9.06.

8.05 Waivers for Generators

- a. De Minimis Waivers. District may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this ordinance if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in subsection (a)(2) below. Commercial Businesses requesting a de minimis waiver shall:
 - 1. Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in subsection (a)(2) below.
 - 2. Provide documentation that either:
 - (a) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,
 - (b) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.
 - 3. Notify the District if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.
 - 4. Provide written verification of eligibility for de minimis waiver every 5 years, if District has approved de minimis waiver.
- b. Physical Space Waivers. District may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the District has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of Section 9.04.

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

- 1. Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.

2. Provide documentation that the premises lacks adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.
 3. Provide written verification to District that it is still eligible for physical space waiver every five years, if District has approved application for a physical space waiver.
- c. Collection Frequency Waiver. District, at its discretion and in accordance with 14 CCR Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to the District's three-container Organic Waste collection service to arrange for the collection of their Blue Container, Gray Container, or both once every fourteen days, rather than once per week.

8.06 Requirements for Commercial Edible Food Generators

- a. Tier One Commercial Edible Food Generators must comply with the requirements of this Section 9 commencing January 1, 2023, 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 District'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 ordinance 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).

8.07 Requirements for Haulers

- a. Exclusive franchise haulers providing residential, Commercial, or industrial Organic Waste collection services to generators within the District’s boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the District to collect Organic Waste:
 - 1. Through written notice to the District annually on or before January 1, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste.
 - 2. Transport Source Separated Recyclable Materials and Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
 - 3. Obtain approval from the District 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 District’s C&D ordinance.
- b. Exclusive franchise haulers authorized to collect Organic Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement entered into with District.

8.08 Self-Hauler Requirements

- a. Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that District otherwise requires generators to separate for collection in the District’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.

- b. Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
- c. Self-Haulers that are Commercial Businesses (including Multi-Family 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 District. The records shall include the following information:
 - 1. Delivery receipts and weight tickets from the entity accepting the waste.
 - 2. The amount of material in cubic yards or tons transported by the generator to each entity.
 - 3. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
- d. A residential Organic Waste Generator that self hauls Organic Waste is not required to record or report information in subsections (c) and (d).

8.09 Inspections and Investigations by District

- a. District representatives and/or its designated entity, including Designees are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow District to enter the interior of a private residential property for Inspection.
- b. Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the District's employee or its designated entity/Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this ordinance 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 ordinance and may result in penalties described.

- c. Any records obtained by the District during its Inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
- d. District representatives, its designated entity, and/or Designee are authorized to conduct any Inspections, or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.
- e. District shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

8.10 Enforcement

- a. Violation of any provision of this ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the District Enforcement Official or representative. Enforcement Actions under this ordinance are issuance of an administrative citation and assessment of a fine. The District's procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this ordinance and any rule or regulation adopted pursuant to this ordinance, except as otherwise indicated in this ordinance.
- b. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. District may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. District may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of District staff and resources.
- c. Enforcement pursuant to this ordinance may be undertaken by the District Enforcement Official, which may be the District General Manager or designee.
- d. Process for Enforcement
 - 1. District Enforcement Officials and/or their Designee will monitor compliance with the ordinance randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program. Section 9.09 establishes District's right to conduct Inspections and investigations.
 - 2. District may issue an official notification to notify regulated entities of its obligations under the ordinance.
 - 3. District shall issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.
 - 4. Absent compliance by the respondent within the deadline set forth in the Notice of Violation, District shall commence an action to impose penalties, via an administrative citation and fine. Notices shall be sent to "owner" at the official address of the owner

maintained by the tax collector for the District or if no such address is available, to the owner at the address of the dwelling or Commercial property or to the party responsible for paying for the collection services, depending upon available information

e. Penalty Amounts for Types of Violations

The penalty levels are as follows:

1. For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.
2. For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.
3. For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 per violation.

f. Factors Considered in Determining Penalty Amount

The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty amount range:

1. The nature, circumstances, and severity of the violation(s).
2. The violator's ability to pay.
3. The willfulness of the violator's misconduct.
4. Whether the violator took measures to avoid or mitigate violations of this chapter.
5. Evidence of any economic benefit resulting from the violation(s).
6. The deterrent effect of the penalty on the violator.
7. Whether the violation(s) were due to conditions outside the control of the violator.

g. Compliance Deadline Extension Considerations

The District may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with Section 9.10 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 District is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

h. Appeals Process

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

i. Education Period for Non-Compliance

Beginning January 1, 2023 and through December 31, 2023, Jurisdiction will conduct Inspections, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if District 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 to the entity describing its obligations under this ordinance and a notice that compliance is required by January 1, 2023, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

j. Civil Penalties for Non-Compliance

Beginning January 1, 2024, if the District 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 this ordinance, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to Section 9.10, as needed.