

ORDINANCE NO. 21-O- 2854

AN ORDINANCE OF THE CITY OF BEVERLY HILLS RENUMBERING EXISTING ARTICLE 5 (CROSS CONNECTION CONTROL PROGRAM) OF CHAPTER 1 (CITY UTILITY SERVICES) OF TITLE 6 (UTILITIES AND FRANCHISES) OF THE BEVERLY HILLS MUNICIPAL CODE TO ARTICLE 6, ADDING NEW ARTICLE 5 (MANDATORY ORGANIC WASTE DISPOSAL REDUCTION) TO CHAPTER 1 (CITY UTILITY SERVICES) OF TITLE 6 (UTILITIES AND FRANCHISES) OF THE BEVERLY HILLS MUNICIPAL CODE, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA

A. Senate Bill ("SB") 1383 of 2016, the Short-lived Climate Pollutant Reduction Act of 2016, requires the California Department of Resources Recycling and Recovery to develop regulations to reduce organics in landfills as a source of methane. These regulations, adopted in 2020 ("SB 1383 Regulations"), place requirements on multiple entities including the City; single-family residential households (four or less dwelling units); commercial businesses, including multi-family property owners (five or more dwelling units); commercial edible food generators; haulers, including self-haulers; food recovery organizations; and food recovery services to support achievement of statewide organic waste disposal reduction targets.

B. The SB 1383 Regulations require the City to adopt and enforce an ordinance or other enforceable mechanism to implement relevant provisions of the SB 1383 Regulations.

C. This Ordinance implements the requirements of the SB 1383 Regulations.

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS, CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION 1. AMENDMENT RENUMBERING EXISTING ARTICLE 5 TO ARTICLE 6 OF CHAPTER 1 OF TITLE 6 OF THE CITY MUNICIPAL CODE.

The City Council hereby rennumbers existing Article 5 (Cross Connection Control Program) of Chapter 1 (City Utility Services) of Title 6 (Utilities and Franchises) of the Beverly Hills Municipal Code to Article 6 (Cross Connection Control Program) of Chapter 1 (City Utility Services) of Title 6 (Utilities and Franchises) with all sections in the new Article 6 renumbered accordingly.

SECTION 2. AMENDMENT ADDING NEW ARTICLE 5 TO CHAPTER 1 OF TITLE 6 OF THE CITY MUNICIPAL CODE.

The City Council hereby adds new Article 5 (Mandatory Organic Waste Disposal Reduction) to Chapter 1 (City Utility Services) of Title 6 (Utilities and Franchises) of the Beverly Hills Municipal Code to read as follows:

"Article 5 - Mandatory Organic Waste Disposal Reduction

Sec. 6-1-501 Scope of Article

Organic Waste Generators, haulers and other entities that are subject to the requirements of SB 1383 and the SB 1383 Regulations and are subject to the City's jurisdiction shall fully comply with the applicable requirements of SB 1383, the SB 1383 Regulations, this Article and the provisions of any collection agreement between the City and a franchised hauler in effect. In the event of a conflict between the provisions of this Article and other provisions of this Code, the provisions of this Article shall control. In the event of a conflict between the provisions of the SB 1383 Regulations and the provisions of this Article, the SB 1383 Regulations shall control.

Sec. 6-1-502 Definitions

For the purposes of this Article, the following words, terms, phrases, and their derivations have the meanings given herein. Terms not defined in this section and defined elsewhere in this Code shall have the same meanings herein unless the context otherwise requires. When consistent with the context, words used in the present tense include the future tense, and words in the singular number include the plural number. In the event of a conflict between a definition in this Code and a definition in 14 CCR Section 18982, the definition in Section 18982 shall control for the purposes of this Article. Additionally, for the purposes of this Article, the definitions in 14 CCR Section 18982 shall control for terms used in this Article and not defined in this Code. Unless otherwise specified herein, references to a statute or regulation means the statute or regulation, as amended, supplemented, superseded and replaced from time to time.

"Blue Container" has the same meaning as in 14 CCR Section 18982(a)(5) and shall be used only for the purpose of storage and collection of Source Separated Recyclable Materials. Notwithstanding the foregoing, functional containers purchased prior to January 1, 2022 that are used for the storage and collection of Source Separated Recyclable Materials and that do not comply with the color requirements of 14 CCR Section 18982(a)(5) shall be deemed to be Blue Containers and are not required to be replaced until the end of the useful life of those containers or January 1, 2036, whichever is earlier.

"C&D" means construction and demolition debris.

"CalRecycle" means the California Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on the City (and others).

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

"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; 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 Article.

“Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined herein. For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7). For purposes of this Article, a **“Tier One Commercial Edible Food Generator”** means a Commercial Edible Food Generator that is one of the following; or, as otherwise defined in 14 CCR Section 18982(a)(73):

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

For purposes of this Article, a **“Tier Two Commercial Edible Food Generator”** means a Commercial Edible Food Generator that is one of the following; or, as otherwise defined in 14 CCR Section 18982(a)(74):

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

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

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

“Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4).

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

“Designee” means an entity that the City contracts with or otherwise arranges to carry out any of the City’s responsibilities of this Article as authorized in 14 CCR Section 18981.2; or, as otherwise defined in 14 CCR Section 18982(a)(15). A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.

“Direct Service Provider” means a person, company, agency, district, or other entity that provides a service or services to the City pursuant to a contract or other written agreement or as otherwise defined in 14 CCR Section 18982(a)(17).

“Edible Food” means food intended for human consumption; or, as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Article 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 Article 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 State Retail Food Code.

“Enforcement Action” means an action of the City to address non-compliance with this Article including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies; or, as otherwise defined in 14 CCR Section 18982(a)(19).

“Enforcement Official” means the City Manager or the City’s authorized Designee(s) who is/are partially or wholly responsible for enforcing this Article.

“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 City’s Enforcement Official’s or its Designee’s reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the City, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the State Public Resources Code.

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

“Food Facility” has the same meaning as in Section 113789 of the State Health and Safety Code.

“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).

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

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

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

“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 Article 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, fats, oils, grease, and eggshells.

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

“Food-Soiled Paper” means one hundred percent plant fiber based paper with no plastic, wax, bio-plastic coating, liner, or laminate that has come in contact only with food or drink liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons, to-go containers, serving-ware, egg cartons, napkins, kitchen towels, food boats, packaging, plates, cups, and pizza boxes, and excludes items such as, but not limited to, bathroom tissue, toilet paper, or feminine products.

“Food Waste” means Food Scraps and Food-Soiled Paper.

“Generator” means a person or entity that is responsible for the initial creation of Solid Waste, and with respect to Organic Waste, means a person or entity that is responsible for the initial creation of Organic Waste; or, as otherwise defined in 14 CCR Section 18982(a)(48).

“Gray Container” has the same meaning as in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste or Mixed Waste, as applicable. Pursuant to 14 CCR Section 18982(a)(28), “Gray Container” includes a container with a black body and black lid and a container with a gray body and black lid. Notwithstanding the foregoing, functional containers purchased prior to January 1, 2022 that are used for the storage and collection of Gray Container Waste and that do not comply with the color requirements of 14 CCR Section 18982(a)(28) shall be deemed to be Gray Containers and are not required to be replaced until the end of the useful life of those containers or January 1, 2036, whichever is earlier.

“Gray Container Waste” means Solid Waste that is collected in a Gray Container that is part of the City’s Organic Waste collection service that prohibits the placement of Organic Waste in the

Gray Container as specified in 14 CCR Sections 18984.1(a) and (b); or, as otherwise defined in 14 CCR Section 17402(a)(6.5).

“Green Container” has the same meaning as in 14 CCR Section 18982(a)(29) and shall be used only for the purpose of storage and collection of Source Separated Green Container Organic Waste. Notwithstanding the foregoing, functional containers purchased prior to January 1, 2022 that are used for the storage and collection of Source Separated Green Container Organic Waste and that do not comply with the color requirements of 14 CCR Section 18982(a)(29) shall be deemed to be Green Containers and are not required to be replaced until the end of the useful life of those containers or January 1, 2036, whichever is earlier.

“Green Waste” means types of Organic Waste resulting from normal yard and landscaping installation, maintenance, or removal.

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

“Hauler Route” means the designated itinerary or sequence of stops for each segment of the City’s collection service area; or, as otherwise defined in 14 CCR Section 18982(a)(31.5).

“Hazardous Waste” means waste as defined in State Public Resources Code Section 40141.

“High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).

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

“Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event; or, as otherwise defined in 14 CCR Section 18982(a)(38).

“Large Venue,” unless otherwise defined in 14 CCR Section 18982(a)(39), means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this Article 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 Article and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue.

“Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of the City’s regulations related to Solid Waste; or, as otherwise defined in 14 CCR Section 18982(a)(40).

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

“Multi-Family Residential Dwelling(s)” 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.

“Non-Compostable Paper” includes, but is not limited to, paper that is coated in a plastic material that will not breakdown in the composting process; or, as otherwise defined in 14 CCR Section 18982(a)(41).

“Non-Local Entity” means entities that are not subject to the City’s enforcement authority, and may include, but are not limited to, special districts, federal facilities, prisons, facilities operated by the state parks system, public universities, including community colleges, county fairgrounds, and state agencies; or, as otherwise defined in 14 CCR Section 18982(a)(42).

“Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable wastes including, but not limited to, bottles, cans, metals, plastics and glass; or, as otherwise defined in 14 CCR Section 18982(a)(43).

“Notice of Violation” or “NOV” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties; or, as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

“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 Papers, manure, biosolids, digestate, and sludges; or, as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

“Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling; or, as otherwise defined in 14 CCR Section 18982(a)(51).

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

“Prohibited Container Contaminants” unless otherwise defined in 14 CCR Section 18982(a)(55), means the following, but does not include Organic Waste specifically allowed for collection in a container that is required to be transported to a High Diversion Organic Waste Processing Facility if the waste is specifically identified as acceptable in that container in a manner that complies with the requirements of CCR Section 18984.1, 18984.2, and 18984.3, as applicable:

- (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 Gray Container that are identified as acceptable Source Separated Green Container Organic Waste to be placed in the City’s Green Container or Source Separated Recyclable Materials to be placed in the City’s Blue Container;
- (3) discarded materials placed in a Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the City’s Green Container including carpet, hazardous wood waste and Non-Compostable Paper; and
- (4) Excluded Waste placed in any container.

“Recovered Organic Waste Products” means products made from landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility; or, as otherwise defined in 14 CCR Section 18982(a)(60).

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

“Recycled-Content ” means Paper Products and Printing and Writing Papers that consist of at least 30 percent, by fiber weight, postconsumer fiber; or, as otherwise defined in 14 CCR Section 18982(a)(61).

“Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption; or, as otherwise defined in 14 CCR Section 18982(a)(64).

“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 of 2016 approved by the Governor of the State on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the State Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the State Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants.

“SB 1383 Eligible Mulch” means mulch eligible to meet the City’s annual recovered Organic Waste product procurement target pursuant to 14 CCR Chapter 12 of Division 7. SB 1383 Eligible Mulch shall meet the following conditions for the duration of the applicable procurement compliance year, as specified by 14 CCR Section 18993.1(f)(4):

1. Produced at one of the following facilities:
 - i. A compostable material handling operation or facility as defined in 14 CCR Section 17852(a)(12), that is permitted or authorized under 14 CCR Division 7, other than a chipping and grinding operation or facility as defined in 14 CCR Section 17852(a)(10);
 - ii. A transfer/processing facility or transfer/processing operation as defined in 14 CCR Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under 14 CCR Division 7; or,
 - iii. A solid waste landfill as defined in State Public Resources Code Section 40195.1 that is permitted under 27 CCR Division 2.
2. Meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 CCR Sections 17852(a)(24.5)(A)1 through 3.

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

“Self-Hauler” means a person or entity, who, in compliance with all applicable requirements of this Code, hauls Solid Waste, Organic Waste or recyclable materials he or she has generated to another person or entity and includes a landscaper or a person who back-hauls Organic Waste; or as otherwise defined in 14 CCR Section 18982 (a)(66). Back-Haul means generating and transporting Organic Waste to a destination owned and operated by the Generator using the Generator’s own employees and equipment; or, as otherwise defined in 14 CCR Section 18982(a)(66)(A).

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

“Solid Waste” means, unless otherwise defined in State Public Resources Code Section 40191, all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

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

Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.

“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 this Article, Source Separated shall include, at the point of generation, separation of materials by the Generator, property owner, property owner’s employee, property manager, or property manager’s employee into different containers, bags, or piles, as applicable, for the purpose of collection such that Source Separated materials are separated from Mixed Waste or other Solid Waste for the purposes of collection and processing of those materials.

“Source Separated Blue Container Organic Waste” means Source Separated Organic Waste that can be placed in a Blue Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables. Source Separated Blue Container Organic Waste includes Paper Products, Printing and Writing Paper, wood and dry lumber and textiles unless otherwise specified by the City but excludes Source Separated Green Container Organic Waste.

“Source Separated Green Container Organic Waste” means Source Separated Organic Waste that can be placed in a Green Container that is limited to the collection of those Organic Wastes; or as otherwise specified in 14 CCR 18984.1 (a) and (b), excluding Source Separated Blue Container Organic Waste, and unless otherwise specified by the City, carpets, Non-Compostable Paper, and textiles.

“Source Separated Recyclable Materials” means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.

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

“Uncontainerized Green Waste and Yard Waste Collection Service” means a collection service that collects green waste and yard waste that is placed in a pile or bagged for collection on the street in front of, or in the alley behind, a Generator’s premises for collection and transport to a facility that recovers Source Separated Organic Waste; or, as otherwise defined in 14 CCR Section 189852(a)(75).

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

Sec. 6-1-503 Requirements for Single-Family Organic Waste Generators

Single-Family Organic Waste Generators shall comply with the following requirements, except Single-Family Generators that meet the Self-Hauler requirements of this Code:

- (a) Subscribe to the City's Organic Waste collection services for all Organic Waste generated and comply with requirements of those services as described below in subsection (b) of this section. The City and its Designee shall have the right to review the number and size of a Generator's containers and type of collection service, to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials. Single-Family Generators shall adjust their service level for their collection services as required by the City. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- (b) Participate in the City's Organic Waste collection services by placing designated materials in designated containers as described in this subsection, and/or with respect to green waste and yard waste, using the Uncontainerized Green Waste and Yard Waste Collection Service, and shall not place Prohibited Container Contaminants in collection containers or in green waste and yard waste that is placed in a pile or bagged for collection. Generators shall place only Source Separated Green Container Organic Waste, including Food Waste, in the Green Container. Generators shall place all other materials (Mixed Waste) in the Gray Container.

Sec. 6-1-504 Requirements for Commercial Businesses

Commercial Businesses shall comply with the following:

- (a) Except for Commercial Businesses that meet the Self-Hauler requirements of this Code, Commercial Businesses, shall subscribe to the City's Organic Waste collection services for all Organic Waste and comply with requirements of those services as described below in subsection (b) of this section. The City and its Designee shall have the right to review the number and size of a Generator's containers, type of collection service, and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials. Commercial Businesses shall adjust their service level for their collection services and type of service as required by the City. Commercial Businesses may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- (b) Except for Commercial Businesses that meet the Self-Hauler requirements of this Code, Commercial Businesses shall participate in the City's Organic Waste collection services by placing designated materials in designated containers as described in the options below, as applicable for the Commercial Businesses' type of service as determined by the City, and/or with respect to Multi-Family Residential Dwellings, using the Uncontainerized Green Waste and Yard Waste Collection Service for green waste and yard waste, and shall not place Prohibited Container Contaminants in collection containers, bags, or piles, as applicable:
 - (1) Unsegregated single container collection service: Commercial Businesses shall place all Solid Waste in the Gray Container.
 - (2) Two-container collection service (Gray/Green): Commercial Businesses shall place only Organic Waste, including Food Waste, in the Green Container. Generators shall place all other materials (Mixed Waste) in the Gray Container.

- (3) Two-container collection service (Gray/Blue): Commercial Businesses shall place Source Separated Recyclable Materials (which includes Source Separated Non-Organic Recyclables and Source Separated Blue Container Waste) in the Blue Container. Generators shall place all other materials (Mixed Waste), including Food Waste, in the Gray Container.
 - (4) Three-container collection service: Commercial Businesses shall place only Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials (which includes Source Separated Non-Organic Recyclables and Source Separated Blue Container Waste) in the Blue Container; and Gray Container Waste in the Gray Container. Commercial Businesses shall not place (i) materials designated for the Gray Container in the Green Container or Blue Container; (ii) materials designated for the Green Container in the Gray Container or Blue Container; or (iii) materials designated for the Blue Container in the Gray Container or Green Container.
- (c) Commercial Businesses, except for Multi-Family Residential Dwellings, and except for Commercial Businesses using an unsegregated single container collection system, shall provide containers for the collection of Source Separated Green Container Organic Waste and, if using a three-container collections service, Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers. Such containers shall be adjacent to disposal containers and visible and easily accessible. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the Commercial Business shall have either:
- (1) A body or lid that conforms with the container colors provided through the Organic Waste collection service provided by the City. 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 this subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
 - (2) Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container; or, as otherwise provided in 14 CCR Section 18984.8.
- (d) Commercial Businesses shall provide or arrange for collection services consistent with this Article for employees, contractors, tenants, and customers and supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming with subsections (c)(1) and (c)(2) above) for employees, contractors, tenants, and customers, consistent with the City's collection services and Article 3 of Chapter 12 of Division 7 of Title 14 of the CCR.

- (e) Commercial Businesses, except for Multi-Family Residential Dwellings, shall prohibit employees from placing materials in a container not designated for those materials per the City's Organic Waste collection services pursuant to 14 CCR Section 18984.1(a)(5).
- (f) Commercial Businesses, except for Multi-Family Residential Dwellings, shall periodically inspect Blue Containers, Green Containers and Gray Containers, as applicable, for Container 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).
- (g) Commercial Businesses shall annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials, as applicable.
- (h) Commercial Businesses shall provide information described in subsection (g) of this section before or within fourteen (14) days of occupation of the premises to new tenants.
- (i) Commercial Businesses shall provide or arrange access for the City or its agent to their properties during all Inspections conducted in accordance with Section 6-1-511 of this Article to confirm compliance with the requirements of this Article.
- (j) If a Commercial Business wants to self-haul, meet the Self-Hauler requirements in Section 6-1-509 of this Article.
- (k) Commercial Businesses, if generating two (2) cubic yards or more of total Solid Waste per week (or other threshold defined by the State), shall require that any contract or work agreement between the owner, occupant, or operator of the Commercial Business and a gardening or landscaping service specify that the Organic Waste generated by those services be managed in compliance with Chapter 12, Part 3, Division 30 of the State Public Resources Code.
- (l) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to this Article.

Sec. 6-1-505 Waivers for Generators

The City, at its discretion and in accordance with 14 CCR Section 18984.11, or as otherwise authorized by CalRecycle, may grant one or more of the following types of waivers to a Generator of Organic Waste:

- (a) **De Minimis Waivers:** The City may waive a Commercial Business' obligation to comply with some or all of the Organic Waste requirements of this Article if the Commercial Business provides documentation, or the City has evidence demonstrating, that the business generates below a certain amount of Organic Waste material as described below in subsection (a)(2). Commercial Businesses requesting a de minimis waiver shall:
 - (1) Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in subsection (a)(2) below.

- (2) Provide documentation that either:
 - (A) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container and/or Green Container, as applicable, comprises less than 20 gallons per week per applicable container of the business' total waste; or,
 - (B) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container and/or Green Container, as applicable, comprises less than 10 gallons per week per applicable container of the business' total waste.
- (3) Notify the City if circumstances change such that the Commercial Business' Organic Waste exceeds the threshold required for waiver, in which case the waiver will be rescinded. In addition, if the City obtains information at any time that a Commercial Business that has received a waiver is exceeding the Organic Waste threshold set forth in subsection (a)(2) above, the City shall rescind the waiver.
- (4) Provide written verification of eligibility for a de minimis waiver every 5 years, if the City has approved a de minimis waiver.
- (b) Physical Space Waivers: The City may waive a Commercial Business' or property owner's obligations to comply with some or all of the Source Separated Recyclable Materials and/or Organic Waste collection service requirements, as applicable, 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 of this Article.

Commercial Businesses or property owners requesting a physical space waiver shall:

- (1) Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver and provide documentation as noted below.
- (2) Provide documentation that the premises lacks adequate space for Blue Containers and/or Green Containers, as applicable, including documentation from its hauler, licensed architect, or licensed engineer.
- (3) Notify the City if circumstances change such that Commercial Business or property owner has adequate space for the collection containers required for compliance with the Organic Waste collection requirements of this Article, in which case the waiver will be rescinded. In addition, if the City obtains information at any time that a Commercial Business has adequate space for the collection containers required for compliance with the Organic Waste collection requirements of this Article, the City shall rescind the waiver.

- (4) Provide written verification to the City that it is still eligible for a physical space waiver every five years, if the City has approved an application for a physical space waiver.
- (c) The Enforcement Official will be responsible for review, approval, and rescission of waivers. Any decision of the Enforcement Official pursuant to this Section may be appealed to the City Council in the manner provided by Title 1, Chapter 4, Article 1 of this Code.

Sec. 6-1-506 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 with the requirements of this Section commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
- (b) Large Venue or Large Event operators, not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.
- (c) Commercial Edible Food Generators shall comply with the following requirements:
 - (1) Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
 - (2) Contract with or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
 - (3) Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
 - (4) Subject to applicable laws, allow the City's designated enforcement entity or designated third party enforcement entity to access the premises and review records kept 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 Food Recovery 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.
- (6) No later than February 1 of each year, commencing no later than February 1, 2023 for Tier One Commercial Edible Food Generators and February 1, 2025 for Tier Two Commercial Edible Food Generators, provide an annual Food Recovery report to the City that includes the following information:
 - (A) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
 - (B) The quantity of food, measured in annual pounds recovered, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
 - (C) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - (D) Any additional information required by the City or the City's Designee.
- (d) Nothing in this Article 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 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 State Education Code, and amended Section 114079 of the State Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time.

Sec. 6-1-507 Requirements for Food Recovery Organizations and Services

- (a) Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
 - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
 - (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.

- (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
 - (4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
- (b) Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
 - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
 - (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
 - (3) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
- (c) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the City the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than March 31 of each year, commencing in 2023.
- (d) Food Recovery Capacity Planning

Food Recovery Services and Food Recovery Organizations. In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the City or its designated entity, 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 provide such requested information pursuant to 14 CCR Section 18992.2.

Sec. 6-1-508 Requirements for Haulers, Facility Operators and Community Composting

- (a) Requirements for Haulers
 - (1) The hauler providing residential or Commercial Organic Waste collection services to Generators within the City's boundaries shall meet the applicable requirements and standards of 14 CCR, Division 7, Chapter 12 and the following requirements as conditions of approval of a contract, agreement, or other authorization to collect Organic Waste:

- (A) Through written notice to the City annually on or before March 15th identify the facilities to which it will transport Organic Waste including facilities for Source Separated Green Container Organic Waste, Source Separated Blue Container Organic Waste, and Mixed Waste.
 - (B) Transport Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
 - (C) Obtain approval from the City to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, this Article, and Section 9-1-1001 of this Code.
- (b) Requirements for Facility Operators and Community Composting Operations
- (1) Owners of facilities, operations, and activities that recover Organic Waste in the City, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon the City's request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the City shall respond within 60 days, unless a shorter timeframe is otherwise specified by the City.
 - (2) Community Composting operators in the City, upon the City's request, shall provide information to the City to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the City shall respond within 60 days, unless a shorter timeframe is otherwise specified by the City.

Sec. 6-1-509 Self-Hauler Requirements

In addition to any other requirements for Self-Haulers as contained in this Code:

- (a) Self-Haulers of Organic Waste shall comply with the requirements in 14 CCR Section 18988.3.
- (b) Self-Haulers shall Source Separate all recyclable materials and Organic Waste (materials that the City otherwise requires Organic Waste Generators to Source Separate for collection in the City's organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
- (c) Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source

Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.

- (d) Self-Haulers that are Commercial Businesses 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.
- (e) A Single-Family Organic Waste Generator that self-hauls Organic Waste is not required to record or report information in subsection (d) of this section.
- (f) Self-Haulers that are Commercial Businesses shall provide information collected in subsection (d) of this section to the City, upon request.

Sec. 6-1-510 Procurement Requirements for Direct Service Providers and Vendors

- (a) Direct Service Providers of landscaping maintenance, renovation, and construction to the City shall:
 - (1) Use Compost and SB 1383 Eligible Mulch, as practicable, produced from recovered Organic Waste, for all landscaping renovations, construction, or maintenance performed for the City, whenever available, and capable of meeting quality standards and criteria specified. SB 1383 Eligible Mulch used for land application shall comply with 14 CCR, Division 7, Chapter 12, Article 12 and must meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).
 - (2) Keep and, upon the request of the City, provide records of procurement of Recovered Organic Waste Products to City, upon completion of projects. Information to be provided shall include:
 - (A) General description of how and where the product was used and if applicable, applied;
 - (B) Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;
 - (C) Type of product;

- (D) Quantity of each product; and,
 - (E) Invoice or other record demonstrating purchase or procurement.
- (b) All vendors providing Paper Products and Printing and Writing Papers to the City shall:
- (1) If fitness and quality are equal, provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Papers instead of non-recycled products whenever Recycled-Content Paper Products and Recycled-Content Printing and Writing Papers are available at the same or lesser total cost than non-recycled items.
 - (2) Provide Paper Products and Printing and Writing Papers that meet the Federal Trade Commission recyclability standard as defined in 16 Code of Federal Regulations Section 260.12, as published January 1, 2013.
 - (3) Certify in writing, under penalty of perjury and in a form and manner satisfactory to the City, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Papers offered or sold to the City. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products, Printing and Writing Papers, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.
 - (4) Certify in writing on invoices or receipts provided, that the Paper Products and Printing and Writing Papers offered or sold to the City are eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations Section 260.12, as published January 1, 2013.
 - (5) Provide records to the City's Recovered Organic Waste Product procurement recordkeeping Designee or staff in accordance with this Section and with any City Recycled-Content Paper procurement policy and Recycled-Content Printing and Writing Papers procurement policy of all Paper Products and Printing and Writing Papers purchases within thirty (30) days of the purchase (both Recycled-Content and non-recycled content, if any is purchased) made by any division or department or employee of the City. Records shall include a copy (electronic or paper) of the invoice or other documentation of purchase, written certifications as required in subsections (b)(3) and (b)(4) of this Section for Recycled-Content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-recycled content Paper Products or Printing and Writing Papers are provided, include a description of why Recycled-Content Paper Products or Printing and Writing Papers were not provided.

Sec. 6-1-511 Inspections and Investigations by the City

- (a) Subject to the requirements of any applicable franchise agreement with an exclusive franchise hauler, City representatives and/or its Designees are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from Generators, or Source Separated materials to confirm compliance with this Article by Organic Waste Generators, Commercial Businesses, property owners, Commercial

Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow the City, its Designees or agents to enter the interior of a private residential property for inspection. For the purposes of inspecting Commercial Business containers for compliance with this Article, the City may conduct container inspections, including using remote monitoring, for Prohibited Container Contaminants.

- (b) Subject to applicable laws and the requirements of any applicable franchise agreement with an exclusive franchise hauler, a 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 representative and/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 Article 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 Article and may result in penalties described.
- (c) Subject to the requirements of any applicable franchise agreement with an exclusive franchise hauler, the City's representatives, its Designee and agents are authorized to conduct any inspections or other investigations as reasonably necessary to further the goals of this Article, subject to applicable laws.
- (d) 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. The City shall notify the complainant of the results of the complaint if the complainant provides contact information.

Sec. 6-1-512 Enforcement

- (a) Violation of any provision of this Article that occurs on or after January 1, 2024 shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the Enforcement Official in accordance with 14 CCR Section 18995.4. Other remedies allowed by law may be used, including civil action or prosecution as a misdemeanor or infraction.
- (b) The provisions of subsection (a) do not apply to violations related to a Generator placing Prohibited Container Contaminants in containers, which the Enforcement Official and/or the City's Designee shall enforce through the notice provisions of 14 CCR Section 18984.5(b) and the extra/special pick up fee(s) pursuant to the provisions of the applicable collection agreement between the City and a franchised hauler.
- (c) **Penalty Amounts for Types of Violations**

For purposes of this Article, the penalty levels for violations of the provisions of this Article are as follows:

- (1) For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.

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

(d) **Education Period for Non-Compliance**

Beginning January 1, 2022 and through December 31, 2023, the City or its Designee will conduct Inspections, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if the City determines that Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this Article 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.

(e) **Civil Penalties for Non-Compliance**

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 Article, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to this Section, as needed."

SECTION 3. CEQA. The City Council finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Sections 15061(b)(3) and 15308 on the grounds that it can be seen with certainty that the enhanced solid waste regulations, as provided for in this Ordinance will not have a significant effect on the environment and that the new requirements, which strengthen requirements for the handling of solid waste, represent actions by a regulatory agency (the City) for the protection of the environment.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

SECTION 6. PUBLICATION. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code; shall certify to the adoption of this Ordinance and shall cause this ordinance and her certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

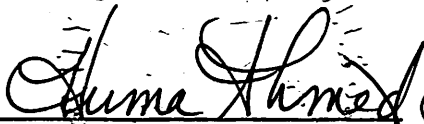
Adopted: December 21, 2021

Effective: January 21, 2022



ROBERT WUNDERLICH
Mayor of the City of
Beverly Hills, California

ATTEST:



(SEAL)

HUMA AHMED
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:



GEORGE CHAVEZ
City Manager