

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE AMENDING CHAPTERS 8.44 AND 8.56 OF THE GLENDALE MUNICIPAL CODE, 1995, UPDATING STANDARDS FOR SOLID WASTE AND RECYCLING COLLECTION.

WHEREAS, State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., requires cities to reduce, reuse, and recycle (including composting) solid waste generated in the City to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment; and

WHEREAS, State recycling law, Assembly Bill 341 of 2011 of the Public Resources Code 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 cities to implement a Mandatory Commercial Recycling program.

WHEREAS, State organics recycling law, Assembly Bill 1826 of 2014 added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, 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 cities to implement a recycling program to divert organic waste from businesses subject to the law, and requires cities to implement a mandatory commercial organics recycling program; and

WHEREAS, 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, and that the regulations place requirements on multiple entities including Cities, 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; and

WHEREAS, SB 1383, the Short-lived Climate Pollution Reduction Act of 2016, requires cities to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations; and

WHEREAS, the Legislature of the State of California, by enactment of the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000 et seq.) has declared that it is in the public Interest to authorize and require cities to make adequate provisions for Solid Waste Collection within their jurisdiction; and

WHEREAS, Public Resources Code Section 40059 authorizes the cities to determine all aspects of solid waste handling which are of local concern, including, but

not limited to, frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location and extent of providing solid waste handling service; and

WHEREAS, the City Council has adopted Ordinance No. 5970 adding Section 8.56.170 among others to the Glendale Municipal Code, 1995, authorizing the City to award contracts for solid waste collection services for commercial establishments and multifamily dwellings of five units or more, through an exclusive franchise agreement authorizing and obligating the holder to provide collection services within a franchise zone; and

WHEREAS, requirements in this ordinance are consistent with other adopted goals and policies of the City of Glendale including the City's Zero Waste Plan approved in 2011; and

WHEREAS, the City Council has considered the report dated January 9, 2024, along with the proposed amendments to Chapters 8.44 and 8.56 and by this ordinance amends Title 8 of the Glendale Municipal Code, 1995.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE:

SECTION 1. The above recitals are true and correct.

SECTION 2. Chapter 8.44 of the Glendale Municipal Code, 1995 is amended to read as follows:

8.44.010 Definitions.

The following words and phrases, shall, for the purpose of this chapter have the meanings respectively ascribed to them in this section unless otherwise noted:

“AB 939 Fee” means the fee collected by the city from solid waste service providers used to recover the costs of preparing, adopting and implementing the city’s integrated waste management plan developed pursuant to the state of California’s Integrated Waste Management Act of 1989 (AB 939).

“Automated collection program” means the city’s automated refuse, recycling, and/or organics collection program provided exclusively by the city.

“Automated container” or “automated cart” means a specially designed container capable of holding no more than one hundred (100) gallons, which is typically emptied by an automated side-loading collection vehicle. ~~obtained exclusively through the city by those participating in the automated collection programs.~~

~~“Automated materials collection” means the collection of refuse, organics, and/or recyclable materials by means of an automated collection truck servicing containers~~

~~obtained exclusively through the city and set out for collection in a prescribed manner.~~

“Blue container” means a container where either the lid or the body of the container is blue in color. 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 only Source-Separated Recyclable Materials.

“Bulky items” means solid waste that cannot or would not typically be accommodated within a bin or cart because of its size or shape, including specifically: furniture (including chairs, sofas, mattresses, and rugs) and appliances (including refrigerators, ranges, washers, dryers, water heaters, dishwashers, plumbing, small household appliances and other similar items, commonly known as “white goods”). Bulky items do not include car bodies, auto parts, tires, construction and demolition Debris, or items requiring more than two persons to remove.~~“Bulky items” means solid waste that cannot or would not typically be accommodated within a cart because of its size or shape, including specifically furniture (including chairs, sofas, mattresses, and rugs) and appliances (including refrigerators, ranges, washers, dryers, water heaters, dishwashers, plumbing, small household appliances and other similar items, commonly known as “white goods”).~~

“Business,” “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 multi-family residential dwelling with five (5) or more units, or as otherwise defined in 14 CCR Section 18982(a)(6). A multi-family residential dwelling that consists of fewer than five (5) units is not a commercial business for purposes of implementing this code.

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

“CalRecycle” means California Department of Resources Recycling and Recovery, which is the department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations.

“Commercial edible food generator” includes a tier one or a tier two commercial edible food generator as shall have the same meaning as defined in Public Resources Code 14 CCR § 18982(a)(73) and (a)(74) that may be amended from time to time. For the purposes of this definition, food recovery organizations and food recovery services are not commercial edible food generators.

“Commercial waste hauler” means any person or solid waste service provider who loads, collects, hauls, or transports commercial solid waste, that was generated by another person or its employees or subcontractors in the course of providing its principal service, or manufacturing or constructing or assembling its major product; by

use of any means, including, but not limited to, a dumpster truck, a side-load, front-load, or rear-load garbage truck, or a trailer, or a compactor.

“Compliance review” means a review of private property records by the city to determine compliance with this code.

“Director of public works” means the director of public works or authorized representative.

“Edible food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this code ~~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 code 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.

“Excluded waste” means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the city and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, state, or federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the city, 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 the city, or its designee, to potential liability; but not including de minimis volumes or concentration of waste of a type and amount normally found in ~~single-family or multi-family~~ municipal solid waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code.

“Food” shall have the same meaning as in Health and Safety Code Section 113781 as may be amended from time to time.

“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) as may be amended from time to time. ~~or as otherwise defined in 14 CCR Section 18982(a)(24).~~

“Food recovery organization” means an entity that engages in the collection or receipt of edible food from commercial edible food generators and distributes that edible food to the public for food recovery either directly or through other entities and shall have the same meaning as defined in Public Resources Code 14 CCR Section 18982(a)(25) as may be amended from time to time. ~~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 code 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 code.~~

“Food recovery service” means a person or entity that collects and transports edible food from a commercial edible food generator to a food recovery organization or other entities for food recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A food recovery service is not a commercial edible food generator for the purposes of this code and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

“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.

“Food waste” means food scraps, food-soiled paper, and compostable plastics.

“Franchised Hauler” or “Franchisee” means the sole authorized hauler with exclusive right and privilege to provide Solid Waste Collection services within a pre-determined Zone of the City granted by City to Contractor pursuant to the City’s authority under Article 11, Section 7 of the State of California Constitution and Section 40059 of the Public Resources Code.

“Generator” means a person or entity that is responsible for the initial creation of waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

“Gray container” means a container where either the lid or the body of the container is gray in color. Gray container has the same meaning as in 14 CCR Section 18982.2(a)(28) as may be amended from time to time, and shall be used for the purpose of storage and collection of Refuse.

~~“Gray container waste” means solid waste that is collected in a gray container that is part of a three (3) container organic waste collection service that prohibits the~~

~~placement of organic waste in the gray container as specified in 14 CCR Section 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).~~

“Green container” means a container where either the lid or the body of the container is green in color. Green container has the same meaning as defined in 14 CCR 18982.2(a)(29) as may be amended from time to time, and shall be used for the storage and collection of source-separated green organic waste.

~~“Green waste” or “green material” means any plant material except food material, or as otherwise defined in 14 CCR Section 17852(a)(21).~~

“Gross receipts” means total payment received by solid waste service providers and certified mixed waste processors for the provision of solid waste services, including, but not limited to, receipts for service, container rentals, disposal fees, processing charges and any pass-through fees collected pursuant to AB 939 or as determined by any franchised hauler agreement. Gross receipts do not include proceeds from the sale of recyclable materials to materials brokers, dealers, end users, or a combination thereof.

“Hazardous Waste” means a waste, or combination of wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics, may do either of the following: (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of or otherwise managed. ‘Hazardous Waste’ includes all substances defined as Hazardous Waste, Acutely Hazardous Waste, or extremely Hazardous Waste by the State of California in Health and Safety Code §25110.02, §25115, and §25117; as well as Section 40141 of the Public Resources Code, Division 30, Part 1, Chapter, and as these may be subsequently defined; or in the future amendments to or recodifications of such statutes, or identified and listed as Hazardous Waste by the US Environmental Protection Agency (EPA), pursuant to the Federal Resource Conservation and Recovery Act (42 USC §6901 et seq.), all future amendments thereto, and all rules and regulations promulgated there under. Where there is a conflict in the definitions employed by two or more agencies having jurisdiction over hazardous or solid waste, the term “Hazardous Waste” shall be construed to have the broader, more encompassing definition.

~~—“Hazardous waste” means hazardous waste as defined as hazardous by Section 40141 of the Public Resources Code, Division 30, Part 1, Chapter 2, and as that section may be subsequently amended.~~

~~—“Inert debris” means non-putrescible solid material which includes, without limitation, soil, rock, gravel, concrete, asphalt, brick, ceramics, and similar material that does not contain hazardous waste, radioactive waste, medical waste, soluble pollutants, or decomposable matter.~~

“Large event” has the same meaning as defined in Section 18982(a)(38) of the California Public Resources Code as may be amended from time to time 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 two thousand (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 code.~~

“Large venue” means a permanent venue facility that annually seats or serves an average of more than two thousand (2,000) individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this code 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 code and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one (1) 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 code.

“Medical waste” means waste materials regulated pursuant to the Medical Waste Management Act, Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code as may be amended from time to time. ~~and as that section may be subsequently amended.~~

“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.~~

“Organics” and “organic material” means solid organic wastes containing material originated from living organisms and their metabolic waste products, including, but not limited to, food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges, or as otherwise defined in 14 CCR Section 18882(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

“Organic waste” means solid waste containing material originated from living organisms and their metabolic waste products, including, but not limited to, food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges or

as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are defined by 14 CCR Section 18982(a).

“Organic Waste Generator” means a person or entity that is responsible for the initial creation of organic waste 14 CCR Section 18982(a)(48) as may be amended from time to time.

“Person” means an individual, association, firm, limited liability company, partnership, political subdivision, government agency, municipality, public or private corporation, or any other entity whatsoever.

“Place of business” means the situs of any commercial, industrial, or private nonprofit enterprise, whether operating as a sole proprietorship, partnership, limited liability company, corporation, or otherwise, including, without limitation, any retail or wholesale outlet, hotel or motel, restaurant, market, hospital or other health care facility, or private school, church or club. With the exception of tenants of residential multi-family properties, each tenant of a commercial building is a separate place of business.

“Prohibited container contaminants” means the following: (1) discarded materials placed in the blue container that are not identified as acceptable source-separated recyclable materials for the city’s blue container; (2) discarded materials placed in the green container that are not identified as acceptable source-separated green container organic waste for the city’s green container; (3) discarded materials placed in the gray container that are acceptable source-separated recyclable materials and or source-separated green container organic wastes to be placed in the city’s green container and or blue container; and excluded waste placed in any container.

“Recyclable material” and “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).

“Refuse” means discarded waste or garbage that may be mixed with or contain nonorganic material, or processed industrial materials. The term is used interchangeably with gray container waste. ‘Refuse’ does not include any construction and demolition debris generated from applicable projects as defined in Chapter 8.58 of this title.

“Residential property” means of, from, or pertaining to a single-family home or properties with two to four units who receive collection services directly from the city.

“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).

“SB 1383” means Senate Bill 1383 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 29730.7, 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.

“Self-hauler” means a person, who hauls ~~refuse,~~recyclables or organic 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). ‘Backhaul’ means generating and transporting organic waste to a destination owned and operated by the generator using the generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).

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

“Solid waste” or “Municipal Solid Waste” has the same meaning as defined in State Public Resources Code Section 40191, which defines solid waste as all putrescible and non-putrescible 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 semisolid 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, as defined in the Medical Waste Management Act, Part 14, commencing with Section 117600 of Division 104 of the Health and Safety Code and as that section may be subsequently amended.~~

“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 code, 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/mixed waste or other solid waste for the purposes of collection and processing.

"Tier one commercial edible food generator" means a commercial edible food generator that is one (1) of the following:

1. Supermarket.
2. Grocery store with a total facility size equal to or greater than ten thousand (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 code.

"Tier two commercial edible food generator" means a commercial edible food generator that is one (1) of the following:

1. Restaurant with two hundred fifty (250) or more seats, or a total facility size equal to or greater than five thousand (5,000) square feet.
2. Hotel with an on-site food facility and two hundred (200) or more rooms.
3. Health facility with an on-site food facility and one hundred (100) or more beds.
4. Large venue.
5. Large event.
6. A state agency with a cafeteria with two hundred fifty (250) or more seats or total cafeteria facility size equal to or greater than five thousand (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)(73) of tier two commercial edible food generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this code.

“Universal waste” means household electronics and equipment that may be considered hazardous upon disposal, or as otherwise defined in the California Code of Regulations (CCR) at Title 22 Social Security Division 4.5, Environmental Health Standards for the Management of Hazardous Waste, and as that section may be subsequently amended.

8.44.020 Safe and sanitary storage.

The primary responsibility for proper handling of solid waste generated or accumulated on any premises shall be on the generator of the solid waste. Should the generator refuse, neglect or fail to provide for the proper handling of solid waste in accordance with this chapter, the owner of the premises within or upon which the solid waste had been generated or accumulated shall provide for proper handling of the solid waste in accordance with the provisions of this chapter.

No person shall dump, deposit, place, burn or bury in or upon any lot, public space, or in water or waterway, any refuse, ~~green material~~ organics, recyclable material, deleterious or offensive substances. This section shall not apply to any land used by the city as a disposal or reclamation site.

8.44.030 Accumulation of material.

Premises will be kept in a clean and sanitary condition, and any refuse shall not be permitted to accumulate on premises for a period in excess of one (1) calendar week, except as provided for in Section 8.44.040. ~~Green material~~ Organics or other recyclable material shall not be permitted to accumulate on premises for a period of more than fifteen (15) days; ~~excess of one (1) calendar month;~~ provided, however, that this provision shall not be construed to interfere with any person keeping building materials upon premises during the construction, reconstruction or repair of a building or structure thereon under a current valid building permit, keeping of wood neatly piled upon such premises for household use, nor managing a backyard composting area that is properly maintained.

8.44.040 Minimum collection schedules.

To prevent propagation of nuisances, refuse, recyclables, and organic material shall not be allowed to remain on the premises for more than the period allowed by Section 8.44.030, except when:

- A. Disruptions occur due to strike; or
- B. Severe weather conditions or “Acts of God” make collection impossible using normal collection equipment; or
- C. Official holidays interrupt the normal seven (7) day collection cycle in which case collection may be postponed until the next working day; or

D. Where deemed necessary by the director of public works that more frequent removal of refuse shall be required for the protection of public health.

8.44.050 Ownership of materials.

Title to materials becomes the property of the collector once placed in the collection containers and placed at an area for servicing by the collector. Title to any prohibited material placed in collection containers shall remain with the generator unless expressly accepted by the collector. All ownership and the rights to recyclable material shall be vested to the collector once such recyclables have been placed in the designated collection container by the resident or commercial entity. All ownership and title rights to recyclable materials shall be transferred to the authorized collector at the time the collector removes the material from the designated collection location. Scavenging is prohibited in the city.

8.44.060 Prohibited material.

A. No person shall place or deposit in any refuse, recyclable material, or organics material-container for collection pursuant to this chapter, excluded wastes, hypodermic needles, medicines, pills, medical waste, rocks, electronic waste; human waste and other potentially infectious material, poisons, caustic acids, motor oils, liquids of any kind, explosives, asbestos; or similar dangerous substances, or hazardous waste as defined in Public Resources Code Section 40141, or low level radioactive waste regulated under Chapter 7.6 of Division 20 of the Health and Safety Code, or medical waste regulated under Chapter 6.1 of Division 20 of the Health and Safety Code.

B. Under no circumstances shall clothing, bedding, or other articles from any home or place where any infectious or contagious disease has prevailed be deposited in such container. The owner or occupant of any premises where an infectious or contagious disease has prevailed shall forthwith notify the city and shall dispose of articles which are or might be affected in accordance with directions.

C. No person shall place the body of any dead animal in any street or park or in any gray container, green container or blue container. The bodies of any dead animals shall be promptly removed as directed by the appropriate local agency. ~~the health officer of the city. In case the owner of such dead animal is known and removal is accomplished by the city, said owner shall pay the cost of removal of such animal. The city manager shall fix the charges to be paid for the removal of dead animals.~~

D. No person shall place in the city residential collection service container any item which is too large or heavy to be included for regular solid waste collection.

8.44.070 Bulky items and universal waste.

~~Upon a residential occupant's advance notice to the city,~~ Residential property customers shall be allowed to place waste which by reason of its character cannot

practically be placed in such receptacles, including bulky items and universal waste, upon advance notice to the City.

The city shall receive requests for and provide for the collection of certain bulky items and universal waste from residential property customers of the city who shall request such service. ~~Items unacceptable for bulky item collections include car bodies, auto parts, tires, construction and demolition debris, or items requiring at least three (3) persons to remove.~~ No bulky items or universal waste shall be collected from private property. All bulky items and universal waste shall be placed at and atop the curb, and not in the street or alley, and should be a minimum of five (5) feet away from any fixed object or parked vehicle.

8.44.080 Collection requirements—All generators.

A. Waste generators shall source-separate their waste into recyclables, organics, and refuse. Generators shall place source-separated yard trimmings and organic waste, including food scraps, in the green container; source-separated recyclable materials in the blue container; and refuse in the gray container. The city may determine that streams can be combined in the event that the city or a city-permitted hauler is able to collect materials as a single stream for delivery to a state-certified high-diversion organic waste processing facility.

B. No generator may mix recyclables, organics or refuse, or deposit one type in a collection container designated for another type, except as provided for in this chapter. Generators shall not place prohibited container contaminants in the green, blue or gray containers.

C. Residential waste generators shall subscribe to the city's gray container, blue container and green container collection services for all waste generated. Commercial waste generators shall subscribe to gray container, blue container and green container services provided by the designated commercial franchised hauler. ~~commercial hauler holding a valid city permit for this purpose~~ Generators may additionally manage their waste by preventing or reducing waste, managing organic waste on site, self-hauling organics or recyclables, and/or using a community composting site pursuant to 14 CCR Section 18984.9(c).

D. It shall be the responsibility of the generator whose solid waste was not removed because it contained recyclables or organics to properly separate materials from the uncollected refuse for proper recycling. Allowing such unseparated solid waste to accumulate as per Section 8.44.030 will be considered a violation of this code.

E. The generator is responsible for ensuring that materials are confined in the collection container in a way that would prevent spillage on streets.

8.44.081 Collection requirements—Single-family Residential property generators.

A. On the collection day designated by the city, occupants of those places or premises participating in the city's automated refuse collection programs shall place the automated containers along the street curb in front of the premises, or along the alley in the rear thereof depending upon whether the prescribed collection route is along the street or alley. Automated containers shall be placed at the edge of the curb on either side of the driveway in front of the premises at a minimum of three (3) feet from any parked car and at a minimum of one (1) foot between each automated cart. Such containers shall be placed so that the embossed arrow on the lid faces the street.

B. No person shall place any container in any public highway, street, or alley at any place other than on the collection day established by the city on the particular route. No container shall be placed for collection before 3:00 p.m. on the day immediately prior to the scheduled collection day. No person shall permit the containers to remain on or immediately adjacent to a street or alley after 8:00 p.m. of the collection day.

8.44.082 Collection requirements—Commercial generators.

Generators that are commercial businesses, including multi-family residential dwellings, shall:

A. Subscribe to and pay for collection services for all waste generated. Businesses and multi-family residential dwellings that generate more than two (2) cubic yards per week must subscribe to collection services for recyclable and organic material from the designated franchise hauler. Owners of such properties are responsible for any failure to subscribe to or pay for sufficient levels of collection service. Nothing in this section shall preclude a generator from self-hauling recyclable or organic material generated at the property to a recycling facility or composting site as long as the business holds a properly executed exemption from the city.

B. Provide an accessible location for sufficient levels of service with collector(s) for refuse, recyclables, and organics, except as provided for in this code.

C. Supply and allow access to adequate number, size, and location of collection containers with sufficient labels or colors for employees, contractors, and tenants, consistent with the city's collection service requirements or, if self-hauling, per the commercial businesses' instructions to support its compliance with its self-haul program. The city shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate the adequacy of capacity provided for. Each type of collection service for proper separation and containment of materials, and businesses shall adjust their service level for their collection services as requested by the city.

D. Excluding multi-family residential dwellings, provide for the collection of source-separated recyclable and organic materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a commercial business does not generate any of the materials that would be collected in one (1) type

of container, then the business does not have to provide that particular container in all areas where refuse disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the businesses shall have either:

1. A body or lid that conforms with the container colors specified in Section 8.44.080. 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 for those containers, or prior to January 1, 2036, whichever comes first. Multi-family residential dwellings are not required to comply with this requirement.

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 to 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022. Multi-family residential dwellings are not required to comply with this requirement.

E. Participate in collection service(s) by placing designated materials in designated containers.

F. Commercial businesses that are tier one or tier two commercial edible food generators shall comply with food recovery requirements, pursuant to Section 8.44.083.

G. To the extent practicable 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 franchised hauler's city's blue container, green container, and gray container collection service requirements or, if self-hauling recyclables or organics material, per the commercial businesses' instructions to support its compliance with its self-haul program.

H. Excluding multi-family residential dwellings, periodically inspect blue, green, 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).

I. Annually provide information to employees, contractors, tenants, and customers about waste diversion requirements and about proper sorting of source-separated green container organic waste and source-separated blue container recyclable materials.

J. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep source-separated green container organic waste and source-separated blue container

recyclable materials separate from gray container waste and the location of containers and the rules governing their use at each property.

K. Provide or arrange access for the city or its agent to their properties during all inspections conducted in accordance with this chapter to confirm compliance with the requirements of this chapter.

L. If the collection service is provided by a permitted hauler who collects material as a single stream and delivers material to a high diversion facility, all materials may be placed in a gray container.

M. If a commercial business wants to self-haul recyclable or organics material, generators must meet the self-haul requirements of this chapter.

N. Nothing in this section prohibits a generator from preventing or reducing waste generation, managing waste on site, or using a community composting site pursuant to 14 CCR Section 18984.9(c).

8.44.083 Requirements for commercial edible food generators.

A. Tier one commercial edible food generators must comply with the requirements of this section commencing January 1, 2022, and tier two commercial edible food generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.

B. Large venue or large event operators not providing food services, but allowing for food to be provided by others, shall require food service providers as defined by Section 113789 of the Health and Safety Code 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: (a) the collection of edible food for food recovery; or (b) acceptance of the edible food that the commercial edible food generator self-hauls to the food recovery organization for food recovery.

3. Shall not intentionally spoil edible food that is capable of being recovered by a food recovery organization or a food recovery service.

4. Allow the city's designated enforcement agent or designated third party enforcement agent 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 code 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).

8.44.084 Requirements for food recovery organizations and services.

A. Food recovery services collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

1. The name, address, and contact information for each commercial edible food generator from which the service collects edible food.

2. The quantity in pounds of edible food collected from each commercial edible food generator per month.

3. The quantity in pounds of edible food transported to each food recovery organization per month.

4. The name, address, and contact information for each food recovery organization to which the food recovery service transports edible food.

B. Food recovery organization is collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

1. The name, address, and contact information for each commercial edible food generator from which the organization receives edible food.

2. The quantity in pounds of edible food received from each commercial edible food generator per month.

3. The name, address, and contact information for each food recovery service that the organization receives edible food from for food recovery.

C. Food recovery organizations and food recovery services that have their primary address physically located in the city and contract with or have written agreements with one (1) or more commercial edible food generators pursuant to 14 CCR Section 18991.3(b) shall report to the city the total pounds of edible food recovered in the previous calendar year from the tier one and tier two commercial edible food generators they have established a contract or written agreement with pursuant to 14. CCR Section 18991.3(b).

8.44.085 Food recovery capacity planning.

Food recovery services and food recovery organizations operating in the city shall provide information and consultation to the city, upon request, regarding existing, or proposed new or expanded, food recovery capacity that could be accessed by the city and its commercial edible food generators. A food recovery service or food recovery organization contacted by the city shall respond to such request for information within sixty (60) days, unless a shorter timeframe is otherwise specified by the city.

8.44.086 Collection service requirements at commercial special events.

For a community special event requiring a commercial special event permit from the city, the permit holder shall provide recycling receptacles throughout the event venue. The number of recycling receptacles shall equal the number of solid waste receptacles, placed next to each other, and be clearly marked to identify recyclables

and organics to insure proper recycling. For events with a collection service provided by a single-stream hauler, outreach materials must provide information to that effect. The responsible permit holder shall ensure the delivery of materials to a recycling center or a certified high-diversion material processing facility, and shall not be delivered to a landfill for disposal.

8.44.090 Receptacles—General requirements.

A. Except as provided in subsection B of this section, every person having charge or control of any place or premises in the city where gray container waste, blue container materials and green container materials accumulates shall place and keep the same in a receptacle of the type or kind prescribed by the director of public works; provided, that where such solid waste is of such character that it is impractical to place it in such receptacles, as determined by the director of public works, such solid waste need not be placed therein. Persons having charge or control of such receptacles shall keep them free from all rough or jagged surfaces which would be likely to cause injury to persons lifting them.

B. Occupants of those places or premises that are included in the City's automated refuse collection program shall place and keep all gray container waste, blue container material and green container material accumulating on such premises only in the designated collection containers obtained for city services for use in the automated collection programs. Such automated containers shall remain at all times the property of the city. At no time and under no circumstances shall automated container(s) be moved or removed from the place or premises to which they were assigned. Such automated containers will be repaired and maintained by the city at no additional cost provided the damage is not due to customer abuse or negligence. Automated containers that are stolen will be replaced at no cost.

C. The city shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containments of materials; and generators shall adjust service levels for its collection services as requested by the city.

8.44.091 Receptacles—Dimensions.

A. Except as otherwise provided in this chapter, ~~for participants in the automated refuse collection program,~~ the receptacles in which refuse shall be placed and kept for collection by the city or by private collectors, shall be sturdy, of durable metal or plastic, tapered, and with tight-fitting lids or disposable paper or plastic bags manufactured for the purpose of keeping refuse as defined in Section 8.44.010. Each receptacle shall be of the type which does not permit the contents thereof to sift or pass through any openings therein. Each receptacle shall have a tight-fitting lid which secures to the receptacle in such a manner as to prevent as best as practicable the entry therein by coyotes, dogs, cats, rodents or other animals. Size or weight limitations do not apply to metal bins that are to be handled by mechanical means.

B. Occupants of those places or premises included in the City's automated collection program shall use only the approved automated refuse containers for such programs to be obtained exclusively through the city.

8.44.092 Receptacles—Name of businesses printed legibly.

Except as otherwise provided in this chapter for participants in the automated refuse collection program, each receptacle used by a place of business shall have the namestreet number of the business printedmarked clearly and legibly upon the receptacle's outer surface in letters at least two (2) inches in height.

8.44.093 Receptacles—Commercial and industrial.

Every waste collector who owns, rents or controls any container, bin or other equipment used for the storage of garbage, industrial waste, market refuse or rubbish shall place and maintain on the outside of such container, bin or other equipment, in legible letters and numerals, not less than two (2) inches in height, such waste collector's name or firm name and telephone number.

8.44.094 Receptacles—Separate units required.

A. ~~Except as otherwise provided in this chapter,~~ Each residential property, each place of business and each multi-family residential dwelling ~~or apartment house~~ accumulating or producing refuse shall provide its own receptacle or receptacles or shall use the receptacles furnished by the city or the city's designated franchised hauler as provided in this chapter for keeping, depositing or accumulating refuse originating on the premises.

~~—B. No receptacle common to two (2) or more such places shall be set out for collection by the city unless and until a permit therefor has been issued by the division of public works of the city.~~

B. No person shall cause to be deposited or shall deposit any refuse in any receptacle of a place of business or multiple dwelling or apartment house with which such person is not directly connected.

8.44.095 Receptacles—Cleaning.

It shall be the responsibility of the generator to ensure that all refuse bins and containers are kept thoroughly cleaned and all grease and adherent materials removed on a regular basis to control odor, residual debris and contaminants.

8.44.096 Receptacles—Maintenance of receptacle area.

Every owner, tenant, occupant or person owning or having the care of any premises shall keep his or her premises in a clean and sanitary condition, and no

person shall permit any sewage effluent, excrement, slop or stagnant water, butcher offal, market refuse, garbage, dead animals, rubbish, cans, wastepaper, filth of any kind or any other substance that may become offensive, to be deposited or remain in or upon any premises owned or occupied by him or her or under his or her control, except as otherwise provided by law.

8.44.100 Fees—Liability—Billing.

The council finds that the periodic collection of refuse from all places in the city benefits all occupants of places and premises in the city and, therefore, all such persons occupants are made liable for the refuse collection fees prescribed by this chapter. In the case of premises serviced by the City's collection service containing more than one (1) dwelling unit or place of business or both, which are served by a single electric meter, such fees may be billed to the landlord who shall collect such fees levied against the occupants of the dwelling units ~~or places of business~~ located on such premises and shall transmit the amount so collected to the city. In the event the landlord fails to collect such fees from any such occupant and remit the same to the city the landlord shall be liable to the city for payment of such fees.

8.44.110 Collection charges—Established by council.

All charges for refuse collection shall be established or modified by resolution of the city council. The schedule of fees shall remain on file and be available in the office of the City Clerk ~~director of public works~~. The director of public works shall, with the approval of the city manager, recommend changes in the above fees when the cost of refuse collection makes it appropriate.

8.44.111 Collection charges—Payment.

A Payments for regular collection services provided by the City shall be payable to the City. Payments for collection services provided by a City-designated franchised hauler shall be payable directly to that franchised hauler. ~~Payment by landlord or occupants of places of business for weekly collection in excess of ten (10) cubic feet per week shall be made monthly in advance to the city on the first day of the month.~~

B. Special service charges for other than regular collections shall be payable to the city's duly authorized representative upon presentation of a bill for such services.

8.44.112 Collection charges—Advance payment—Refund.

Minimum fees paid in advance for city-provided services may be refunded upon the approval of the director of public works for any calendar month or major fraction thereof during which the applicant for refund was not an occupant or in legal possession of the premises for which the fee was paid. ~~Fees paid in advance for extra services to places of business may be refunded for any full calendar month after the city has received written notice to discontinue the extra service for which fees have been paid in advance;~~

~~provided, that the minimum fee prescribed by this chapter shall be withheld by the city unless the applicant for refund is also entitled to a refund of the minimum fee as provided in this chapter. Application for refund shall be filed with the director of public works within six (6) months after expiration of the calendar month for which the refund is sought and shall be made upon forms prescribed by the director of public works.~~

8.44.120 Fee—Debt against occupant.

A fee imposed by this chapter shall be a civil debt owing to the city from the ~~occupant persons of the property~~ receiving the service.

8.44.130 Collection—Authority.

The director of public works shall supervise the collection and removal of all refuse, recyclable material, and organics in the city.

A. Commercial Waste Hauler Collection Services. The director of public works shall have the authority to promulgate rules and regulations concerning the collection and management of materials by commercial franchised haulers operating within the city.

B. The director of public works may make such rules not inconsistent with the provisions of this chapter as may be necessary, reasonable and proper to effect the expeditious, economical and efficient collection and removal of refuse, recyclable material, and organics within the city.

8.44.131 Collection—Limitation on quantity.

A. Service levels and frequency for commercial collection services shall be determined by the generator in consultation with the City's franchised hauler. All material must be contained in the bin or cart provided by the City's franchised hauler. ~~Except for participants in the automated refuse collection program, no person in charge of any place of business, which is paying only the minimum charge for collection of refuse, shall set out or cause to be set out for collection during any one (1) week more than ten (10) cubic feet of refuse. If collection of additional quantities of refuse is desired application shall first be made for additional service to the City's franchised hauler.~~

B. ~~No person in charge of any place of business included in the automated refuse collection program, which is paying only the minimum charge for collection of refuse, shall set out for collection during any one (1) week more than one (1) one hundred (100) gallon automated container of refuse. Placement of container must receive prior approval of the director of public works. The person in charge of the place of business is responsible for the care and cleanliness of the container. The container remains the property of the franchised hauler providing the collection service-city.~~

8.44.140 Backyard composting and management of organics.

Residents shall be allowed to compost organic waste in their backyards, or at city-designated regional gardens where compostable organics are managed. Residents who participate in backyard composting must maintain their composting area in accordance with acceptable standards and regulations set forth by the city and the Los Angeles County health department. Materials allowed for composting in backyards include all garden waste, food waste with the exception of diseased or insect infested plants, animal wastes or meat and dairy wastes. All composting areas must be maintained to minimize the potential for odors and rodents. Moisture should be regulated to eliminate any standing waste near or around the composting area. Nothing shall preclude a resident to allow the removal of green material from the property by a landscaper.

8.44.150 Self-hauler requirements.

Nothing in this chapter shall limit the right of any person or business to donate, sell, or transport recyclable or organic material that they generate to a facility that holds all applicable permits provided that any such activity is in accordance with the provisions of this chapter. The ownership of recyclable materials is considered the property of the generator, until the material is placed in the authorized collector's container.

A. Self-haulers shall source-separate all recyclable materials and organic waste 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 city. The records shall include the following information:

1. Delivery receipts and weight tickets from the entity accepting the waste.
2. The amount of material in cubic yards or tons transported by the generator to each entity.
3. If the material is transported to an entity that does not have scales on site, or employs scales incapable of weighing the self-hauler's vehicle in a manner that allows it to determine the weight of materials received, the self-hauler is not required to record the weight of material but shall keep a record of the entities that received the organic waste.

D. Self-haulers that are commercial businesses (including multi-family self-haulers) must register with the city, and shall provide information collected in subsection C to the city.

E. A residential organic waste generator that self-hauls organic waste is not required to record or report this information.

8.44.160 Waivers for generators.

A. De Minimis Waiver. The city may waive a commercial business' obligation (including multi-family residential dwellings) to comply with some or all of the organic waste requirements of this chapter if the commercial business provides documentation that the business generates below a certain amount of organic waste material as described 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 that either:

a. The commercial business' total solid waste collection service is two (2) cubic yards or more per week and organic waste subject to collection in a green container comprises less than twenty (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 (2) cubic yards per week and organic waste subject to collection in a green container comprises less than ten (10) gallons per week per applicable container of the business' total waste.

2. Notify the city if circumstances change such that commercial business's organic waste exceeds threshold required for waiver, in which case waiver will be rescinded.

3. Provide written verification of eligibility for de minimis waiver every five (5) years, if the city has approved a de minimis waiver.

B. Physical Space Waiver. The city may waive a commercial business' or property owner's obligations (including multi-family residential dwellings) to comply with some or all of the recyclable materials and/or organic waste collection service requirements if the city has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the organic waste collection requirements. A commercial business or property owner may request a physical space waiver through the following process:

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

2. Provide documentation that the premises lack adequate space for blue containers and/or green containers including documentation from its hauler, licensed architect, or licensed engineer.

3. Provide written verification to the city that it is still eligible for physical space waiver every five years, if the city has an approved application for a physical space waiver.

C. Review and Approval of Waivers by City. An application for a waiver shall be submitted to the city on a form prescribed by the city. After reviewing the request, the city shall either approve or disapprove the waiver request. Only the city has authority to issue a waiver and this authority cannot be delegated to a private entity pursuant to SB 1383 regulations.

A business subscribed to a single-stream collection service provided by its hauler is not considered exempt from the diversion requirement since the material diversion service is being provided by the hauler.

8.44.165 Diversion requirements for haulers and facility operators.

A. Haulers providing commercial or industrial organic waste collection services to generators within the city's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the city to collect organic waste:

1. Through written notice to the city annually on or before July 1, 2021, identify the facilities to which they will transport organic waste including facilities for source-separated recyclable materials, source-separated organic waste, and mixed waste.

2. Transport source-separated recyclable materials, source-separated organic waste, and mixed 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 city to haul organic waste, unless it is transporting source-separated organic waste to a community composting site or lawfully transporting construction and demolition materials in a manner that complies with 14 CCR Section 18989.1, Section 8.44.070 of this chapter, and Glendale Municipal Code Chapter 8.58.

4. Haulers with authorization to collect organic waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement, permit, license, or other agreement entered into with the city.

B. Requirements for Facility Operators and Community Composting Operations.

1. Owners of facilities, operations, and activities that recover organic waste, including, but not limited to, compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon city request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the city shall respond within sixty (60) days.

2. Community composting operators, upon city request, shall provide information to the city to support organic waste capacity planning, including, but not limited to, an estimate of the amount of organic waste anticipated to be handled at the community composting operation. Entities contacted by the city shall respond within sixty (60) days.

8.44.170 Inspections and investigations by city.

A. City representatives and/or designees are authorized to conduct inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, disposal facility for materials collected from generators, or source-separated materials to confirm compliance with this code by organic waste generators, commercial businesses, multi-family residential dwellings, property owners, commercial edible food generators, commercial waste haulers, self-haulers, food recovery services, and food recovery organizations, subject to applicable laws. This section does not allow the city or its designee to enter the interior of a private residential property for inspection.

B. Regulated entity shall provide or arrange for access during all inspections (with the exception of residential property interiors) and shall cooperate with the city's employee or its designee during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, edible food recovery activities, records, or any other requirement of this chapter described herein. Failure to provide or arrange for: (1) access to an entity's premises; or (2) access to records for any inspection or investigation is a violation of this code and may result in penalties described.

C. Any records obtained by the city during its inspections, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.

D. City representatives and/or designees are authorized to conduct any inspections, or other investigations as reasonably necessary to further the goals of this chapter, subject to applicable laws.

E. The city shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 regulations, including receipt of anonymous complaints.

8.44.180 Enforcement.

A. Violation of any provision of this chapter shall constitute grounds for administrative citation under Chapter 1.24 of this code, subject to all procedures of that section, except as otherwise indicated in this chapter. The director of public works or their designee shall have and exercise the power:

1. To issue notices of violation in accordance with the provisions of this chapter.
2. To issue administrative citations for the violation of any of the provisions of this chapter.
3. To conduct inspections and investigations according to the provisions of this chapter.

B. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. The city may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. The city may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of city staff and resources.

C. Process for Enforcement.

1. The director of public works or a designee will monitor compliance with this chapter randomly and through compliance reviews, route reviews, investigation of complaints, and an inspection program.

2. The city may issue an official notification to notify regulated entities of its obligations under this chapter. Notices will be sent to "owner" at the official address of the owner maintained by the tax collector for the city or if no such address is available, to the owner at the address of the dwelling or commercial property or to the party responsible for paying for the collection services, depending upon available information.

3. For incidences of prohibited container contaminants found in containers, the city will issue a notice of violation to any generator found to have prohibited container contaminants in a container. Such notice will be provided via a cart tag or other communication immediately upon identification of the prohibited container contaminants or within three (3) days after determining that a violation has occurred. If the city observes prohibited container contaminants in a generator's containers on more than three (3) consecutive occasion(s), the city may assess contamination processing fees or contamination penalties on the generator.

4. With the exception of violations of generator contamination of container contents addressed under subsection (C)(3), the city shall issue a notice of violation requiring compliance within sixty (60) days of issuance of the notice.

5. Absent compliance by the respondent within the deadline set forth in the notice of violation, the city shall commence an action to impose penalties, via an administrative citation and fine, pursuant to the city's administrative citation procedure contained in Chapter 1.24.

D. Penalty Amounts for Types of Violations. Penalty amounts for a first, second, and third violation of provisions of this chapter shall be established or modified by resolution of the city council.

~~E. 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.~~

EF. Compliance Deadline Extension Considerations. The city may extend the compliance deadlines set forth in a notice of violation issued in accordance with subsection A if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

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

FG. Education Period for Noncompliance. Beginning January 1, 2022 and through December 31, 2023, the city will conduct inspections, route reviews or waste evaluations, and compliance reviews, depending upon the type of regulated entity, to determine compliance, and if city determines that organic waste generator, self-hauler, 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 chapter and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

GH. Civil Penalties for Noncompliance. Beginning January 1, 2024, if the city 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 chapter, it shall document the noncompliance or violation, issue a notice of violation, and take enforcement action pursuant to this section, as needed.

SECTION 3. Chapter 8.56 of the Glendale Municipal Code, 1995 is amended to read as follows: The council of the city finds and declares as follows:

8.56.010 Findings

A. The city presently owns approximately three hundred forty-five (345) acres of land, known as Scholl Canyon landfill, situated in the city, which is currently used for the disposal of solid waste generated within the city and in surrounding jurisdictions.

B. Over the past ten (10) years, an average of six hundred thousand (600,000) tons of solid waste has been deposited annually in the Scholl Canyon landfill.

C. It is anticipated that the remaining landfill space at Scholl Canyon would be exhausted at or near the year 2008.

D. A unified city policy should be formulated to ensure the prolonged life of the landfill space at Scholl Canyon.

E. The use of Scholl Canyon landfill by surrounding jurisdictions creates a benefit for such jurisdictions who are able to utilize the landfill without the burdens the owner/operator must bear.

F. As a result of having a landfill within its borders, the city faces liability risks under RCRA and CERCLA as well as additional regulatory requirements under both state and federal law which regulatory requirements do not apply to nonowner/operators of landfills. Pursuant to such additional regulatory burdens, the city faces increased liability exposure, which exposure cannot be reasonably ameliorated through insurance or other means.

G. Given the aforementioned, it is in the best interests of the citizens of the city to not only manage the solid waste disposed of in Scholl Canyon so as to effectively and in an environmentally sound manner extend the useful life of the currently available landfill space at Scholl Canyon, but also to insure that appropriate funding is available to meet the regulatory requirements and liability exposure now and in the future.

H. It will be necessary for the city to acquire funds in order to pay for the costs associated with not only formulating effective materials reduction policies in developing methods for extending the use of the life of the landfill, but also to protect the city from any additional costs associated with further regulatory actions and/or liability exposure pursuant to state and/or federal law.

8.56.020 Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the meanings set forth in this section. Reference is made to definitions set forth in Section 8.44.010 of this title which also apply to this chapter:

“Account holder” means any person or entity enumerated in Section 8.56.060(A) of this chapter who disposes or tenders for disposal any waste or refuse as set forth in said section, in the amount of two thousand (2,000) pounds or more at any one (1) time and who shall be required to establish and maintain an account with the operator of the Scholl Canyon landfill.

“Host fee” means and includes a levy of a special use fee which is equal to twenty-five (25) percent of the prevailing schedule of fees charged for the disposal of refuse or solid waste at the Scholl Canyon landfill.

“Prevailing schedule of fees” means the currently assessed fees imposed on all account holders of Scholl Canyon landfill.

8.56.030 Scholl Canyon landfill.

Whenever a qualified user disposes of solid waste or refuse at the Scholl Canyon landfill, such qualified user shall pay a host fee equal to a charge of twenty-five (25) percent in excess of the prevailing schedule of fees charged for the disposal of solid waste at Scholl Canyon landfill. There is specifically exempted from the imposition of this host fee all solid waste disposed of by collection vehicles owned and operated by the city.

8.56.060 Disposal of refuse prohibited.

A. No individual, partnership, committee, association, corporation, public agency, public entity or any other organization or group of persons, public or private, shall dispose or tender for disposal within the city, any refuse or waste which has its origin

within any city which either owns, operates, maintains or regulates a Class I or Class III nonrestricted sanitary landfill as defined by the State Water Resources Control Board, or is entitled to the use or possession of a Class I or Class III nonrestricted sanitary landfill site within its municipal limits. Furthermore, a wasteshed area is identified as the only geographical area and the communities within, permitted to use Scholl Canyon landfill for the disposal of acceptable wastes that originate within such area. The director of public works shall restrict or limit the use of Scholl Canyon landfill to any community in the defined wasteshed area which fails to undertake and implement waste reduction measures approved by the director of public works and aimed at limiting the amount of refuse deposited at Scholl Canyon landfill. The wasteshed area is specifically described as the Los Angeles County incorporated cities of Glendale, La Canada Flintridge, Pasadena, South Pasadena, San Marino and Sierra Madre; the Los Angeles County unincorporated communities known as Altadena, La Crescenta, Montrose; the unincorporated area bordered by the incorporated cities of San Gabriel, Rosemead, Temple City, Arcadia and Pasadena; and the unincorporated area immediately to the north of the city of San Marino bordered by the city of Pasadena on the west, north and east sides.

B. Every account holder shall complete, no less than once each calendar year, a city refuse disposal reporting form and submit such reporting form on or before the first day of March following the close of the calendar year to the office of the integrated waste management section. More frequent reporting or additional information may be required from time to time of account holders, if, at the discretion of the director of public works, it is deemed necessary for integrated waste planning purposes. All other persons or entities as defined in subsection A of this section, who are not account holders seeking to dispose or tender for disposal waste at the Scholl Canyon landfill, shall provide all necessary information for any surveys taken of users at the Scholl Canyon landfill if, in the discretion of the director of public works, it is deemed necessary for integrated waste planning purposes. Any person or entity, whether or not an account holder, attempting to dispose or tender for disposal any waste or refuse at the Scholl Canyon landfill who does not comply with the requirements of this section shall be prohibited from disposing or tendering for disposal such waste until the necessary information and reports are provided.

8.56.100 Permit—Exemptions.

A solid waste services permit shall not be required of scrap metal dealers, junk dealers, household cleanup service firms, and other companies that, in the ordinary course of performing their primary business function, incidentally transport solid waste. However, if any such companies perform services for customers where their primary function is to collect and transport solid waste, then such companies are required to obtain a solid waste services permit for those customers. Solid waste services permits shall not be required of firms that primarily collect recyclable materials and are not paid by any customer in the city for that collection.

8.56.110 Effective date.

The solid waste services permit will be required of solid waste services providers beginning July 1, 1993. The AB 939 fee will be based on gross receipts received for service provided on and after July 1, 1993.

8.56.130 Application and renewal of permits.

A. Application Information. New applications and renewal applications for solid waste services permits shall be made on forms provided by the director of public works, or the director's designee. Beginning in 1994, renewal applications must be received each year by April 30th. Both new applications and renewal applications shall include the following information:

1. The name, address and phone number of the applicant. If the firm operates under more than one name, all names under which the firm will be operating in the city shall be listed;

2. A description of the types of solid waste services to be provided by the applicant (i.e., collection, recycling, roll-off);

3. A listing of all solid waste collection or recycling vehicles, by type, to be operated in the city;

4. The location where all vehicles will be kept;

5. A statement by the applicant that the applicant understands, and will comply with, the terms and conditions of this chapter;

6. Any other information the director of public works, or the director's designee, may require.

B. Application Review. Upon receipt, the director of public works, or the director's designee, shall review the application for conformity with the requirements of this chapter. In the case of applicants who have previously held a solid waste services permit, the director shall take into consideration the applicant's prior performance in complying with the terms and conditions of this chapter in deciding whether or not to renew the permit. If the application, and the applicant's prior performance, is determined to be in compliance with this chapter, the application shall be approved and the permit shall be issued. If the director decides not to approve the application and not issue the permit, the applicant shall be advised in writing of the grounds for the rejection. The applicant shall have the right to appeal any decision of the public works director by filing with the city manager within ten days of any decision a written appeal specifying the reasons for the appeal. The decision of the city manager on the appeal shall be final.

C. Changes in Application Information. All applicants and/or permittees shall provide prior notification to the public works director of any change in the information provided in the application.

8.56.140 Conditions of permit.

A. Reporting. All solid waste services permittees shall complete quarterly city solid waste services reporting forms for solid waste collected within the city and submit such reports within forty-five days following the end of each calendar quarter to the office of the integrated waste management section. For example, for the three months ending September 30th, the forms would be due on the following November 15th. Such city solid waste services reporting forms shall be completed with the best available data. The forms shall be submitted for every calendar quarter, even if the permittee has no activity in Glendale during a particular period. Solid waste service providers who have not complied in the submission of the quarterly city solid waste reporting forms for solid waste collected in the city will be subject to the enforcement provisions of Section 8.56.160.

B. Fee Payment. All solid waste services permittees shall remit to the city an AB 939 fee pursuant to Section 8.56.150.

C. Maintain Adequate Records. All solid waste services permittees shall maintain records adequate to enable the city to verify the proper payment of fees and to monitor waste collection activities.

D. Access to Records and Confidentiality. All solid waste services permittees shall give the city, or the city's representative, access to their company's financial and operational records in order that the city may verify the proper payment of fees and accurate reporting of financial and waste tonnage information to the city. All such records will be left with the permittee unless the review reveals discrepancies that cannot be reconciled. In such instances, the case will be referred to the city attorney.

E. Indemnification. All solid waste permittees shall indemnify and hold harmless the city, and its officers and employees, from any and all losses, costs, damages and expenses of liability which may result from or arise out of granting the permit, including liability under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA).

F. Compliance with All Laws. All solid waste services permittees must comply with all laws of the United States, the state of California, Los Angeles County and the city, and with all applicable federal, state, regional or local regulations, now in force and as they may be enacted, issued or amended during the term of the permit.

G. Records Retention. It shall be the duty of each current and former solid waste services permittee liable for collection and payment of AB 939 fees to the city to keep and preserve for a period of three years, all records as may be necessary to determine amounts of such fees, which records the city shall have the right to inspect at all reasonable times.

8.56.150 AB 939 fees.

A. Purpose and Regulatory Authority. Section 41901 of the California Public Resources Code authorizes a city or county to “impose fees in amounts sufficient to pay the costs of preparing, adopting, and implementing an integrated waste management plan.” Section 41902 adds that “a local agency may directly collect the fees authorized by this chapter or may, by agreement, arrange for the fees to be collected by a solid waste hauler providing solid waste collection for the city or county.”

B. Use of Fees. The fees collected under this program are to be used exclusively to pay the costs of preparing, adopting and implementing the city’s integrated waste management plans developed pursuant to the State of California Integrated Waste Management Act of 1989 (AB 939), including the administration of the AB 939 fee program.

C. Basis for Assessment. The fee will be calculated by conducting an analysis of the costs of implementation and management of solid waste and recycling, including outreach and education, city staffing and consulting needs and shall be included in each franchise agreement. The fee amount will be established and may be modified by resolution of the city council.

D. Payment Schedule. The fee will be paid quarterly and will be due forty-five (45) days following the end of each calendar quarter in which the gross receipts are received.

E. Late Fees. Payments received more than fifteen (15) days past the due date will be assessed a late charge equal to twenty-five (25) percent of the amount past due. A monthly interest charge equal to the amount set by resolution for delinquent licenses required by Title 5 shall also be added to the unpaid balance at the end of each subsequent month that the fees remain unpaid.

F. Verification of Proper Payment. Verification of proper payment will be accomplished through periodic reviews of the permittee’s financial and operational information by the city, or the city’s representative.

G. The director of public works may establish shorter reporting periods for any solid waste services permittee if he or she deems it necessary in order to ensure

collection of AB 939 fees. Payments of AB 939 amounts are due to the city immediately upon cessation of business for any reason.

8.56.160 Enforcement.

A. Revocation of Permit. The director may revoke or suspend any permit if the permittee has violated a provision of this chapter or any other applicable law or regulation of any public agency. The failure of a permittee to pay the AB 939 fee on or before the due date shall constitute just cause for revocation of the solid waste services permit.

B. Fines. Any person, firm or corporation failing to file solid waste services reporting forms, failing to pay the AB 939 fee, or found operating in the city without a valid solid waste services permit shall be guilty of a misdemeanor subject to the penalties provided under Section 1.20.010 of this code. The city may avail itself of any other legal remedies not specifically delineated in this chapter.

C. Disposal Prohibition. Permittees who are more than fifteen (15) days late in filing any quarterly city solid waste services reporting forms or in paying any AB 939 fees for solid waste collected within the city, shall be prohibited from disposing of solid waste at the city's Scholl Canyon landfill until all required city solid waste services reporting forms and AB 939 fees are submitted and paid. Any person, firm or corporation who is found to be operating without a solid waste services permit more than once in a twelve (12) month period shall be prohibited from disposing of solid waste at the city's Scholl Canyon landfill for up to a one (1) year period.

8.56.170 Exclusive franchise for collection services.

A. The city may award contracts for solid waste collection services for commercial ~~businesses establishments and multi-family dwellings, defined in this chapter as composed of five (5) or more units,~~ through an exclusive franchise agreement authorizing and obligating the holder to provide collection services within a franchise zone.

B. A franchisee's exclusive right to provide collection services shall not include the right to collect the following materials, the collection of which is not prohibited by this section:

1. Recyclables or organic materials removed from a commercial establishment or multi-family dwelling by a self-hauler;
2. Construction and demolition waste;

3. Solid waste collected by the city.
4. Collection of temporary bin service and temporary roll-off service.

8.56.180 Unlawful activities.

A. Provision of Collection Services. Except as provided in Section 8.56.170(B) and Section 8.56.180(B), it is unlawful for any person to provide collection services to a commercial ~~establishment or multifamily dwelling~~ business within a franchise zone unless a written franchise agreement therefore has been executed between such person and the city, and such agreement is in full force and effect.

C. Temporary Services. No person shall provide temporary bin service or temporary roll-off service to a commercial ~~establishment or multifamily dwelling~~ business within a franchise zone unless that person holds a written franchise agreement for any zone in the city, and such agreement is in full force and effect.

8.56.190 Franchise zones.

The director of public works shall divide the territory within the city into four (4) franchise zones, the designation of which shall be subject to the approval of the city council and shall be established and adjusted by resolution of the city council.

8.56.200 Franchise agreement fees.

The director of public works shall include in each franchise agreement a negotiated annual franchise fee to be paid to the city by the respective franchisee. The franchise fee shall reflect a reasonable estimate of the value of the franchise and shall be established and adjusted as necessary by city council by resolution. Franchise fees will be conveyed to the city's general fund.

8.56.210 Permit requirement for franchisees.

Nothing in Sections 8.56.170 through 8.56.200 relieves any franchisee from the requirement to obtain and maintain a permit pursuant to Sections 8.56.080 through 8.56.160 of this chapter or any other permit or license otherwise required by law for the provision of such services.

SECTION 4. Compliance with California Environmental Quality Act.

The City Council finds and determines that this ordinance is not subject to further review under the California Environmental Quality Act (“CEQA”) because no possibility exists that the activity in question may have a significant effect on the environment (14 Cal. Code Regs. (“CEQA Guidelines”) Section 15061(b)(3)), and because it qualifies under the following categorical exemptions: 1) Inspections (Class 9, Section 15309 of CEQA Guidelines) and 2) Enforcement Actions by Regulatory Agencies (Class 21, Section 15309 of CEQA Guidelines).

SECTION 5. Severability.

This Ordinance’s provisions are severable. If any portion of this Ordinance or its application to any person or circumstance is held invalid or unconstitutional, that decision does not affect the validity of the Ordinance’s remaining portions and the Ordinance’s application to other persons and circumstances. The City Council declares that it would have passed the remainder of the Ordinance without the invalid or unconstitutional provision.

SECTION 6. Effective Date.

This Ordinance shall take effect and be in force thirty (30) days after the date of its passage.

Adopted by the Council of the City of Glendale on the _____ day of _____, 2024.

Mayor

ATTEST:

City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF GLENDALE)

I, _____, City Clerk of the City of Glendale, hereby certify that the foregoing Ordinance was adopted by the Council of the City of Glendale,

California, at a regular meeting held on the _____ day of _____, 2024,
and that the same was adopted by the following vote:

Ayes:

Noes:

Absent:

Abstain:

City Clerk