

ORDINANCE NO. 27-2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE REPEALING AND REPLACING ELK GROVE MUNICIPAL CODE TITLE 30 SOLID WASTE MANAGEMENT (CEQA EXEMPT)

WHEREAS, the City of Elk Grove (City) may enact ordinances to preserve and protect public safety, health, and welfare; and

WHEREAS, the City is not only authorized but required to provide solid waste services to its residents and businesses and to administer programs related to solid waste generated in the City; and

WHEREAS, the City sets forth the terms and conditions of its solid waste management in the Elk Grove Municipal Code (EGMC) through the adoption of an ordinance duly introduced and codified; and

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Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their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

WHEREAS, State recycling law, Assembly Bill (AB) 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of the Public Resources Code, and added Sections 40004, 41734.5, and 41780.01, and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time) places requirements on businesses and Multifamily property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires jurisdictions to implement a Mandatory Commercial Recycling program; and

WHEREAS, State organics recycling law, Assembly Bill (AB) 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multifamily property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires jurisdictions to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires jurisdictions to implement a Mandatory Commercial Organics Recycling program; and

WHEREAS, Senate Bill (SB) 1383 of 2016, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including jurisdictions, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Back-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 Pollutant Reduction Act of 2016, requires jurisdictions to adopt and enforce an ordinance or other enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption; and

WHEREAS, the implementation of SB 1383 impacts numerous aspects of solid waste management in the City thus necessitating comprehensive changes to EGMC Title 30 and such changes are addressed more efficiently through a repeal and replacement of EGMC Title 30; and

WHEREAS, requirements in this ordinance are consistent with other adopted goals and policies of the City including the Climate Action Plan and the Source Reduction and Recycling Element (SRRE).

NOW, THEREFORE, the City Council of the City of Elk Grove does ordain as follows:

Section 1: Purpose.

The purpose of this Ordinance is to repeal and replace Elk Grove Municipal Code Title 30 regarding solid waste management. Under California Constitution Article XI, Section 7, the City of Elk Grove may enact ordinances to preserve and protect public safety, health, and welfare.

Section 2: Findings.

This Ordinance is adopted based upon the following finding:

Consistency with the Climate Action Plan

Finding: The proposed amendments to the Elk Grove Municipal Code are consistent with the Climate Action Plan purpose and goals.

Evidence: The repeal and replacement of Title 30 of the EGMC is consistent with the Climate Action Plan, which provides a framework for achieving state targets in the reduction of greenhouse gas (GHG) emissions. When disposed in a landfill, the decomposition of organic waste creates short-lived climate pollutants, a form of GHGs that have a significantly higher impact on climate in the short term, as much as hundreds of times greater than that of carbon dioxide (CO₂). The proposed changes to Title 30 are intended to comply with State law; clean up ambiguities; address discrepancies; and add clarifying definitions. These changes are required in order for the City to comply with SB 1383, mandate compliance for residents and businesses, and to create an enforcement mechanism to ensure compliance as required in SB 1383. Compliance will divert approximately 40,000 tons of organic waste from landfills annually, which is a significant step towards meeting the stated goals within the Climate Action Plan. Therefore, there are no conflicts between the proposed changes and the Climate Action Plan.

California Environmental Quality Act (“CEQA”) Exemption

Finding: Adoption of this ordinance is exempt from CEQA review.

Evidence: This ordinance repeals and replaces Title 30 of the Elk Grove Municipal Code concerning solid waste management. The ordinance regulates the hauling, disposing of, and recycling of solid waste, all as further set forth in the ordinance. Adoption of the ordinance is exempt from environmental review under CEQA as an action taken for the protection of natural resources and the environment. (CEQA Guidelines §§ 15307, 15308.)

Section 3. Action – Repeal and Replace EGMC Title 30 Solid Waste Management.

The City Council hereby repeals Title 30 of the Elk Grove Municipal Code in its entirety and replaces it with the new Title 30 Solid Waste Management as shown in Exhibit A, attached hereto and incorporated herein by reference.

Section 4: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed, and the balance of the ordinance be enforced.

Section 6: Savings Clause.

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 7: Effective Date and Publication.

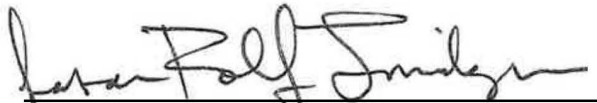
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to Government Code Section 36933(c)(1).

ORDINANCE: 27-2021
INTRODUCED: October 13, 2021
ADOPTED: October 27, 2021
EFFECTIVE: November 26, 2021




BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: October 28, 2021

EXHIBIT A

Title 30 SOLID WASTE MANAGEMENT

Chapters:

- 30.10 General Provisions
- 30.20 Residential Generator Requirements
- 30.30 Residential Hauler Requirements
- 30.40 Commercial Generator Requirements
- 30.50 Commercial Hauler Requirements
- 30.60 Commercial Recycling
- 30.61 Commercial Organic Waste Recycling
- 30.62 Commercial Edible Food Generator Requirements
- 30.63 Food Recovery Organization and Food Recovery Service Requirements
- 30.70 Construction and Demolition (C&D) Debris Reduction, Reuse and Recycling
- 30.80 Solid Waste Facilities
- 30.90 Solid Waste Storage Space Allocation and Enclosure Design Guidelines

Chapter 30.10 GENERAL PROVISIONS

Sections:

- 30.10.010 Definitions.
- 30.10.020 Ownership of waste.
- 30.10.030 Other agency exemptions.
- 30.10.040 Dumping or littering.
- 30.10.050 Excluded waste.
- 30.10.060 Burning or burying of waste prohibited.
- 30.10.070 Scavenging prohibited.
- 30.10.080 Promulgation.
- 30.10.090 Appeals.
- 30.10.100 Violations, enforcement, actions, and remedies.
- 30.10.110 Notices.
- 30.10.120 Haulers.
- 30.10.130 Transportation requirements.
- 30.10.140 Disposal.

- 30.10.010 Definitions.

For purposes of this Title, unless otherwise provided elsewhere in this Title, the following words are defined as follows:

A. "A" Definitions.

1. "AB 939" means the California Integrated Waste Management Act of 1989, Public Resources Code Section 40000, et seq., as may be amended from time to time.
2. "Airborne waste" means solid waste that is likely to become airborne when discarded.

3. "Alternative Compliance Form" means a form provided by the City and completed by a commercial generator to document that commercial generator's method of complying with the requirements of EGMC Chapters 30.40, 30.60 and 30.61 when not subscribing to recycling and/or organic waste collection service from an authorized hauler.

4. "Approved sharps container" means an approved rigid container designed to collect sharps waste, which was home-generated and needs proper disposal.

5. "Authorized hauler" means any commercial hauler that has been authorized by the City to collect solid waste including C&D debris, garbage, recyclables, and/or organic waste from commercial generators within City limits and shall ensure such material is delivered to a facility authorized by law to dispose of, recycle, and/or recover those waste materials.

B. "B" Definitions.

1. "Back-haul" means the hauling of solid waste for disposal, recycling, and/or recovery by a generator who hauls the solid waste generated on-site to a destination that is owned and operated by that generator using the generator's own vehicle.

2. "Blue Container" has the same meaning as in 14 CCR 18982(a)(5) and shall be used for the purpose of storage and collection of source-separated recyclable materials and some types of organic waste such as paper products, printing and writing paper, and cardboard.

3. "Brown Container" has the same meaning as in 14 CCR 18982(a)(5.5) and shall be used for the purpose of storage and collection of source-separated food waste.

4. "Building Safety and Inspection (BSI)" means the City's Building Safety and Inspection Division.

5. "Business" means: a) a commercial entity, proprietorship, firm, partnership, person in representative or fiduciary capacity, association, venture, trust, or corporation that is organized for financial gain or profit, including but not limited to offices, retail stores, strip malls or shopping centers, markets, industrial or manufacturing facilities, warehouse and distribution facilities, restaurants, motels and hotels, theaters, medical offices, gas stations and automotive facilities, and multi-family residential complexes of five (5) dwelling units or more; and b) not-for-profit organizations, including but not limited to churches, hospitals, and social service organizations.

C. "C" Definitions.

1. "C&D debris" or "Construction and demolition debris" means used or discarded materials resulting from construction, renovation, remodeling, repair, deconstruction, or demolition operations on any pavement, house, commercial building, or other structure and such other materials as may be removed during the normal cleanup process of such construction, renovation, remodeling, repair, or demolition operations. "C&D debris" is used collectively to include: commingled construction and demolition debris; source-separated recyclable construction and demolition debris; and nonrecyclable construction and demolition material. "C&D

debris” also refers to construction and demolition debris generated during the course of activities at a covered project.

2. “C&D Generator” shall have the same meaning as “Generator.”

3. “C&D Waste Plan” means a completed form prepared by a building permit applicant with an estimate of the construction and demolition waste and recycling to be generated by the project, submitted for approval to the City’s Recycling & Waste Division prior to building permit approval.

4. “CalRecycle”; see the Department of Resources Recycling and Recovery (CalRecycle).

5. “Cart” means a plastic Container with a hinged lid and wheels that is serviced by an automated or semi-automated Collection vehicle. Also see “Container(s)”.

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

7. “Certified C&D sorting facility” means a facility for recovering recyclable materials from mixed construction and demolition waste that is certified, and maintains all the terms and conditions of certification, by the County of Sacramento or the Recycling & Waste Division.

8. “Cleanup company” means a type of commercial hauler that provides a range of short-term services, including but not limited to cleaning up a residential or commercial property or construction site, source-separating recyclables at a property or construction site, and the hauling of solid waste and/or C&D debris from a property or construction site. To be considered a cleanup company, an authorized hauler shall provide cleanup services only, and shall not provide long-term and/or ongoing solid waste collection service beyond the limited-duration cleanup project.

9. “Collection,” “collect,” and “collecting” mean the act of collecting and removing solid waste at the place of generation by any means, including but not limited to a dumpster truck; roll-off truck; side-load, front-load or rear-load truck; or a trailer.

10. “Commercial” refers to any entity, building, land or similar that is not intended for single-family habitation or general public use. This may include, but is not limited to, a business, nonresidential, multifamily property, or single-family residential property managed by an association or other organization, or any other solid waste generator that is not a considered to be a household residing in a single-family home. Where several businesses, nonresidential properties, multifamily properties, or single-family residential properties managed by an association or other organization share solid waste containers and service, “commercial customer” refers only to the party who enters into a contract for solid waste collection services with a commercial hauler.

11. “Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in Sections 30.10.010 (T)(3) and (T)(4) of this Title or as otherwise defined in 14 CCR 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR 18982(a)(7).
12. “Commercial hauler” means any person or entity who collects, hauls, or transports solid waste generated by a commercial generator for a fee by use of any means, including but not limited to, a dumpster truck; roll-off truck; a side-, front-, or rear-load truck; or a trailer.
13. “Commercial hauler fee” means the fees required to be paid by haulers authorized by the City to provide solid waste collection and transportation service to commercial generators pursuant to EGMC Section 30.50.100. The commercial hauler fee shall be paid by all authorized haulers to the City to fund all costs associated with the compliance, enforcement, and public education related to commercial solid waste.
14. “Commingled C&D Debris” means construction and demolition debris that includes commingled recyclable and nonrecyclable construction and demolition debris generated from a project.
15. “Compost” means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the other solid wastes or separated at a centralized facility, or as otherwise defined in 14 CCR 17896.2(a)(4).
16. “Construction” means the building of any facility or structure or any portion thereof, including any tenant improvements to an existing facility or structure.
17. “Container(s)” mean Carts, Bins, and Drop Boxes; see also “Solid waste container.”
18. “County” means the County of Sacramento.
19. “Covered generator” see “Generator”.
20. “Covered project” means any addition, remodel, new construction, and/or demolition project. “Covered project” shall not include:
 - a. Activities performed in response to an emergency, such as a natural disaster; or
 - b. Activities that generate significant amounts of materials that cannot be disposed of in Class II sanitary landfills described in 27 CCR 20250, as may be amended.
21. “CRV” means California Refund Value, which is the amount paid by consumers at a retailer’s checkout stand and paid back to consumers when they recycle eligible aluminum, plastic, glass, and bi-metal beverage containers at certified recycling centers.

D. "D" Definitions.

1. "Deconstruction" means the select dismantlement or disassembly of any facility, building, pavement, or other structure or any portion thereof, including any tenant improvements to an existing facility or structure, with the intent to reuse, repurpose, or recycle some or all of the components.
2. "Demolition" means the decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement, or building, whether in whole or in part, whether interior or exterior.
3. "Department of Resources Recycling and Recovery (CalRecycle)" is a department within the California Environmental Protection Agency. CalRecycle administers and provides oversight of all statewide programs related to non-hazardous waste handling and recycling. CalRecycle also oversees jurisdictional compliance with regulations related to recycling and solid waste reduction.
4. "Designee" means an entity to which the City has delegated responsibility or authority to carry out a specified action pursuant to a contract, franchise, or other arrangement, which, for the purposes of this Title, the term "Designee" refers to the franchised residential hauler or an authorized commercial hauler acting as the City's authorized representative to carry out certain relevant activities required by SB 1383 as authorized by 14 CCR 18981.2(b).
5. "Discard" means to throw out, including to dump, litter, spill, sweep, brush, deposit or otherwise cast off.
6. "Dispose" or "disposal" means disposal as defined in Section 40192 of the California Public Resources Code, as may be amended from time to time. Disposal does not include the use of organic waste as alternative daily cover (ADC).
7. "Divert" means to use material for any purpose other than disposal in a landfill.
8. "Division" means the Recycling & Waste Division of the City of Elk Grove.

E. "E" Definitions.

1. "Edible Food" means food intended for human consumption or as otherwise defined by 14 CCR 18982(a)(18). For the purposes of this Title, Edible Food is not considered Solid Waste if it is recovered and not discarded. Nothing in this Title requires or authorizes the recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
2. "EGMC" means the Elk Grove Municipal Code.
3. "E-waste" means waste that is powered by batteries or electricity and that has a circuit board, including but not limited to televisions, small appliances, and personal electronics. Some e-waste or components thereof may be hazardous waste and thus require special handling.
4. "Excluded Waste" means e-waste, universal waste, hazardous substances, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material

that facility operator(s) 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, or its Designee's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose City, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in single-family or multi-family solid waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code. Excluded Waste does not include used motor oil and filters, household batteries, or medical sharps when such materials are properly placed for collection pursuant to instructions provided by the City or its franchised residential hauler for collection services.

F. "F" Definitions.

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

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

3. "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 18982(a)(25), including, but not limited to:

a. A food bank as defined in Section 113783 of the Health and Safety Code;

b. A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,

c. 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 Title and implementation of 14 CCR 18991 pursuant to 14 CCR Section 18982(a)(7).

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

4. "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 recovery, or as otherwise defined in 14 CCR 18982(a)(26). A Food Recovery Service is not a commercial edible food generator for the purposes of this Title and implementation of 14 CCR 18991 pursuant to 14 CCR 18982(a)(7).

5. "Food scraps" means the waste products from food preparation or consumption such as, but not limited to, bones, peels, fruit cores and pits, meat trimmings, rinds, seeds, coffee grounds, eggshells, and uneaten or spoiled leftovers. Food scraps excludes fats, oils, and grease when such materials are source separated from other food scraps.

6. "Food Waste" means food scraps and food-soiled paper.

7. "Franchise" means a residential or commercial solid waste collection franchise issued to a hauler by the City pursuant to this Title, as documented by a franchise agreement. For purposes of this Title, "franchise agreement" and "franchise contract" shall have the same meaning.

8. "Franchised hauler" or "franchisee" means a residential solid waste hauler or hauler possessing a valid franchise issued by the City pursuant to this Title.

G. "G" Definitions.

1. "Garbage" means solid waste that excludes recyclable material, organic waste, and Excluded Waste. Garbage includes: (a) putrescible waste that can rapidly decompose and become a nuisance characterized by decay, odors, gases, attraction of vectors, and other offensive conditions; and (b) nonputrescible waste such as non-organic textiles, crockery, rubber, plastic or wax coated paper, and similar waste materials.

2. "Generator" means a person or entity that is responsible for the initial creation of waste. Residential generators may include any person, resident, property owner, occupant, or other individual. Commercial generators may include any business, group of businesses located on a singularly-owned parcel, multi-family property, or single-family property managed by an association or organization. For purposes of this Title, commercial generators may be further defined as a covered generator or a C&D generator as follows:

a. "Covered generator" means any commercial generator that generates four (4) or more cubic yards of solid waste per week and/or any multi-family residential dwelling property of five (5) units or more regardless of waste collection service level. A covered generator may include a tenant, property owner, property manager, or other generator, and is dependent on whoever executes the contract(s) or written service agreement for solid waste collection services.

b. "C&D Generator" means any commercial generator that generates C&D debris.

3. "Gray Container" has the same meaning as in 14 CCR 18982(a)(28) and shall be used for the purpose of storage and collection of garbage.

4. "Green Container" has the same meaning as in 14 CCR 18982(a)(29) and shall be used for the purpose of storage and collection of source-separated organic waste.

5. "Green waste" means organic solid waste that will decompose or putrefy generated from landscapes, including garden and yard waste such as grass, leaves, weeds, brush, bedding straw, and trees (including live, unflocked Christmas trees) and branches, clippings, prunings and trimmings from trees, and any other organic waste designated by the City; see, also, "organic waste".

H. "H" Definitions.

1. "Haul" means to transport or remove.

2. "Hauler," refer to "commercial hauler" and/or "residential hauler," as applicable.

3. "Hazardous waste" means any waste defined as hazardous pursuant to 22 CCR 66261 and/or 40 CFR 261.3.

I. "I" Definitions.

1. "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 solid waste to determine if the entity is complying with requirements of this Title.

J. Reserved for future use.

K. Reserved for future use.

L. "L" Definitions.

1. "Large event" means an event including, but not limited to, a sporting event, festival, vendor fair or market, or flea market that charges an admission price, or is operated by a local agency, and serves 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.

2. "Large venue" means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. 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, aquatic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this Title and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR 18982(a)(39) differs from this definition, the definition in 14 CCR 18982(a)(39) shall apply to this Title.

M. "M" Definitions.

1. "Medical waste" or "infectious waste" means those wastes identified in California Health and Safety Code Section 25117.5, as may be amended from time to time.

2. “Multi-family property,” “multi-family development,” or “multi-family residential complex,” for purposes of this Title only, means any multi-family dwelling building or group of buildings that contain five (5) or more individual dwelling units located on a single tax lot regardless of waste collection service level. Multi-family complexes include, but are not limited to, apartment complexes, mobile home parks, senior housing/care facilities, and condominium complexes.

N. “N” Definitions.

1. “Non-local entity” means an entity that is a solid waste generator but is not subject to the control of a jurisdiction’s regulations related to solid waste. These entities may include, but are not limited to, special districts, federal facilities, prisons, facilities operated by the state parks system, public universities, and state agencies.

2. “Nonrecyclable C&D debris” means construction and demolition debris that contains only incidental amounts of recyclable or reusable construction and demolition material commingled with it.

3. “Nonresidential property” or “commercial property” means real property that is located in the City and used primarily for: a) commerce, including but not limited to offices, manufacturing, industrial, stores, restaurants, motels, hotels, recreational vehicle parks, theaters, service stations, and multi-family housing developments or complexes; b) not-for-profit organizations; and c) institutional uses, including churches and hospitals. The term “nonresidential property” or “commercial property” shall not include any single-family residential units or undeveloped land.

O. “O” Definitions.

1. “Organic Waste” means wastes containing material originated from living organisms and their metabolic waste products including, but not limited to, food waste, green waste, lumber, untreated wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges, or as otherwise defined in 14 CCR 18982(a)(46). Some types of organic waste may also be considered recyclable materials for purposes of compliance with EGMC Chapter 30.60; these include, but are not limited to, paper products and printing and writing paper.

2. “Organic waste recovery” means any activity or process described in 14 CCR 18983.1(b), and/or as otherwise defined in 14 CCR 18982(a)(49).

3. “Owner” means a person or entity having ownership interest and may also mean the person or entity that owns a business, nonresidential property, multi-family property, or single-family residential property managed by an association or other organization. An owner may also be a generator.

P. “P” Definitions.

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

2. "Permit" means any permit issued by the City pursuant to its zoning, planning, building, electrical, mechanical, or plumbing code.
3. "Permit applicant" means any person or entity that must secure a permit for a covered project.
4. "Permit application packet" means the collection of information and blank forms necessary to submit a complete application for a building permit to Building Safety and Inspection for construction and demolition related activities, including but not limited to building, construction, deconstruction, demolition, excavation, grading improvement, reconstruction, remodeling, renovation, repair, or any activity related to any of these activities. The permit application packet includes a C&D Waste Plan that shall be submitted to Building Safety and Inspection by the project manager or person to whom the permit will be issued for review by the Recycling & Waste Division.
5. "Permittee" means any natural person, business, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, public or private corporation, or any other entity whatsoever who applies to or receives from the City applicable permits to undertake any construction, demolition, or renovation project in the City.
6. "Premises" means a tract or parcel of land located in the City with or without habitable buildings or appurtenant structures.
7. "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 18982(a)(54).
8. "Prohibited Container Contaminants" means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable source-separated recyclable materials; (ii) discarded materials placed in the Green Container that are not identified as acceptable source-separated organic waste; (iii) discarded materials placed in the Brown Container that are not identified as acceptable source-separated food waste; (iv) discarded materials placed in the Gray Container that are acceptable source-separated recyclable materials, food waste, and/or organic wastes to be placed in the blue, brown, or green container; and, (v) Excluded Waste placed in any container.
9. "Project" means any activity that requires a building permit from the City including, but not limited to, the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, wiring, plumbing, use, and maintenance of any building or structure within the City.
10. "Project valuation" means the total construction valuation of labor and materials for the construction, demolition, or renovation project as calculated by the City.
11. "PRC" means the California Public Resources Code.

Q. Reserved for future use.

R. "R" Definitions.

1. "Recyclable C&D material" means used or discarded material resulting from construction, demolition, deconstruction, or renovation including, but not limited to, remodeling, repair, or demolition operations on any pavement, sidewalk, street, roadway project, bridge, house, commercial building, utilities or any other facility, structure, or improvement that can be diverted from landfills and returned 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.

2. "Recyclable material" or "recyclables" means material which can be separated from other solid waste and diverted from disposal or transformation for the purpose of recycling, repurposing, reuse, or salvage.

3. "Recyclable materials container," refer to "Blue container."

4. "Recycle", "recycling", and "recycled" mean the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise be disposed and returning them for use or reuse in the form of raw materials for new, used, or reconstituted products that meet the quality standard necessary to be used in the marketplace. "Recycling" does not include "transformation" as defined in California Public Resources Code Section 40201, as may be amended.

5. "Recycler" means any person or business entity that lawfully collects recyclable material.

6. "Recycling facility" means those facilities or operations that receive, process, and transfer to market recyclable materials that have been source separated from the solid waste stream.

7. "Recycling & Waste Division", "R&W Division", or "the Division" means the City of Elk Grove's Recycling & Waste Division of the Public Works Department. This division is responsible for ensuring all generators comply with the requirements of this Title and that the City is in compliance with all state-mandated waste reduction and diversion requirements.

8. "Removal" means the act of removing solid waste or recyclables from the place of waste generation.

9. "Renovation" means any change, addition, or modification in an existing structure.

10. "Resident" means the owner, occupant, manager, or other person in possession, charge, or control of a residential premises.

11. "Residential" refers to premises that contain four (4) or fewer dwelling units.

12. "Residential Hauler" means a solid waste hauler that has been granted the exclusive right to haul all solid waste generated by single-family residential properties and certain small commercial properties with space constraints, except as provided for in EGMC Section 30.30.090, through the issuance of a valid franchise.

13. "Residual waste" means solid waste which remains after processing and is transported from a Transfer Station to a permitted solid waste facility for disposal.
14. "Reuse" means further or repeated use of materials.
15. "Roll-off container" or "debris box" or "drop box" means a metal container, of three (3) to forty (40) cubic yard capacity, capable of being mechanically loaded onto a collection vehicle for transport to a disposal facility.

S. "S" Definitions.

1. "SB 1383" means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as may be amended, supplemented, superseded, and replaced.
2. "Self-haul" means the hauling for disposal, recycling, processing, or recovery of any solid waste by the same person or entity who generated it; see, also, "Back-haul."
3. "Service agreement" means a written agreement between an authorized hauler and a commercial generator concerning the collection of solid waste.
4. "Sharps" means any item having corners, edges, or projections capable of cutting or piercing the skin for medical purposes.
5. "Single-family" means of, from, or pertaining to any residential premises with four (4) or fewer dwelling units.
6. "Solid waste" means any material that is discarded except "excluded waste". For purposes of this Title, "Solid waste" refers collectively to all non-excluded waste types including "garbage", "recyclable materials", and "organic waste".
7. "Solid waste container" means any cart, bin, roll-off container, automatic lift container, debris box, or any other type of receptacle used for the deposit, storage, collection or transport of garbage, litter, junk, debris, refuse, swill, rubbish, waste matter, putrescible waste, hazardous waste, infectious waste, recyclable material, or organic waste.
8. "Solid waste handling" means all or a portion of the following:
 - a. Solid waste handling, as defined in Public Resources Code Section 40195, as may be amended from time to time, and
 - b. Solid waste disposal, as defined in Public Resources Code Section 40192, as may be amended from time to time.
9. "Source separate," "source-separated," and "source separation" means the process of separating solid waste at the point of discard or generation into separate containers for the purpose of additional sorting or processing those materials for recycling, recovery, 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 17402.5(b)(4). For the purposes of this Title, “source-separated” shall include separation of materials by the generator, property owner, property owner’s employee, tenant, property manager, or property manager’s employee into different containers for the purpose of collection such that source-separated materials are separated from garbage or other solid waste for the purposes of collection and processing.

10. “Source-separated material” means the recyclable material separated from garbage at the point of generation that contains less than ten percent (10%) of contaminating solid waste by weight.

11. “Source-separated organic waste” means source-separated organic waste that can be placed in a green container that is specifically intended for the separate collection of organic waste by the generator, excluding organic waste that may be placed in a blue container (such as paper products, see “Recyclable material”), carpets, and textiles.

12. “Source-separated recyclable C&D material” means any type of recyclable construction and demolition material separately containerized or clearly segregated from mixed construction and demolition debris, and other recyclable construction and demolition material, prior to collection and transportation for further processing.

13. “State” means the State of California.

14. “Subcontract” is a contract assigning some of the obligations of a contract to a third party.

T. “T” Definitions.

1. “Tenant” means someone who occupies land or property and pays rent to live in a single-family residential dwelling, a multi-family residential dwelling unit, or a commercial property that is owned by someone else.

2. “Three (3) container organic waste collection service” means a service provided to generators by a solid waste hauler where three (3) carts or containers are provided for the separation of three (3) different waste types (i.e., trash, recycling, and organics).

3. “Tier one commercial edible food generator” means a commercial edible food generator that is one of the following:

- a. Supermarket;
- b. Grocery store with a total facility size equal to or greater than 7,500 square feet;
- c. Food service distributor; and/or
- d. Wholesale food market.

4. “Tier two commercial edible food generator” means a commercial edible food generator that is one of the following:

- a. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet;
- b. Hotel with an on-site food facility and 200 or more rooms;
- c. Health facility with an on-site food facility and 100 or more beds;
- d. Large venue;
- e. Large event;
- f. A state agency with a cafeteria with 250 or more seats or local cafeteria facility size equal to or greater than 5,000 square feet; and/or
- g. A local education agency facility with an on-site food facility.

U. "U" Definitions.

1. "Universal waste" means hazardous waste that is universal waste as defined and listed, respectively, in 22 California Code of Regulations Sections 66273.9 and 66261.9, and as may be amended from time to time.

V. Reserved for future use.

W. "W" Definitions.

1. "Waste" means any material that is discarded including "Solid waste" and "Excluded waste."

2. "Waste log (WL)" means the record sheet (provided as a blank form by Building Safety and Inspection to the permit applicant as part of the permit application packet) that details the actual construction and demolition waste and recycling activity for the project, post-demolition, or post-construction.

X. Reserved for future use.

Y. Reserved for future use.

Z. Reserved for future use.

30.10.020 Ownership of Waste.

Waste is the property of the generator until any of the following has occurred:

- A. The generator legally discards the waste;
- B. The owner, occupant, manager, or other person in possession, charge, or control of a premises where solid waste is generated removes solid waste located on the premises and legally discards the solid waste; or
- C. A hauler collects solid waste from its customer and transports it for recycling, processing, or disposal of it in accordance with all City, State, and Federal laws.

30.10.030 Other agency exemptions.

Except as otherwise authorized or provided by applicable State law, the State of California, local education agencies such as school districts and non-local entities such as special districts, public universities and public colleges are exempted from the requirements of this Title with respect to handling solid waste generated on their respective premises.

30.10.040 Dumping or littering.

No person shall throw, drop, leave, dump, bury, burn, place, keep, accumulate, or otherwise dispose of any waste on public property or the private property of another, including any cart, container, or other waste receptacle, without permission or approval of the property owner, and except in accordance with all applicable laws, ordinances, and resolutions.

30.10.050 Excluded Waste.

No person shall deposit in any container used for solid waste any excluded waste. Special arrangements shall be made with a licensed hazardous or universal waste hauler, as appropriate, for removal of such material. Removal and proper disposal of excluded waste shall be the responsibility of the generator; an authorized hauler or a contractor is under no obligation to remove excluded waste.

30.10.060 Burning or burying of waste prohibited.

It is unlawful for any person to burn or bury within the City any waste of any type.

30.10.070 Scavenging prohibited.

A. No person shall open, look into, search through, and/or remove waste from any other entity's solid waste container or excluded waste storage container/area without the written permission of the individual or entity that pays for waste handling services, except for the following:

1. An authorized residential or commercial hauler that is hired to collect solid waste that has been stored in that container or a licensed excluded waste hauler hired to transport excluded waste stored in a container or area;
2. A law enforcement officer;
3. A City employee in the performance of their duties; or
4. Any person authorized and directed by the City Manager or a designee, such as someone conducting solid waste audits.

B. No person or entity, other than the hauler authorized by the City or by the contract to collect solid waste at that location, shall remove or collect recyclable or salvageable materials placed by any person in a bag or container labeled for the use in connection with the recycling program operated by such hauler, or remove or collect recyclable or salvageable materials found at any commercial, industrial, or city-owned or leased facility within the City. This Section shall not apply to residential, commercial, or industrial generators who contract for the removal of their recyclable or salvageable materials.

30.10.080 Promulgation.

The City Manager and/or a designee is authorized to administer, implement, and enforce this Title and promulgate related waste policy.

30.10.090 Appeals.

Any person aggrieved by a final decision or ruling resulting from department level review by the City Manager or the City Manager's designee made pursuant to this Title may file a written appeal with the City Clerk in accordance with EGMC Chapter 1.11.

30.10.100 Violations, enforcement, actions, and remedies.

A. Each failure to comply with any provision of this Title or any regulation promulgated under this Title is unlawful and constitutes a public nuisance and shall be enforced in accordance with procedures set out in EGMC Chapters 1.04, 1.08, 1.12 and Chapter 16.18 except as stated in Subsections B and C of this Section.

B. Any violations of the provisions of EGMC Chapters 30.61, 30.62, and 30.63 of this Title shall not be subject to any penalties or fines unless the violation occurs on or after January 1, 2024. Prior to that date, violations of these Chapters shall result in the issuance of a notification to the generator or to the food recovery service or organization containing information of the requirements to properly separate organic waste or edible food for recovery. After such date, violations of the specified Chapters shall be subject to any applicable fines and/or penalties adopted by resolution of the City Council.

30.10.110 Notices.

A. Public Hearings.

1. Posting and Publishing. Whenever a provision of this Title authorizes or requires a public hearing to be conducted by the City Council, the City Clerk shall give notice of the time, date, place, and purpose of the hearing.

2. Personal Delivery or Mail. If the public hearing concerns an identifiable person, the City Clerk, or the City Clerk's authorized designee, shall personally deliver or mail the notice, postage prepaid, by deposit at a United States post office, sub-post office, substation, or in a mailbox or mail chute. The City Clerk will direct the notice to the latest address that the person provided to the City.

B. Other Notices.

1. Public education and outreach notices issued pursuant to SB 1383 requirements found in 14 CCR 18985.1 may be distributed by the City or its designee by print or electronic media. The City may further distribute notices by direct contact through workshops, meetings, on-site visits, or public events.

2. The City Clerk or Recycling & Waste Division will distribute all notices not otherwise provided for in this Chapter by personal delivery or by mail pursuant to Subsection (A)(2) of this Section.

30.10.120 Haulers.

No person or entity may haul solid waste on City streets, alleys, highways, or other public pavement except as authorized by this Title.

30.10.130 Transportation requirements.

A. Any person or entity transporting solid waste in the City shall ensure that no material drops, sifts, leaks, blows, spills, or otherwise escapes from the vehicle transporting that solid waste.

B. Any person or entity transporting solid waste shall cover or otherwise secure the transported load of solid waste such that no solid waste spills or falls from the transporting vehicle.

C. The City shall reasonably act to enforce, or to assist an authorized hauler in enforcing provisions of the hauler's franchise agreement that adversely affect public health or that impinge on the City's goals as stated in this Title.

D. Persons or entities engaged in solid waste removal pursuant to these requirements shall be responsible for any damage in excess of normal wear and tear to the City's driving surfaces, whether or not paved, resulting from the illegal weight of, or any leakage or spillage of, oils, fluids or solids by vehicles used in such solid waste removal.

E. Vehicles used for the collection, transportation, or disposal of solid waste shall comply with California Highway Patrol (CHP) and Department of Transportation (DOT) regulations and shall be thoroughly washed and disinfected inside the collection body following each use.

30.10.140 Disposal.

A. Any person or entity transporting solid waste in the City shall deliver all solid waste collected and dispose of such solid waste only at sites or facilities that are authorized to accept that solid waste by law, such as permitted transfer stations, landfills, materials recovery facilities, composting facilities, digestion operations, biomass conversion operation, and/or recyclables buy-back centers.

B. The City may direct any person or entity transporting solid waste in the City to deliver solid waste to, and discard it at, one or more sites or facilities owned by the City.

Chapter 30.20 RESIDENTIAL GENERATOR REQUIREMENTS

Sections:

30.20.010 Mandatory service.

30.20.020 Exemptions from mandatory service.

30.20.030 Residential solid waste containers.

30.20.010 Mandatory service.

A. Except as otherwise provided in this Title, every generator owning or occupying residential property within the City limits shall utilize the solid waste collection and transportation services of the franchised residential hauler authorized by the City and shall pay the fees for those services as set by resolution of the City Council. Except for residential generators that have applied for and received an exemption from mandatory service pursuant to EGMC Section 30.20.020, all residential generators shall subscribe to all mandatory service types offered by the residential hauler including garbage, non-organic waste recycling, and organic waste recycling. The City may cause to be removed, at the expense of the residential generator, any solid waste not collected due to the failure or refusal of the residential generator to arrange or pay for the residential hauler's services.

B. Residential generators shall participate in all mandatory service types required by Subsection A of this Section by placing designated materials in designated containers as described in Subsection F below.

C. Residential generators residing on residential properties that do not have adequate space to collect and store solid waste may not be offered the same service level provided to residential generators under the franchise agreement with the City's franchised residential hauler. For example, at a high-density residential development, such as

townhomes, if there is insufficient space to place all solid waste carts out for collection pursuant to EGMC Section 30.20.030 (E) and (F), residents of the complex may be required, as determined by the City, to place carts in a community collection area so that the residential hauler can properly service the carts. Additionally, the City, at its discretion, may determine the size and number of carts issued to each residential unit within a high-density development and each property owner will still be required to pay the total applicable residential service rates as set by resolution of the City Council.

D. All charges for residential solid waste collection and transportation services shall be billed to the owner of record of any such parcel as shown upon the County of Sacramento Assessor's roll as of the date that ownership of the property changes or solid waste service is commenced for the parcel, to the successor in interest to such person, such person's designee, or to any person requesting that such charges be billed to the individual, but in all cases the property owner shall be liable for the charges.

E. The City may review the number and size of a residential generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation and containment of all waste. Residential generators shall adjust the service level for its collection services as requested by the City and shall pay all applicable rates for those services as set by resolution of the City Council.

F. Waste Separation Requirements.

1. Residential generators shall:

- a. Separate all organic waste from other solid waste and place this material, including food waste, in the organic waste collection container (the "green container");
- b. Separate all recyclable materials from other solid waste and place this material in the recyclable materials container (the "blue container"); and
- c. Place all garbage in the garbage container (the "gray container").
- d. Notwithstanding the foregoing, until such time as the residential hauler distributes the green, blue, and gray containers to residential generators, residential generators shall place solid waste in the container(s) designated for the specific waste type.

2. Residential generators shall not place prohibited container contaminants in any collection container.

3. Residential generators may 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 18984.9(c).

4. Nothing in this Chapter shall abridge the right of any residential generator to sell or exchange at fair market value its own recyclable materials, which are source separated for reuse and/or recycling.

30.20.020 Exemptions from mandatory service.

A. Solid waste collection exemptions. A residential generator whose account is current and in good standing may apply for a solid waste service exemption pursuant to the Solid Waste Exemption Policy as adopted by resolution of the City Council. Within thirty (30) days

of receipt of a completed application, the Recycling & Waste Division will review and approve or deny the application, according to the terms of the Solid Waste Exemption Policy and notify the residential generator and the property owner of record, if different from the residential generator, as to whether the request has been granted or denied.

30.20.030 Residential solid waste containers.

A. Cart ownership. All residential generators who subscribe to solid waste service from the City's residential hauler will be provided with the number, size, and type of carts applicable to their subscription. Carts may be provided by the City or the residential hauler to facilitate the storage and collection of solid waste and shall remain the property of the City or the residential hauler, as appropriate, unless ownership is transferred to the City or the residential generator pursuant to the Franchise Agreement between the City and the residential hauler required by EGMC Section 30.30.010.

B. Cart maintenance. Residential generators shall maintain solid waste carts in a clean, safe, and sanitary condition; in good repair free from sharp or rough edges, jagged surfaces, or other hazards likely to cause injury; and shall reasonably secure the carts from loss or theft. In the event of loss, residential generators may be required to reimburse the City or the residential hauler for the cost of the carts as identified in the franchise agreement between the City and the residential hauler. The residential hauler shall be responsible for repairs to carts due to standard wear and tear, defective carts, or damage incurred during the collection process or from the collection vehicle.

C. Other residential solid waste containers. All residential generators that have been granted a solid waste exemption pursuant to EGMC Section 30.20.20 and receive commercial solid waste service may be provided with other solid waste container types by an authorized hauler.

D. Container storage. Residential generators shall store carts or other solid waste storage containers out of view from any street, sidewalk or other public right-of-way by fence, landscaping, building, or other efficacious screening as determined by the City, except that storage of containers on the side of the residence immediately adjacent to the backyard fence shall satisfy the requirements of this Section. No person shall store carts or other containers on public property, including rights-of-way.

E. Container set-out times for collection. Residential generators shall not set out containers more than twenty-four (24) hours prior to scheduled collection. All residential generators shall return containers to the container storage area no later than 6:00 a.m. on the morning following collection.

F. Cart set-out location. Except as otherwise agreed to by the residential hauler, no residential generator shall set out carts for collection except in the following locations:

1. On the street in front of the residential premises with the wheels of each cart against the curb;
2. If there is no curb, on the edge of the street in front of the residential premises with the wheels of the carts abutting the premises; or
3. Any other place that the Recycling & Waste Division may prescribe to provide efficient or safe collection.

Residential generators with an approved exemption pursuant to EGMC Section 30.20.20 and receiving commercial solid waste service from an authorized hauler may determine an alternate set-out location with their hauler, provided that such location is not located within the public right-of-way, does not block a driveway or vehicular traffic, and provides for the efficient and safe collection of solid waste.

G. Cart placement. All residential generators, with the exception of those who reside in single-family high density housing complexes that lack adequate space for a three-container collection service or those receiving commercial solid waste service with an approved exemption, shall place carts in a single line with three feet (3' 0") between each cart and six feet (6' 0") from any car or stationary object. Residential generators shall not set out any cart where the cart may obstruct a driveway or vehicular traffic.

H. Other materials placement. Residential generators who subscribe to collection service shall set out for collection bulky solid waste, used oil and oil filters, Christmas trees and any other materials as may be permitted in conjunction with special programs provided by the residential hauler, at the curb in front of each residential premises or, if there is no curb, on the edge of the street in front of the residential premises. All material placed out for collection shall be subject to the same requirements for carts relating to set-out times, location, placement, and storage as set forth in Subsections D through G of this Section.

I. Containerized. Residential generators may discard solid waste at the set-out locations described in Subsection E of this Section only in the designated solid waste cart for that waste type unless noncontainerized set-out is otherwise permitted in conjunction with a bulky waste collection appointment, collection of used oil and oil filters, Christmas trees, or other special services provided by the residential hauler.

J. Roll-off containers. Residential generators may subscribe to roll-off container service from an authorized commercial hauler, pursuant to EGMC Section 30.30.090 (A)(3), for a maximum of seven (7) days without a building permit. When there is a building permit, the roll-off container shall be serviced, at a minimum, every fourteen (14) days.

K. Container closure. Residential generators shall keep lids of containers fully closed (and other receptacles such as cans or bags tightly covered or securely tied) in order to prevent solid waste overflow, spills or litter that can cause odors and exposure of solid waste to insects, vermin, and other vectors; encourage foraging by domestic or wild animals; and otherwise create a nuisance or threat to public health and safety.

L. Container cleaning and maintenance. To maintain containers in serviceable condition, normal wear and tear excepted, residential generators may use solid waste containers only for storage of solid waste. Except as otherwise directed by the City, no person shall paint, mark, or otherwise deface a container in any way. Residential generators shall clean the inside and outside of their containers as necessary to maintain sanitary conditions and keep containers free of graffiti.

M. Weight and capacity limitations. No person shall fill any container in excess of its capacity and maximum weight prescribed by the residential hauler or the City, whichever is less.

Chapter 30.30
RESIDENTIAL HAULER REQUIREMENTS

Sections:

- 30.30.010 Franchise required.
- 30.30.015 Grant of franchise.
- 30.30.020 Public hearing requirements.
- 30.30.030 Application expenses.
- 30.30.040 Resolution of intention to grant a franchise.
- 30.30.050 Public hearing requirements and grant of contract.
- 30.30.060 Duty to maintain books.
- 30.30.070 Liability for damages to the City or for operating without a contract.
- 30.30.080 Recyclable material.
- 30.30.090 Exceptions to grant of franchise.

30.30.010 Franchise required.

No person or entity shall engage in the business of collecting, transporting, or disposing of any solid waste kept or accumulated in the City unless authorized to do so under and by virtue of a contract with the City. The City may, in its discretion, enter into a contract with any person or entity thereby authorizing such person or entity to engage in the business of collecting, transporting, and disposing of solid waste produced, kept, or accumulated in the City. Each and every such contract shall describe the terms, conditions, restrictions, and limitations as may be deemed necessary or convenient for the preservation, protection, or enhancement of the public peace, health, safety, and general welfare; provided that no contract shall be granted without reserving to the City adequate compensation for the privilege conferred. Any person or entity entering into such a contract, shall be deemed as the City's "Designee" for the purposes of fulfilling certain requirements of SB 1383 as allowed in 14 CCR 18981.2(b). Specific requirements to be fulfilled by any given designee shall be included as a requirement within the franchise agreement.

30.30.015 Grant of franchise.

The procedure to obtain a contract granting a franchise, or an amendment thereto, under this Chapter shall be as follows:

A. Any person or entity desiring an amendment to an existing franchise contract solely for a change in the collection rates contained therein and pursuant to the terms and conditions of said contract shall obtain such amendment by following the procedures as set forth in that contract. The City shall consider such an amendment pursuant to the terms of the contract. No public hearing shall be required unless expressly provided for in such contract and the procedures included in this Chapter shall be inapplicable to the extent inconsistent with the contract.

B. Any person or entity desiring to obtain a franchise contract or an amendment to an existing franchise contract, except as set forth in Subsection A of this Section, shall apply for a franchise contract, which includes an amended franchise contract or amendment to a franchise contract, for the purpose of providing certain services that the applicant seeks permission from the City to supply relating to collecting, transporting, or disposing of solid waste in the City. The applicant shall apply by filing with the City an application to provide such services. Such application shall include the following:

1. The name and address of the applicant as well as the principal officers and directors of the applicant if the applicant is not a natural person;
2. The service that the applicant proposes to provide, the cost of such service, and the terms and conditions of such service;
3. The term for which the applicant desires to engage in business;
4. Any proposed compensation to be paid by the applicant to the City for the value of the contract and/or its costs to the City;
5. An assurance satisfactory to the City Manager that the services proposed do not conflict with the operative provisions of any existing exclusive franchise contract; and
6. Any other information required by the City Manager to evaluate the applicant's qualifications, experience, and financial ability to provide such service.

30.30.020 Public hearing requirements.

A. Upon receipt of an application by the City Council, the City Council must notice and provide a public hearing whenever it finds that the application for a solid waste contract is completed to its satisfaction, except under the following conditions:

1. The City Council determines that the application cannot be approved as applied for without conflict with the operative provisions of an existing exclusive franchise contract; or
2. The applicant does not advance fees required after having been given not less than thirty (30) days' written notice to do so.

B. If the City Council is relieved from the requirement to provide a hearing due the exceptions set forth in Subsection (A) of this Section, the application shall be deemed rejected and no contract shall be awarded on the basis of such application.

30.30.030 Application expenses.

Applicant for a contract shall pay to the City a fee in the form of a sum of money sufficient to reimburse the City for all expenses in connection with the processing of the application, which may include but are not limited to, publication expenses, staff time, and consultant costs. Said fee shall be set by resolution of the City Council.

30.30.040 Resolution of intention to grant a franchise.

A. When a public hearing is required pursuant to Section 30.30.020, the City Council may pass a resolution of intention to grant a franchise, which:

1. States the character of the proposed franchise contract;
2. Sets forth a notice of the day, hour, and place when and where all persons having an interest in granting the contract may appear before the City Council and be heard thereon; and
3. Directs the City Clerk to publish the notice at least once within fifteen (15) days after the passage of the resolution in a newspaper of general circulation within the City.

B. Time fixed for the hearing shall be not less than twenty (20) days or more than sixty (60) days after the date of passage of the resolution.

30.30.050 Public hearing requirements and grant of contract.

A. At the time set for the public hearing for consideration of a pending application for a franchise contract, if such a hearing is required under this Chapter, the City Council shall:

1. Consider the applicant's ability to carry out the service proposed to be provided by the contract, the financial and business experience and standing of the applicant, and any other pertinent factors, including the public interest served; and

2. Hear the application and the comments of interested persons.

B. The City Council may adjourn the public hearing from time to time at the City Council's discretion.

C. Following the conclusion of the hearing, the City Council shall decide if the franchise contract shall be granted.

D. A person or entity's acceptance of a franchise by entering into a franchise contract with the City under the provisions of this Chapter shall constitute an abandonment of all of that person or entity's prior and/or pre-existing franchises, rights, and privileges in lieu of which the contract is granted, except as expressly provided in such franchise contract.

E. If the City Council's proffered franchise contract is not accepted by the applicant by execution within ten (10) days of the City Council's decision to enter into the contract to grant the franchise, the City Council's offer shall be deemed revoked, and the application shall be deemed denied.

30.30.060 Duty to maintain books.

Any person or entity holding the privilege granted by a franchise contract pursuant to this Chapter shall keep and maintain such books and records as may be required by the City Council as part of said contract. The City, or a designated representative, shall have free access and the right at any time to inspect and audit any books and records required to be maintained by the person or entity holding the privilege granted under this Chapter and for a period of three (3) years following the expiration or termination of the franchise, whichever occurs first.

30.30.070 Liability for damages to the City or for operating without a contract.

A. The grantee of a franchise contract under this Chapter shall be liable to the City for all damages proximately caused or resulting from the failure of the grantee to faithfully observe and perform any provisions of such contract and/or any provision of this Chapter. If legal proceedings are necessary to enforce the provisions of the contract against any grantee of said contract, said grantee shall be liable for the value of the services of attorneys and of other personnel as well as the expenses of the City that are necessary to gain compliance.

B. Any person or entity providing services consisting of collecting, transporting, or disposing of solid waste in the City, with the exception of recyclables sold at fair market value as allowable by EGMC Section 30.20.010(F)(4), without the benefit of a duly

executed contract with the City shall be subject to criminal prosecution for violation of this Chapter and shall be liable to the City for the value of the services of attorneys, other personnel, and expense of the City. Such person shall also be liable for the fees the City would have been entitled to if said person had been the duly authorized residential hauler under contract with the City.

30.30.080 Recyclable material.

A. Recyclable material set out for collection by the residential hauler shall become the property of the residential hauler, the City, the City's authorized recyclable materials collector, or a person expressly authorized by the owner or occupant of the properties served; only these persons/entities shall have the exclusive right to said recyclable material.

B. Various properties and facilities may be approved from time to time by the City in accordance with the rules and regulations as authorized locations for the deposit of recyclable materials.

30.30.090 Exceptions to grant of franchise.

A. The rights and privileges granted in the residential franchise agreement to the franchised residential hauler shall in no way prevent or restrict the City or other parties from doing the following:

1. Residential generators may self-haul or remove solid waste in their own vehicles, if approved for a self-haul exemption pursuant to EGMC Section 30.20.020.
2. A person or entity who generates solid waste at a residential premises as incidental to that person's or entity's primary service and who does not separately itemize the removal costs as a solid waste hauling service may haul the incidental solid waste from that premises. Examples include, but are not limited to:
 - a. Hired construction contractors or subcontractors hauling solid waste, such as construction and demolition debris they generate in the course of providing construction or demolition services at the residence, excluding any debris generated by the resident;
 - b. Hired gardeners or landscapers hauling green waste they generate in the course of providing services; or
 - c. Retail businesses hauling furnishings from the residence following the delivery of comparable new merchandise.
3. When emptying a house for an estate sale, performing a large-scale cleanup of a residential property, or performing renovations, residential generators may discard solid waste, including bulky waste, in bins, roll-off containers or any container other than carts when the residential generator subscribes to roll-off service from a commercial hauler authorized to provide solid waste service in the City pursuant to EGMC Section 30.50.010.
4. A business located in a residential premise may subscribe to commercial service in dumpsters provided that there is sufficient space available for all containers required and that such containers can be stored pursuant to EGMC Section 30.20.030(C).

5. Residential generators may donate or sell recyclable or salvageable materials, other than edible food pursuant to Subsection 6 of this Section, that has been generated and segregated by such parties from other materials to any party of their choice, provided that such sale or donation is a true sale or donation.

6. Residential generators may donate or give away edible food for the purposes of food recovery regardless of whether the residential generator pays a fee to the other person or entity to collect or receive the edible food.

6. Other permitted entities may haul and dispose of septic tank, sand trap and grease trap contents.

7. The City's street cleaning service may provide the collection of garbage in connection with its service.

8. Any other service that is not specified in this Chapter that normally would be considered to fall within the franchised residential hauler's services, and that the contractor explicitly waives its right to provide, may also be provided with written notice to the City.

9. The provisions of this Chapter shall not preclude or prohibit the City, utilizing its own forces, or any officer or employer thereof, from collecting, removing, and disposing of solid waste from the City's facilities, or preclude or prohibit the State, utilizing its own forces, from collecting, removing, and disposing of solid waste from the State's facilities respectively.

Chapter 30.40 COMMERCIAL GENERATOR REQUIREMENTS

Sections:

- 30.40.010 Mandatory service required.
- 30.40.020 General Requirements
- 30.40.030 Service exemptions.
- 30.40.040 Collection container requirements.
- 30.40.050 Storage container requirements.
- 30.40.051 Outdoor container storage.
- 30.40.052 Commercial solid waste storage, set-out, and discard.
- 30.40.060 Requirements for self-hauling or back-hauling.

30.40.010 Mandatory service required.

A. All commercial generators shall subscribe to, pay for, and participate in solid waste collection services from a commercial hauler authorized to collect solid waste pursuant to EGMC Chapter 30.50.

B. Commercial generators shall also subscribe to, pay for, and participate in collection services that divert recyclable materials and organic waste from landfills pursuant to EGMC Chapters 30.60 and 30.61.

C. Commercial generators that are also commercial edible food generators as defined in EGMC Section 30.10.010(C)(11) shall also comply with the edible food recovery requirements pursuant to EGMC Chapter 30.62.

30.40.020 General requirements.

A. All commercial generators shall source separate all solid waste and place all garbage in the designated garbage container (the “gray container”); all recyclable materials into the designated recyclable materials container pursuant to EGMC Section 30.60.030; and all organic waste into the designated organic waste container pursuant to EGMC Section 30.61.030.

B. Commercial generators shall not place any prohibited container contaminants into collection containers. Edible food that may be recovered shall not be placed in any solid waste container.

C. Commercial generators are responsible for removal of all solid waste accumulated on their commercial premises and shall comply with 14 CCR 17331, as may be amended from time to time. A commercial generator shall remove solid waste from its premises at least once (1) each week, except that a commercial generator comprised of a restaurant, retail or wholesale market, food processing facility, hotel, motel, or other commercial establishment where food is sold, prepared, or served shall remove solid waste accumulated on its premises at least twice (2) each week, or more frequently if determined by the City.

D. A commercial generator shall subscribe to containers from an authorized hauler, or provide containers itself, in sufficient number, size, and collection frequency to contain all solid waste generated and accumulated on its commercial premises pending collection.

E. Except as otherwise provided for by law, all commercial generators shall provide access to, or arrange to provide access to, their property and/or collection containers during all inspections performed to determine compliance with EGMC Title 30 and shall cooperate with the City or its designee during the course of any inspection. Failure to provide lawful access to, or to arrange for access to, the commercial generators property or solid waste containers may result in penalties pursuant to EGMC Section 30.10.100. Nothing in this Section shall be construed to allow the City or its designee to enter the interior of a private residential property for inspection.

30.40.030 Service exemptions.

Solid waste collection service for garbage is mandatory. A commercial generator may choose not to subscribe to commercial collection services from an authorized hauler for recyclables and/or organic waste provided that the commercial generator has completed, and the City has approved, an Alternative Compliance Form and that commercial generator has submitted this form to their garbage hauler.

30.40.040 Collection Container Requirements.

A. Each commercial generator shall supply and allow access to an adequate number, size, and location of solid waste collection containers for employees, contractors, tenants, and customers.

B. Each covered generator, excluding multi-family residential dwellings, shall provide containers for the collection and storage of recyclable materials and organic waste in all indoor and outdoor areas where garbage containers are provided for customers. Containers for recyclable materials and organic waste shall be located adjacent to garbage collection containers. Such containers do not need to be provided in restrooms.

If a commercial generator does not generate any of the materials that would be collected in one type of container, then the commercial generator does not have to provide that particular container.

C. Containers provided by commercial generators pursuant to Subsections A and B of this Section shall conform to the following requirements for color and marks/labels:

1. Containers shall comply with the following color requirements:
 - a. Garbage containers shall have a black or gray body and/or lid (the “gray container”);
 - b. Recyclable materials containers shall have a blue body and/or lid (the “blue container”); and
 - c. Organic waste containers shall have a green body and/or lid (the “green container”).
 - d. Food waste containers shall have a brown body and/or lid (the “brown container”).
 - e. A commercial generator 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. Containers shall be marked and/or labeled as follows:
 - a. Labels with text, graphic images, or both affixed to the container stating the primary material accepted and the primary materials prohibited in that container; or
 - b. Imprinted text or graphic images permanently placed on the container stating the primary materials accepted and primary materials prohibited in the container.
 - c. Pursuant 14 CCR 18984.8, the container labeling requirements specified in this subsection are required on all new containers commencing January 1, 2022.

D. Every multi-family residential unit shall have separate containers for the storage of recyclable materials and organic waste provided by either the multi-family residential property owner or by the multi-family residential tenant as part of their rental agreement.

E. To the extent practical through education, training, inspection, and/or other measures, commercial generators shall prohibit employees from placing materials in a container not designated for those materials.

F. Commercial generators shall periodically inspect all solid waste collection containers including, without limitation, the gray containers, blue containers, brown containers, and green containers, for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to EGMC Section 30.40.020 (B).

30.40.050 Storage container requirements.

A. Commercial generators shall store all solid waste generated or accumulated on its premises pending collection by an authorized hauler outdoors in a solid waste enclosure pursuant to EGMC Chapter 30.90. Solid waste shall be stored in one (1) of the following types of containers: A) carts provided by the City's franchised residential hauler; or B) bins, dumpsters, compactors, roll-off containers, or other containers provided by the commercial generator or by an authorized hauler. All solid waste storage containers shall comply with the collection container color and labeling requirements specified in EGMC Section 30.40.040(C).

B. A commercial generator shall comply with 14 CCR 17315, as may be amended, and ensure that containers are nonabsorbent, watertight, vector-resistant, durable, and easily cleanable. Containers shall have plugs for drainage. The commercial generator shall mark its containers so that the address of the commercial generator is clearly marked in text at least three (3") inches high and plainly visible.

C. The City may review the number and size of a commercial generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation and containment of all waste. Commercial generators shall adjust the service level for its collection services as requested by the City and shall pay all applicable rates for those services provided by the authorized hauler.

30.40.051 Outdoor container storage.

A. Storage area. Pending collection and removal of solid waste, a commercial generator shall store solid waste storage containers in storage areas meeting the requirements of Chapter 30.90, unless directed otherwise by the City.

B. Solid waste storage containers shall not be placed or located in such a manner that blocks or impedes passage through an alley or through any doorway of any building adjoining an alley, even if such building may be abandoned or otherwise vacant or out of use.

C. Storage area monitoring. A commercial generator shall maintain supervision and surveillance over containers on its commercial premises to prevent scavenging and the accumulation of rubbish in and around the solid waste storage area.

D. Storage area design requirements. A commercial generator with a new or remodeled commercial premises shall comply with the California Solid Waste Reuse and Recycling Access Act of 1991 and the City's Space Allocation and Enclosure Design Guidelines for Trash and Recycling pursuant to EGMC Chapter 30.90.

30.40.052 Commercial solid waste storage, set-out, and discard.

A. A commercial generator shall keep containers fully closed (and other receptacles such as cans or bags tightly covered or securely tied) in order to prevent solid waste overflow, spills or litter that can cause odors and exposure of solid waste to insects, vermin, and other vectors; encourage foraging by domestic or wild animals; and otherwise create a nuisance or threat to public health and safety.

B. Container cleaning and maintenance. If the authorized hauler furnishes containers but is not responsible for maintaining them under terms and/or agreement between the hauler and a commercial generator, then the commercial generator shall clean the inside and outside of the hauler's containers as necessary to maintain sanitary conditions and

keep them free of graffiti, and to comply with 14 CCR 17314, as may be amended. If a commercial generator does not subscribe to solid waste collection service pursuant to EGMC Section 30.40.060, the commercial generator shall clean the inside and outside of its solid waste storage containers as necessary to maintain sanitary conditions and to keep them free of graffiti.

C. Commercial generators shall provide and empty tobacco waste receptacle(s), such as a cigarette urn or ashtray, in each area of its commercial premises where smoking is lawfully permitted.

D. Collection set-out site. Unless a commercial generator arranges with an authorized hauler to provide manual roll-out or push services, a commercial generator shall set out its containers for collection at appropriate locations that will minimize traffic and prevent aesthetic or other collection issues for the general public. A commercial generator may not set out any container where the container will block driveways; be in the public right-of-way, or otherwise obstruct vehicular traffic.

E. Roll-off containers. Commercial generators may either:

1. Subscribe to temporary roll-off container service from an authorized hauler for a maximum of seven (7) days without a valid City-issued building permit; or

2. Subscribe to temporary roll-off container service from an authorized hauler for a longer period provided the commercial generator possesses a valid City-issued building permit; in such case the roll-off container shall be serviced, at a minimum, every fourteen (14) days.

3. Subscribe to permanent roll-off container service provided such use complies with all applicable provisions of the Zoning Code (EGMC Title 23), has been approved pursuant to EGMC Section 23.16.020 or EGMC Section 23.16.080, as applicable, and the roll-off container is serviced, at a minimum, every fourteen (14) days.

F. Discard Prohibitions.

1. Containerized. A commercial generator may discard solid waste at the set-out locations described in Subsection (D) of this Section only in containers. A commercial generator shall place all bagged solid waste inside containers.

2. Excluded waste. A commercial generator may not commingle materials that are not solid waste (such as hazardous waste, medical waste, electronic waste, and universal waste) with solid waste discarded for collection or removal. A commercial generator shall securely bag or wrap airborne waste before discarding it.

3. Weight limitations. A commercial generator may not fill containers in excess of the maximum weights and/or volumes prescribed by its hauler.

4. Prohibited container contaminants. No commercial generator may contaminate solid waste containers by placing prohibited container contaminants in any solid waste container. Garbage shall only be placed in the gray container, recyclable materials shall only be placed in the blue container, and organic waste shall only be placed in the green container except organic waste that may be placed in the blue container such as paper products or printing and writing papers or food waste that may be placed in a brown container in-lieu of a green container.

30.40.060 Requirements for self-hauling or back-hauling.

A. A commercial generator may haul or transport recyclable materials and/or organic waste generated on its premises rather than subscribing to recycling or organic waste collection service from an authorized hauler only if an owner, commercial generator, or employee of the entity completes this activity by utilizing a vehicle owned by either the owner, an employee, or the entity.

B. Any commercial generator engaged in self-hauling or back-hauling shall source-separate all recyclable materials and organic waste from garbage pursuant to EGMC Section 30.40.020 (A).

C. Recyclable materials that are self-hauled by a commercial generator shall only be transported to a recyclables processing facility, recycling center, CRV buy-back center, or other similar facility that ensures such material is diverted from landfill disposal. Organic waste that is self or back-hauled by a commercial generator shall only be transported to a facility, operation, or property that processes or recovers organic waste or similar facility that ensures such material is diverted from landfill disposal. Recyclable materials and organic waste may be transported to a consolidation site such as a transfer station provided that it complies with the requirements of 14 CCR 17409.5.10. Recyclable materials and organic waste that are self or back-hauled by a commercial generator shall only be transported to a destination that is owned and/or operated by the commercial generator using the commercial generator's own vehicle.

D. A commercial generator that self or back-hauls solid waste pursuant to Subsections A through C of this Section, shall complete and submit to their garbage hauler an Alternative Compliance Form provided by the City that certifies that all self or back-hauling activities will be completed in accordance with the provisions of all applicable laws and regulations.

E. The Alternative Compliance Form shall contain a written statement signed by the commercial generator certifying that the owner or commercial generator is in compliance with the requirements of EGMC Chapters 30.60, 30.61, and if applicable 30.62.

F. Self-hauler/back-hauler reporting requirements. Self-haulers and back-haulers shall keep the following records on-site and shall provide them to the City upon request:

1. The total amount of recyclable materials and organic waste generated, collected, and delivered to a facility, operation, or property pursuant to Subsection C of this Section (recorded either in cubic yards, pounds, or tons);
2. The name and location of all recycling facility(s), organic waste processing facility(s), and/or commercial generator-owned properties to which the recyclable materials and/or organic waste were taken during the year; and
3. All delivery receipts and/or weight tickets from the entity accepting waste.

G. The City Manager, or the City Manager's designee, may restrict or prohibit self or back-hauling by an owner and/or entity if the City Manager, or designee, determines, after providing thirty (30) days' written notice and an opportunity for a hearing pursuant to EGMC Section 30.40.061, that the owner's or entity's self or back-hauling activities violate the provisions of EGMC Title 30 or any other applicable law or regulation. Such written

notice shall be sent to the service location and/or the property owner of record via United States certified mail, return receipt requested.

H. Notwithstanding any other provision of this Chapter, a generator receiving a written notice pursuant to Section (G) may appeal the decision of the City Manager pursuant to the appeals procedure set forth in EGMC Chapter 1.11

Chapter 30.50 COMMERCIAL HAULER REQUIREMENTS

Sections:

- 30.50.010 Franchise agreement required.
- 30.50.020 Authorized hauler qualifications.
- 30.50.030 Franchise agreement.
- 30.50.040 Requirements for authorized haulers.
- 30.50.041 Requirements for service agreements.
- 30.50.050 Inspection of equipment and facilities.
- 30.50.060 Vehicles.
- 30.50.070 Vehicle inspections.
- 30.50.080 Transportation requirements.
- 30.50.090 Containers.
- 30.50.100 Commercial Hauler Fee.
- 30.50.110 Commercial hauler fees for clean-up companies.
- 30.50.120 Disputes.
- 30.50.130 Customer invoices.
- 30.50.140 Time and manner of payment.
- 30.50.150 Payment security.
- 30.50.160 Late payment fees.
- 30.50.170 Credit for overpayment.
- 30.50.180 Records.
- 30.50.190 Reporting
- 30.50.200 Audit.
- 30.50.210 Insurance.
- 30.50.220 Liability for damages to the City or for operating without a contract.

30.50.010 Franchise agreement required.

A. No person or entity shall engage in the business of collecting, transporting, or disposing of solid waste kept, accumulated, or generated in the City by commercial generators or engage in the business of soliciting accounts or invoicing commercial generators for solid waste service in the City unless authorized to do so under a valid franchise agreement with the City. The City may, in its discretion, authorize one (1) or more persons or entities for the collection, transportation, or disposal of commercial solid waste kept, accumulated, or generated in the City or to engage in the business of soliciting accounts or invoicing commercial generators for solid waste service in the City. Each and every such authorization shall be a franchise agreement describing the terms, conditions, restrictions, and limitations as may be deemed necessary or convenient for the preservation, protection, or enhancement of the public peace, health, safety, and general welfare; provided, that no franchise shall be granted without reserving to the City adequate compensation for the privilege conferred and the administrative costs of providing regulatory oversight and providing all necessary programs to meet the requirements of all applicable solid waste laws and regulations.

B. No person or entity may haul commercial solid waste on City streets, alleys, highways, or other public pavement except the following and his or her (or its) employees:

1. An authorized hauler with a binding franchise agreement that is in full force and effect and is not expired or terminated;
2. Any person or entity authorized to self-haul or back-haul pursuant to EGMC Section 30.40.060;
3. Any owner or operator of an industrial plant hauling solid waste that, in the judgment of the City, cannot be handled by standard solid waste collection equipment or may involve significant health, operating or handling hazards;
4. Any person or entity hauling deceased animals, bones, meat scraps, or fat, oil, and/or grease from food processing plants for rendering;
5. Any person or entity transporting solid waste comprised of raw materials to be reused for new manufactured products and not for disposal;
6. Any person or entity transporting source-separated organic waste to a community composting site; or
7. A landscape company or any of its employees transporting green waste generated or collected through landscaping activities.

30.50.020 Authorized hauler qualifications.

The following persons or entities are referred to in this Title as authorized haulers:

- A. Each person or entity that is obligated under this Chapter, and as may be amended or replaced, or who has a binding franchise agreement with the City; and
- B. Each person or entity that collects solid waste from a multi-family property comprised of five (5) or more units; and
- C. Each person or entity, including cleanup companies, that removes C&D debris from premises in the City, regardless of the type of collection containers (including, without limitation, pens, bins, drop boxes, debris boxes or roll-off containers) or transport vehicles (including without limitation pickup trucks, solid waste collection vehicles, or flat-bed trucks); and
- D. Each person or entity that supplies goods (including, without limitation, containers, and vehicles) or services (including, without limitation, account solicitation, billing, invoicing, subcontracting, brokering, disposal, or any solid waste handling services) to persons or entities described under the items listed in Subsections A through C of this Section, whether pursuant to arrangements that are formal or informal, written or otherwise.

30.50.030 Franchise agreement.

- A. All commercial hauler franchise agreements pursuant to this Title shall be in writing and approved by the City Manager.
- B. Each franchise agreement shall be on a form provided by the City and shall include information related to the business identification, business operations, facilities and

equipment, financial resources, diversion plan, reporting requirements, and insurance. The franchise agreement may be revised periodically to adjust for changes in law, regulations, industry changes, and/or City policy, as determined by the City Manager.

30.50.040 Requirements for Authorized Haulers

A. Authorized haulers shall provide collection service for garbage, recyclable materials, and organic waste to each of its customers except those commercial generators that have submitted and received City approval of an Alternative Compliance Form demonstrating either:

1. An approved waiver from the City for recycling requirements pursuant to EGMC Section 30.60.050 and/or an approved waiver for organic waste service requirements pursuant to EGMC Section 30.61.050; or
2. An approved service exemption due to self-hauling/back-hauling pursuant to EGMC Section 30.40.060; or
3. Compliance is achieved because the commercial generator subscribes to solid waste service from multiple haulers.

B. Prior to the start of service, the hauler shall provide all new customers with information regarding their obligation to separate recyclables and organic waste from other solid waste pursuant to EGMC Chapters 30.60 and 30.61 and, if the customer has not subscribed to recycling and/or organic waste collection service, the requirement to complete and submit an Alternative Compliance Form pursuant to Subsection A of this Section.

C. Authorized haulers shall maintain a list of any and all commercial generators that the hauler is providing garbage collection services to but is not also providing recycling and organic collection services to that commercial generator and shall provide this list to the City upon request. Authorized haulers shall report monthly to the City any customers receiving garbage collection service that have not also subscribed to recycling and organic waste and have not submitted an approved Alternative Compliance Form pursuant to Section A. The report shall include the business name of the customer, the name and contact information for the business owner or representative, and documentation detailing that the hauler has provided the information required in Subsection B of this Section.

D. Authorized haulers shall offer separate collection containers for garbage, recyclable materials, and organic waste in sizes and quantities sufficient to accommodate the volume and types of waste generated by each of its solid waste customers. Containers shall meet the provisions of EGMC Section 30.40.040.

E. If requested by a customer, authorized haulers shall equip and provide collection containers with locks and/or other suitable features to prevent illegal dumping and/or theft of recyclable materials.

F. Authorized haulers shall conduct all activities in accordance with all applicable State and local laws and best management practices.

G. Authorized haulers shall:

1. Haul all source-separated recyclable materials collected from commercial generators in the City only to a recycling center, materials recovery facility, or other similar facility that will recover the material and prevent disposal in a landfill; and
2. Haul all source-separated organic waste collected from commercial generators in the City only to an organic waste processing facility able to process organic waste such that it constitutes a reduction in landfill disposal pursuant to 14 CCR 18983.1 (b);

Authorized haulers may first transport solid waste to a transfer station or similar; however, in no event shall the final disposition of recyclable materials or organic waste be at a landfill, with the exception of residual waste generated from the processing of recyclable materials and organic waste.

H. Authorized haulers, upon request, shall provide the Recycling & Waste Division with a copy of a service agreement or other document (e.g., receipt from a recycling facility) demonstrating that a commercial generator's recyclable materials and organic waste are being taken to a facility that diverts them from landfill disposal. The service agreement or other documents shall be available for inspection by the Recycling & Waste Division at an authorized hauler's place of business during normal business hours.

I. Authorized haulers shall provide access, during normal business hours, to all relevant records to the City or a professional auditor authorized to work on behalf of the City for the purpose of auditing any and all of an authorized hauler's records.

30.50.041 Requirements for service agreements.

A. Authorized haulers shall execute a written service agreement with all commercial generators before the authorized hauler begins to collect solid waste.

B. Service agreements shall incorporate, but are not limited to, the following terms and conditions:

1. Be clearly labeled as a service agreement;
2. Describe the solid waste collection services to be provided by the authorized hauler and the cost for providing such services to the customer;
3. A description of when and how rates may be escalated during the term of the agreement, if at all, as well as a description and the applicable rate for any additional fees that may be charged such as late payment fees, contamination fees, or overage fees;
4. Include service for garbage, recyclable materials, and organic waste. The agreement must specify that separate collection containers must be used for each waste type and whether containers will be provided by the authorized hauler or the customer. If all three services are not provided to a customer, the service agreement must require the customer to provide evidence of an approved Alternative Compliance Form pursuant to EGMC Section 30.50.040(A);
5. Clearly state the initial term and renewal terms;
6. Allow for any term that is mutually agreed to by the customer and the authorized hauler, but not in conflict with the hauler's franchise granted by the City

and/or applicable law, and the franchise shall be referenced in, and remain in full force and effect throughout the term of, the agreement;

7. May contain automatic renewal for successive periods of no longer than one (1) year, unless either party gives written notice of termination by certified or registered mail at least sixty (60) days prior to termination date of the current agreement;
8. May be amended as mutually agreed upon by the customer and the authorized hauler;
9. Customers are to receive a written notice of price increases not less than thirty (30) days prior to the effective date of such price increase;
10. Authorized haulers shall respond to customer inquiries regarding the service agreement within thirty (30) days;
11. Include language stating that collection containers will be removed from the property of a customer within thirty (30) days of final termination of services to the customer;
12. Not require customers to pay over three (3) months' liquidated damages during the renewal term and over six (6) months' liquidated damages during the initial term of the service agreement;
13. Not require a customer to give an authorized hauler the exclusive right to provide recycling and organic waste collection services as a condition of a service agreement;
14. Not require customers to give notice of any offer by a competitor or require customers to give authorized haulers the right to respond to such an offer; and
15. Franchises shall be in full force and effect for the service agreement to be effective.

C. The requirements for service agreements contained in this Section shall be incorporated into all new service agreements upon enactment of this Chapter. Existing service agreements between an authorized hauler and a customer, executed before the effective date of this Chapter, may remain in force for the remainder of the existing contract term provided that such existing service agreements comply with applicable law with the recycling programs required by EGMC Chapters 30.60 and 30.61 and the edible food recovery requirements of EGMC Chapter 30.62.

D. National contracts or agreements (contracts or agreements between waste management companies and businesses that operate multiple locations in more than one jurisdiction) shall be exempt from the requirements of contract length and renewal terms.

30.50.050 Inspection of equipment and facilities.

The City may inspect any equipment, vehicles, collection vehicle loads, containers, and facilities (including, without limitation, operations and maintenance, and solid waste handling) used by an authorized hauler in connection with operating, conducting business or providing services within the City or handling solid waste collected within the City. The authorized hauler shall provide the City or its designee access to, or arrange to provide

access to, facilities or equipment for the purposes of conducting inspections to verify compliance with all applicable sections of EGMC Title 30.

30.50.060 Vehicles.

A. Specifications. An authorized hauler will ensure that each vehicle used for solid waste handling is kept clean and well maintained and meets the following specifications (and as may be verified or determined by the Recycling & Waste Division):

1. The storage vessels, tanks, receptacles or beds of a vehicle that holds solid waste shall be leak-resistant and made of metal or other nonabsorbent material that is impervious to liquid, and shall comply with 14 CCR 17341, as may be amended;
2. The vehicle shall be designed and constructed to minimize health and safety hazards to solid waste handling personnel and the public, and shall comply with 14 CCR 17342, and as may be amended;
3. The vehicle shall be durable, easily cleaned, and sanitized, designed for safe handling, and constructed to prevent loss of solid waste during collection or transportation (such as by having covers), and shall comply with 14 CCR 17341, as may be amended;
4. The vehicle shall have an enclosed solid waste storage or holding compartment;
5. The vehicle shall be originally constructed for, or specifically modified for, solid waste handling;
6. The vehicle shall be equipped with audible and automatic back-up warning devices; and
7. Any vehicle used for solid waste collection shall be a packer-type truck, and any vehicle used for the collection of roll-off containers shall be a flat-bed truck designed for roll-off collection, unless some other type of truck is more suitable to the varying terrain, type of solid waste or any other special conditions and is approved by the City Manager.

B. Equipping. An authorized hauler shall ensure that each vehicle used for solid waste handling is equipped with a shovel, broom, fire extinguisher, and absorbent materials for any spills, such as oil or hydraulic fluid.

C. Signs. An authorized hauler shall permanently display, in a prominent place on either the rear or both exterior sides of each vehicle used for solid waste handling, the following information, in letters at least two (2") inches high, and in a contrasting color to the body of the truck:

1. Name and phone number of the hauler, and any additional identification that complies with 14 CCR 17344, as may be amended;
2. A unique vehicle identification number; and
3. Any other information as may be determined by the City.

D. Cleaning. An authorized hauler shall keep each vehicle used for solid waste handling clean and neatly painted, and the storage vessels, tanks, receptacles, or beds shall be disinfected and sanitary. All cleaning, disinfecting, and sanitizing shall be done in a manner that prevents the propagation or attraction of flies, rodents, or other vectors, or the creation of nuisances and that complies with 14 CCR 17341, as may be amended.

E. Maintenance. An authorized hauler shall maintain each vehicle used for solid waste handling in good mechanical condition and in a manner that minimizes health and safety hazards to solid waste handling personnel and the public, and that complies with 14 CCR 17341 and 17342, as may be amended.

F. Parking and storage. When a vehicle used for solid waste handling is not in service, the authorized hauler that owns or operates that vehicle may not park it on a public street or in a residential area of the City, except in an emergency, and shall comply with 14 CCR 17343, as may be amended.

G. Time of collection. No vehicles used for solid waste handling may enter a residential neighborhood to service customers prior to 6:00 a.m. nor after 5:00 p.m. If containers used by a commercial generator back up to a residential neighborhood, then the same residential hauler restrictions in EGMC Chapter 30.30, or in the residential franchise agreement, apply to the authorized commercial hauler, as well.

H. Servicing of schools. No solid waste vehicle shall remove solid waste from any location within two hundred (200' 0") feet of a public or private preschool, elementary, junior high, or high school, during the forty-five (45) minutes before the commencement of the regular school day and forty-five (45) minutes following the conclusion of the regular school day, where such locations are accessible to, and used by, children as routes to or from school.

30.50.070 Vehicle inspections.

A. General provisions. All vehicles and other equipment used in the collection, transportation, and disposal of solid waste from commercial generators shall be inspected annually. No vehicle shall be used in the collection and transportation and disposal of commercial solid waste within the City unless it carries a current, unrevoked sticker issued by the City authorizing such activities. An authorized hauler shall make its solid waste equipment available for inspection as requested by the City, and shall also comply with 14 CCR 17345, as may be amended.

B. Vehicle inspections. Commencing on January 1, 2020, all authorized haulers shall submit triennially a vehicle inventory that lists (on a form provided by the City) all vehicles to be used within City limits. All authorized haulers shall also submit triennially a vehicle inspection report for all vehicles to be used by the hauler. This requirement can be met by submitting a current vehicle inspection report from Sacramento County's Environmental Management Department (EMD) or the California Highway Patrol (Department of Transportation, Basic Inspection of Terminals (BIT)). All vehicles and containers used in the collection, removal, transportation, or storage of commercial solid waste in the City shall be subject to inspection by the City for the purposes of determining whether or not the vehicles and containers comply with 14 CCR 17341 through 17345, and as may be amended.

C. Inspection certification. Each authorized hauler will be issued a vehicle sticker triennially for each inspected vehicle. The City's vehicle sticker is evidence that the vehicle passed a triennial review of inspections and that the hauler is authorized by the City. Stickers will be mailed to each authorized hauler with specific instructions for displaying it on the vehicle. It is unlawful for any vehicle not clearly displaying a current sticker to collect commercial solid waste in the City.

D. Vehicle exchange. If at any point during the triennial inspection cycle, an authorized hauler places a new vehicle into service in the City or replaces an existing vehicle, that authorized hauler shall notify the City in writing within thirty (30) days of placing the new vehicle into service. The new vehicle shall be placed on the same triennial inspection schedule as all other vehicles and shall be subject to the provisions of EGMC Section 30.50.060 and this Section.

30.50.080 Transportation requirements.

A. No escaping contents. Any person or entity transporting solid waste in the City shall ensure that no material drops, sifts, leaks, blows, spills, or otherwise escapes from the vehicle transporting that solid waste, and shall also be in compliance with California Vehicle Code Section 23114(a), and as may be amended.

B. Covered loads. Anyone transporting solid waste shall cover or otherwise secure the transported load of solid waste and shall be in compliance with California Vehicle Code Section 23114(e), and as may be amended, with respect to aggregate material and Vehicle Code Section 23115(a), and as may be amended, with respect to garbage, refuse, trash, and similar or related materials.

30.50.090 Containers.

A. Specifications. An authorized hauler that provides containers, such as bins, dumpsters, or roll-off containers, to a commercial generator shall ensure that the containers are kept clean and well maintained and meet the following specifications (and as may be verified or determined by the Recycling & Waste Division):

1. Durable;
2. Constructed of structural steel plate, with all seams welded;
3. Nonabsorbent, watertight (to keep rainwater out of the container), and leak-resistant (to keep any liquid inside the container); a drainage plug is permissible;
4. Easily cleaned, and having an interior surface that is smooth and without projections;
5. Designed for safe handling;
6. Equipped with a noncombustible lid;
7. Adequately protected from fire;
8. Vector-resistant (including rodents, insects, and other vermin);
9. Complies with the container color and/or label requirements in EGMC Section 30.40.040 (C);

10. Provide sufficient capacity to contain all solid waste in the appropriate container, with the exception of cardboard boxes, which may be separately bundled for collection if placed inside a solid waste enclosure; and

11. In compliance with 14 CCR 17315 and 17341, and as may be amended.

B. Labels. An authorized hauler that provides containers, such as bins, dumpsters, or roll-off containers, to its customers shall ensure that the containers are labeled pursuant to 14 CCR 17316 and 18984.8, as may be amended. Labels must be legible and display plainly and visibly, the following information (and as may be verified or determined by the Recycling & Waste Division):

1. The name of the hauler, in lettering no less than three (3") inches high on the outside of each container;

2. The telephone number of the hauler, in lettering no less than three (3") inches high on the outside of each container;

3. The information required in EGMC Section 30.40.040 (C)(2); and

4. Labeling on each container prohibiting scavenging. All labels shall provide adequate notice to institute enforcement actions under PRC Section 41950(b), as may be amended, and shall be in substantially the following form:

The recyclables in this container are the property of an authorized hauler or recycler. It is illegal to remove recyclables from this container under the City of Elk Grove Municipal Code and Section 41950 of the California Public Resources Code. Only the authorized hauler or recycler may collect this recyclable or solid waste material. Persons other than the authorized hauler that remove materials from this container are subject to enforcement under the Elk Grove Municipal Code.

C. Maintenance and cleaning. An authorized hauler shall maintain containers that it furnishes in the following manner:

1. In good condition (ordinary wear and tear excepted), unless the authorized hauler furnishes them under other terms, conditions, or agreements in compliance with 14 CCR 17314, and as may be amended from time to time;

2. In a clean and sound condition free from putrescible residue, and in compliance with 14 CCR 17315, and as may be amended from time to time, and free of graffiti.

D. Placement. An authorized hauler shall plan with each of its customers the location to store and set out containers in order to minimize traffic, aesthetic and other problems, both on the premises and for the general public. An authorized hauler shall comply with 14 CCR 17314, and as may be amended from time to time.

E. Noncompliance. The City may place a tag on a container that does not comply with the requirements of this Section, describing the nature of the noncompliance and stating the date by which the hauler shall remedy the noncompliance. If the hauler does not remedy the noncompliance by the stated date, the City may consider the container to be solid waste and may then remove and discard it (or recycle any recyclables including the container). The City may charge the hauler for the City's cost of removal and discard or recycling.

30.50.100 Commercial Hauler Fee.

A. Authorized haulers shall pay to the City the commercial hauler fee based on gross receipts in the amount prescribed from time to time by resolution of the City Council and in accordance with the terms of this Chapter. Any commercial hauler fees paid by an authorized hauler shall be in addition to any license fee, special license fee, business tax, vehicle inspection fee or other fee prescribed by the City.

B. "Gross receipts" includes all, total, aggregate, whole or entire revenue and income received by the authorized hauler for services rendered within the City without offsets or deductions such as costs, expenses, charges, losses, fees, fines, or penalties, and without regard to the identity of the customer to which that revenue or income is attributable, whether Federal, State, or local governmental entities, including, without limitation, school districts. "Gross receipts" excludes all that revenue and income for services comprised of the collection of source-separated material that is diverted from a landfill including recyclable materials and organic waste. "Gross receipts" shall not include an allocable portion of this revenue attributable to the residual waste that may result from the processing of source-separated recyclable materials and organic waste. Source-separated material cannot be mixed for further sorting at a third (3rd) party facility. Any revenue received for the collection and disposal of source-separated recyclable material or organic waste that is delivered to a landfill for disposal rather than a recycling facility or organic waste processing facility for recovery shall be included in the calculation of gross receipts.

C. Clean soil/dirt with less than five percent (5%) contamination, which can be easily cleaned, shall not be considered source-separated material that has been diverted from a landfill. Source-separated clean loads of soil/dirt do not count toward either diversion or disposal in the quarterly reports of diversion submitted to the City. Authorized haulers may consider dirt/soil to be source-separated material that is diverted only if the individual load of mixed construction and demolition debris is sorted and processed, and the resulting soil is used for beneficial reuse.

30.50.110 Commercial Hauler fees for cleanup companies.

Cleanup companies generally provide a range of temporary services therefore the traditional formula of reporting gross revenue subject to the commercial hauler fee does not apply well to a cleanup type of business. The City shall establish a gross revenue estimate due the City based on the weight (tonnage) of solid waste hauled by a cleanup company for the month. Cleanup companies will establish gross revenue based on tons disposed, which will not be linked to the actual revenue they may receive during the monthly reporting period. The method for determining that estimate will be set by resolution of the City Council.

30.50.120 Disputes.

A. At the direction of the City, authorized haulers claiming that specified gross receipts should be excluded from the calculation of commercial hauler fees will sort source-separated materials or characterize or analyze those source-separated materials by weight, in a manner satisfactory to the City in order to establish, to the satisfaction of the City, that they are source-separated materials as defined in EGMC Section 30.10.010 (S).

B. Disputes over whether certain gross receipts are excluded from the calculation of commercial hauler fees will be resolved by the Director of Public Works. The Director of

Public Works' decision may be appealed in writing to the City Manager, or the City Manager's designee, explaining the basis of the appeal, within twenty (20) days of the Director of Public Works' decision, and accompanied by a prepayment of the City's projected costs and expenses of conducting the appeal, including related staff time and any consultant fees. The burden of proof will be on the authorized hauler challenging the Director of Public Works' decision. The City Manager, or City Manager's designee, will hear the appeal and render a written decision that will be final. The City will return any excess prepayments to the authorized hauler within thirty (30) days of rendering the written decision on the appeal, or the authorized hauler will reimburse the City any additional costs and expenses within thirty (30) days of the City's documented request following the decision on the appeal.

30.50.130 Customer invoices.

Authorized haulers may not separately itemize commercial hauler fees in an amount greater than that set by resolution of the City Council on their bills, invoices, or other documentation that the authorized haulers distribute to their customers or to the general public.

30.50.140 Time and manner of payment.

A. Authorized haulers shall pay the commercial hauler fees monthly, due and payable on or before the first day of the second (2nd) month immediately following the month in which they received gross receipts from their customers. For example, for gross receipts received in July, authorized haulers shall remit the corresponding monthly commercial hauler fee on or before September 1st.

B. Authorized haulers shall pay the commercial hauler fees via electronic funds transfer (EFT) whenever feasible; electronic payment instructions can be obtained by contacting the City's Finance Department. All other payments shall be directed to the following address with a memorandum stating "Commercial Hauler Fees":

City of Elk Grove
Attention: Finance Department
8401 Laguna Palms Way
Elk Grove, CA 95758

C. The City may direct payment to another address without amendment to this Section by written direction by the City to the authorized haulers. The commercial hauler fees will be deemed paid at the following times:

1. On the date of personal delivery during hours that City Hall is open for business to the public;
2. The date of postmark of mailed delivery with the United States Postal Service; or
3. Another date that is proven to the satisfaction of the City that the commercial hauler fees were deposited via EFT, personally delivered to City Hall, deposited in the mail, or sent using another delivery service on or before the date the payment is due.

30.50.150 Payment security.

A. For existing authorized haulers, payment security to secure payment of the commercial hauler fees to the City shall be required upon occurrence of any of the following within the preceding twelve (12) month period:

1. Delinquency of payment to the City of commercial hauler fees, assessment of fees for late payments, penalties, and/or interest;
2. Delinquency of payment to the City of costs associated with authorized hauler audits; or
3. Delinquency of any other payments owed to the City related to commercial hauler authorization.

B. For new authorized haulers with no prior history with the City, the authorized hauler shall be required to provide a payment security to the City unless the authorized hauler applicant provides the City with a written credit reference from another city or public entity demonstrating no instances of late or nonpayment for the twelve (12) consecutive months preceding the hauler's application to the City. The reference must be from a city or public entity in the same geographic region.

C. The payment security must be approved by the City Manager or his/her designee and shall be in the form of a cash deposit, a certificate of deposit or such other form as may be approved by the City Manager, in an amount equal to the greater of the following amounts:

1. One-half (50%) of the amount of commercial hauler fees received from the authorized hauler in the prior calendar year;
2. The total amount of commercial hauler fees received during the preceding one hundred eighty (180) days; or
3. For newly-authorized haulers only, the amount of payment security shall be ten (10%) percent of half of the projected gross revenue for the first twelve (12) months following authorization, or another calculation as may be approved by the City Manager.

D. Any payment security collected by the City shall be returned to the authorized hauler if that hauler has paid all amounts owed to the City, including, but not limited to, commercial hauler fees, authorized hauler audit fees, commercial hauler authorization fees, late report fees, and late payment fees and interest, and meets either of the following criteria:

1. The authorized hauler ceases doing business in the City and provides documentary evidence to the City to that effect; or
2. The authorized hauler is not required to provide a payment security under Subsection A of this Section.

30.50.160 Late payment fees.

A. If an authorized hauler does not fully and timely pay its commercial hauler fees in accordance with EGMC Section 30.50.140, the authorized hauler shall pay a late fee and, if applicable, an outstanding balance fee, in an amount set by resolution of the City

Council. Late fees apply, without limitation, to instances where the failure to fully and timely pay fees due was discovered during a review of the authorized hauler's monthly or quarterly reports, during an onsite review of the authorized hauler's records, or during a professional audit pursuant to EGMC Section 30.50.200.

B. As a result of a professional audit, if it is determined that an authorized hauler did not fully and timely pay its commercial hauler fees in accordance with EGMC Section 30.50.140, the authorized hauler shall pay the unpaid commercial hauler fees plus a late fee as set by resolution of the City Council, plus interest at a rate set by resolution of the City Council, or the maximum amount permitted by law. Late fees apply, without limitation, to instances where the failure to fully and timely pay was discovered following an audit of the authorized hauler's records or reports in accordance with EGMC Section 30.50.200.

30.50.170 Credit for overpayment.

If an authorized hauler believes it has paid commercial hauler fees in excess of the amount owed the City, it may request a refund by application in form and manner satisfactory to the City. Upon submission of both request and documentation satisfactory to the City, the City may refund the excess amount or credit it against future payments of commercial hauler fees. Authorized haulers may not credit or offset any claimed excess payments of commercial hauler fees to future payments of fees or other amounts due the City without first obtaining the written consent of the City Manager.

30.50.180 Records.

A. Authorized haulers shall maintain accurate and complete books and accounts of all gross receipts and records documenting and supporting those books and accounts and shall maintain driver dispatch logbooks that track the jurisdiction, job site, material type and container volume for the bins collected by load.

B. Authorized haulers shall maintain records of the hauler's operations and business conducted, and the types of service provided in the City including, without limitation, the types and amount (by weight and/or volume) of all solid waste material that the hauler collects in the City; the materials recovered, transferred, processed, and disposed; and all facilities where the hauler delivers the solid waste.

C. Authorized haulers shall maintain records of all dump tags, driver dispatch log books and/or other documentation used by the hauler to record the revenue received for all solid waste hauled to landfills, and report to the City whether or not that documentation is tracked using unique numbers in consecutive order to allow receipts, adjustments and cancellations to be properly controlled and then reconciled to cash receipts and cancellations in the hauler's general ledger and permit fee reports.

D. Authorized haulers shall maintain records of any and all contamination monitoring activities completed including inspection records, remote monitoring records, and the amount and type of any contamination fees charged.

E. Authorized haulers shall provide copies of records or make such records available for viewing upon request during normal business hours.

30.50.190 Reporting.

A. Monthly revenue reporting. Authorized haulers shall report monthly the total gross receipts and commercial hauler fee due the City each month in the form and manner satisfactory to the City. The City reserves the right to require authorized haulers to provide

any and all such documentation that it deems necessary to support the reported commercial hauler fee due the City along with each monthly revenue report. The monthly revenue report is due on or before the first (1st) day of the second (2nd) month immediately following the month in which the hauler received the gross receipts from their customers. For example, the January monthly revenue reporting form is due on or before March 1st. Payment of the commercial hauler fee shall accompany the monthly revenue report.

1. Together with the Monthly Revenue Report and the payment of the commercial hauler fees, the person submitting the payment and the chief financial officer of the authorized hauler, or another person acceptable to the City Manager, shall submit the following representation and warranty:

I represent and warrant, under penalty of perjury of the laws of the State of California, that I am familiar with the financial transactions of [INSERT NAME OF AUTHORIZED HAULER] and am responsible for keeping and maintaining its financial records, including gross receipts thereof as defined in EGMC Section 30.50.100(B), and I have reviewed the information presented in this statement, and that, to the best of my knowledge and belief after inquiry, the statement is true, correct, and complete.

2. The City may rely upon documentation as well as representations and warranties filed by authorized haulers, but that documentation and those representations and warranties will not be deemed conclusive as to the information presented or statements made therein. Authorized haulers' submission of documentation and representations and warranties does not preclude the City from taking additional measures and actions to determine and collect commercial hauler fees due and payable.

B. Monthly contamination monitoring reporting. Authorized haulers shall submit a report monthly detailing all contamination monitoring activities undertaken by the authorized hauler including, but not limited to, number and location of inspections, remote monitoring findings by customer or container, copies of any notices issued to customers, and the amount of any contamination or overage fees charged to customers listed by customer name.

C. Monthly noncompliant customer reporting. Authorized haulers shall submit a report monthly listing any and all commercial generators that the hauler is providing garbage collection services to but is not also providing recycling and organic collection services pursuant to EGMC Section 30.50.040(C).

D. Quarterly tonnage reporting. Authorized haulers shall report quarterly a summary of the quarterly revenue received and hauler fees paid. Authorized haulers shall also report quarterly on the total tonnage of solid waste collected in the City and the total tonnage of material diverted of each waste type (e.g., mixed recyclables, green waste, food waste, etc.) for purposes of calculating the diversion rate for the hauler. The quarterly report shall be submitted in a form and manner satisfactory to the City and is due on or before the first (1st) day of the second (2nd) month immediately following the end of the quarter [the first (1st) quarter is January through March, the second (2nd) quarter is April through June, the third (3rd) quarter is July through September, and the fourth (4th) quarter is October through December]. All tonnages and the calculated diversion rate shall be rounded off to the nearest tenth (10th).

E. Annual customer information reporting. Authorized haulers shall report the following information in a form and manner satisfactory to the City annually on or before February 1st of each year; the City may require the information to be reported more frequently to meet state requirements:

1. A list of all customers serviced in the City including the following information for each customer:
 - a. Name of customer or business receiving service;
 - b. Address of service location;
 - c. Mailing address of customer if different than service location;
 - d. Name and phone number of each customer or entity's point of contact; and
 - e. Weekly service volume for each waste type.
2. A list of all solid waste disposal, materials recovery, organic waste processing, or other facilities to which the hauler delivered materials directly or to which materials collected in the City were ultimately delivered for processing, recovery or disposal in the prior calendar year including the following information for each facility:
 - a. Facility name and location;
 - b. The Recycling and Disposal Reporting System (DRS) number of each facility;
 - c. Written notice from each facility that accepts organic waste collected in plastic bags indicating that the facility can process and remove plastic bags when recovering organic waste; and,
 - d. Written notice from each organic waste processing facility that accepts compostable plastic material for processing indicating that the facility can process and recover that material.

F. Annual customer compliance reporting. Annually, on February 1st of each year, authorized haulers shall submit a report in a form and manner satisfactory to the City detailing each customer's compliance with the requirements of EGMC Chapters 30.60 and 30.61 and 14 18984.9 and 18984.10 during the prior calendar year. Reports shall include the following information for ALL customers serviced by the authorized hauler located in the City:

1. Identify the total number of customer accounts in the City and the total number of covered generators;
2. Identify the number of covered generators that:
 - a. Subscribe to recycling service;
 - b. Do not subscribe to recycling service;
 - c. Subscribe to organic waste recycling service;
 - d. Do not subscribe to organic waste recycling service;

3. The total weekly yardage of solid waste collection service for each service type (garbage, recyclable materials, and organic waste) provided to covered generators during the reporting period.

G. Delinquent report fees. If any report required by this Chapter is not filed, and fully accurate, by the due date specified for each report, the report shall be deemed delinquent, and the authorized hauler shall pay to the City a delinquent report charge in amounts set by resolution of the City Council.

H. An authorized hauler's failure to file the reports required by this Chapter shall constitute cause for termination or suspension of its authorization.

I. The Recycling & Waste Division shall provide and establish guidelines, forms, and other appropriate material to assist authorized haulers and self-haulers/back-haulers in preparing the reports required by this Chapter.

J. Authorized haulers shall submit any additional reports as requested by the City, at the time, in the manner, and in form and substance satisfactory to the City.

30.50.200 Audit.

The City, or its contracted auditor, may audit the books, accounts and records of authorized haulers and authorized haulers shall provide the City, or its contracted auditor, with copies requested thereof within two (2) weeks of the City's or auditor's request or access thereto at locations within the County. The City or its contracted auditor may elect to perform an on-site review of all internal controls over accounting for disposal tonnages, including the handling of dump tags/dispatch logs or other documentation used by authorized haulers to determine revenue for solid waste hauling and the corresponding hauler fees paid to the City. Records may include, without limitation, financial and operating records with respect to gross receipts, detailed lists of all transactions linked to the driver dispatch log, as well as customer subscriptions and accounts establishing a location within the City, and any other records described in EGMC Sections 30.50.180 and 30.50.190. If the City's audit demonstrates to the satisfaction of the City that the amount of commercial hauler fees remitted by the authorized hauler to the City was in error, then within thirty (30) days following the City's submission of the results of the audit to the authorized hauler, the authorized hauler shall pay the City the following amount:

A. The understated or unpaid commercial hauler fees; plus

B. The late fees required by EGMC Section 30.50.160.

30.50.210 Insurance.

A. Each authorized hauler shall maintain, at its own expense, insurance coverage as specified in the franchise agreement, or as established by the City Manager. All such insurances shall remain in effect, uninterrupted, throughout the term of the commercial hauler authorization.

B. The minimum insurance coverage shall include the following items, in amounts determined by the City Manager: Insurance Services Office commercial general liability coverage, Insurance Services Office covering automobile liability, worker's compensation insurance as required by the Labor Code of the State of California and employer's liability insurance.

C. Each authorized hauler shall serve the City with notice, in writing by certified mail, within two (2) days of any notices received from any insurance carriers providing insurance coverage, as required, that relate to the suspension, voidance, cancellation, termination, reduction in coverage or limits, nonrenewal, or material changes of coverage, proposed or otherwise.

D. Any act, omission or circumstance which results in the authorized hauler being out of compliance with the requirements of this Section shall constitute grounds for the immediate suspension of the right to collect solid waste, without advance notice or hearing, pending re-establishment of compliance by the authorized hauler with the requirements hereof.

30.50.220 Liability for damages to the City or for operating without a contract.

A. Haulers authorized under this Chapter shall be liable to the City for all damages proximately caused or resulting from the failure of the authorized hauler to faithfully observe and perform any provisions of such authorization and/or any provision of this Chapter. If legal proceedings are necessary to enforce the provisions of the authorization against any authorized hauler, said hauler shall be liable for the value of the services, fees and costs of attorneys and of other personnel as well as the expenses of the City that are necessary to gain compliance, provided the City is the prevailing party in that matter.

B. Except as provided in EGMC Section 30.50.010(B), any person or entity providing services consisting of collecting, transporting, or disposing of solid waste in the City without the benefit of a valid authorization with the City shall be subject to criminal prosecution for violation of this Title, as further set forth in EGMC Title 1, and shall be liable to the City for the value of the services, fees and costs of attorneys, other personnel, and expenses of the City. Such person or entity shall also be liable for the fees the City would have been entitled to if said person or entity had been the duly authorized hauler under contract with the City.

Chapter 30.60 COMMERCIAL RECYCLING

Sections:

- 30.60.010 Purpose and declarations.
- 30.60.020 Participation in a recycling program.
- 30.60.030 Requirements for covered generators.
- 30.60.040 Ownership of recyclable materials.
- 30.60.050 Waivers from recycling requirements.

30.60.010 Purpose and declarations.

A. It is the intent and purpose of this Chapter to promote recycling by: 1) requiring all covered generators in the City to keep recyclable materials separate from all other solid waste for recycling; 2) requiring all covered generators to provide signs and labeled containers for the storage and collection of recyclable materials; and 3) requiring all covered generators to either self-haul/back-haul or enter into a written service agreement for the collection and subsequent delivery of recyclable materials to a recycling facility.

B. It is further the purpose of this Chapter to provide a mechanism to require the implementation of recycling programs for all covered generators within the City to thereby enable the City to meet and maintain the seventy-five (75%) percent waste diversion goal set forth in PRC Section 41780.01, and as may be amended.

30.60.020 Participation in a recycling program.

A. All covered generators shall subscribe to, pay for, participate in, and cooperate with a recycling service provided by an authorized hauler that provides for the separate collection of recyclable materials and diverts all recyclable materials from landfill disposal pursuant to mandatory commercial recycling requirements included in 14 CCR 18837. Single-family residential properties managed by an association or other organization may be exempt from this Section if they are participating in a residential curbside collection recycling program pursuant to EGMC Chapter 30.20.

B. In-lieu of subscribing to a recycling program pursuant to Subsection A of this Section, covered generators may self-haul or back-haul recyclable materials pursuant to EGMC Section 30.40.060.

30.60.030 Requirements for covered generators.

A. Each covered generator shall be responsible for ensuring and demonstrating its compliance with the following requirements:

1. Source-separate recyclable materials and place all materials in the designated recyclable materials container (the “blue container”);
2. Subscribe to and participate in a City authorized recycling service pursuant to Section 30.60.020; and
3. Enter into a written service agreement with an authorized hauler for the collection of recyclable materials; or complete and submit an Alternative Compliance Form certifying that all self-hauling/back-hauling activities will be completed in accordance with the provisions of this Chapter or any other applicable law or regulation. The written service agreement shall specify that recyclable materials generated at the covered generator’s site will be taken only to a recycling facility to be diverted and not to a landfill for disposal. A copy of the service agreement shall be made available to the Recycling & Waste Division upon request.
4. Compliance with all container, storage, signage, and labeling requirements specified in EGMC Chapter 30.40.

B. Each covered generator shall annually notify and instruct employees, customers, contractors, and tenants in writing of applicable source-separation requirements, including the requirement to source-separate recyclable materials, the location of all solid waste storage containers, and the rules governing their use. Covered generators shall provide this information to new tenants within 14 days of occupation of the premises. A copy of such instructions shall be provided to the Recycling & Waste Division upon request.

C. The service agreement, Alternative Compliance Form, or other documents pertaining to this Chapter, shall be available for inspection by the Recycling & Waste Division at the principal location of the covered generator during normal business hours.

D. Nothing in this Chapter shall abridge the right of any covered generator, or any other person, to sell or exchange at fair market value its own recyclable materials, which are source separated for reuse and recycling.

E. No authorized hauler shall be held liable for the failure of its commercial customers to comply with such regulations.

F. No covered generator shall be liable for the failure of their authorized hauler to deliver recyclable materials to a recycling or processing facility.

G. After taking reasonable measures to inform tenants, who are covered generators, of recycling requirements and responsibilities, no property owner(s) or property manager(s) who are covered generators shall be cited for noncompliance with this Chapter as a result of the failure of their rental property tenants to source separate recyclable materials from solid waste. Such reasonable measures may include, but are not limited to, lease agreement provisions requiring tenants to source separate recyclable materials and annual tenant education efforts, such as the distribution of informational flyers or handouts.

30.60.040 Ownership of recyclable materials.

A. All recyclable materials placed in solid waste storage containers shall be considered owned by, and the responsibility of the authorized hauler. Without permission of the authorized hauler, no person or entity shall collect recyclable materials placed in storage containers by generators.

B. Except as authorized by EGMC Section 30.50.010 (B), it shall be unlawful for any person to engage in the business of collecting, removing, or transporting, or to otherwise organize, direct or sponsor the collection, removal, or transportation of, recyclable materials who is not an authorized hauler.

30.60.050 Waivers from recycling requirements.

A. A covered generator may apply for any of the following types of waivers from the recycling requirements included in this Chapter. If the covered generator is also applying for a waiver from the organic waste recycling obligations required in EGMC Chapter 30.61, the applications may be combined into a single application.

1. Physical space waiver. The City may waive a covered generator's obligations to comply with some or all of the recycling requirements of this Chapter 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 recycling requirements of this Chapter. A covered generator may request a physical space waiver through the following process:

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

b. Provide documentation to the City demonstrating that the premises lacks adequate space for blue containers including documentation from its hauler, licensed architect, or licensed engineer; and

c. Provide written verification to the City every five years after the City has approved the physical space waiver demonstrating that the covered generator is still eligible for a physical space waiver.

2. Collection frequency waiver. The City, at its discretion and in accordance with 14 CCR 18984.11(a)(3), may allow a covered generator to arrange for the collection of their Blue Container, Gray Container, or both once every fourteen days, rather than once per week.

B. An application for a waiver shall be submitted to the Recycling & Waste Division using the Alternative Compliance Form. After reviewing the request, the Division shall either approve or disapprove the waiver request.

C. Notwithstanding any other provision herein, a covered generator shall not be required to source-separate recyclable materials if the covered generator demonstrates to the Recycling & Waste Division that there is no collection service or other system available for recycling such material.

D. Notwithstanding any other provision herein, a property owner or property manager that is a covered generator shall be exempt from the recycling requirements in this Chapter if all of the generators on the owner's property are exempt from, received a waiver for, or are not required to comply with the requirements of this Chapter.

E. The following entities shall automatically be exempt from the requirements of this Chapter: municipal corporations and other governmental agencies using their own vehicles and employees for the collection, transportation, or disposal of recyclable materials within the City.

Chapter 30.61 COMMERCIAL ORGANIC WASTE RECYCLING

Sections:

- 30.61.010 Purpose and declarations.
- 30.61.020 Participation in organic waste recycling programs.
- 30.61.030 Requirements for commercial generators.
- 30.61.040 Ownership of organic waste.
- 30.61.050 Waivers from organic waste recycling requirements.

30.61.010 Purpose and declarations.

A. It is the intent and purpose of this Chapter to promote organic waste recycling by: 1) requiring all commercial generators in the City to keep organic waste separate from all other solid waste for recovery and recycling; 2) requiring all commercial generators to provide signs and labeled containers for the storage and collection of organic waste; and 3) requiring all commercial generators to either self-haul/back-haul or enter into a written service agreement for the collection and subsequent delivery of organic waste to an organic material processing facility.

B. It is further the purpose of this Chapter to provide a mechanism to require the implementation of organic waste recovery and recycling programs for all commercial generators within the City, to thereby enable the City to meet and maintain the seventy-five (75%) percent waste diversion goal set forth in PRC Section 41780.01, and as may be amended.

30.61.020 Participation in organic waste recycling programs.

A. All commercial generators shall subscribe to, pay for, participate in, and cooperate with an organic waste recycling program provided by an authorized hauler that provides for the separate collection of organic waste and diverts all organic waste, except edible food, from landfill disposal pursuant to 14 CCR 18984.9 and 18984.10. Single-family residential properties managed by an association or other organization may be exempt from this Section if they are participating in a residential curbside collection recycling program pursuant to EGMC Chapter 30.20.

B. In-lieu of subscribing to an organic waste recycling program pursuant to Subsection A of this Section, commercial generators may self-haul organic waste to an organic waste processing facility or back-haul organic waste to a consolidation or transfer site owned by the commercial generator, such as a distribution center. All self-haul/back-haul activities shall be completed in accordance with EGMC Section 30.40.060.

C. Nothing in this Chapter shall prohibit a commercial generator from preventing or reducing waste generation, managing organic waste on site, or using a community composting site pursuant to 14 CCR 18984.9(c).

30.61.030 Requirements for commercial generators.

A. Each commercial generator shall be responsible for ensuring and demonstrating its compliance with the following requirements:

1. Source-separate organic waste and place all organic waste in the designated organic waste container (the “green container”);

a. Commercial generators that do not generate green waste or those that have a written agreement with a landscaping or gardening service that includes the collection and transportation of green waste, shall source-separate food waste and place all food waste in the designated food waste container (the “brown container”);

2. Subscribe to and participate in an organic waste recycling service pursuant to Section 30.61.020;

3. Enter into a written service agreement with an authorized hauler for the collection of organic waste; or complete and retain on-site an Alternative Compliance Form pursuant to EGMC Section 30.40.060. The written service agreement shall specify that organic waste generated at the commercial generator’s site will be taken only to an organic waste processing facility to be diverted and not to a landfill for disposal. A copy of the service agreement or Alternative Compliance Form shall be made available to the Recycling & Waste Division upon request; and

4. Compliance with all container, storage, signage, and labeling requirements specified in EGMC Chapter 30.40.

B. Each commercial generator shall annually notify and instruct employees, customers, contractors, and tenants in writing of applicable source-separation requirements, including the requirement to source-separate organic waste, the location

of all solid waste storage containers, and the rules governing their use. Commercial generators shall provide this information to new tenants within 14 days of occupation of the premises. A copy of such instructions shall be provided to the Division upon request.

C. The service agreement, self-haul/back-haul form, or other documents pertaining to this Chapter, shall be available for inspection by the Division at the principal location of the commercial generator during normal business hours.

D. Nothing in this Chapter shall abridge the right of any commercial generator to sell or exchange at fair market value its own organic waste that has been source separated for recovery and recycling.

E. Commercial generators that are also Tier One or Tier Two Commercial Edible Food Generators shall comply with all applicable food recovery requirements pursuant to EGMC Chapter 30.62.

F. No authorized hauler shall be held liable for the failure of its customers to comply with such regulations unless the authorized hauler contributed in some manner to the customer's failure to comply.

G. No commercial generator shall be liable for the failure of their authorized hauler to deliver organic waste to an organic waste processing facility unless the commercial generator contributed in some manner to their authorized hauler's failure to comply.

H. After taking reasonable measures to inform tenants who are commercial generators of organic waste recycling requirements and responsibilities, no property owners or property managers who are commercial generators shall be cited for noncompliance with this Chapter as a result of the failure of their rental property tenants to source-separate organic waste from other solid waste. Such reasonable measures may include, but are not limited to, lease agreement provisions requiring tenants to source-separate organic waste and annual tenant education efforts, such as the distribution of informational flyers or handouts.

30.61.040 Ownership of organic waste.

A. All organic waste placed in solid waste storage containers, shall be considered owned by, and the responsibility of, the authorized hauler. Without permission of the authorized hauler, no person or entity shall collect organic waste placed in storage containers by commercial generators.

B. Except as authorized by EGMC Section 30.50.010(B), it shall be unlawful for any person or entity to engage in the business of collecting, removing, or transporting, or to otherwise organize, direct or sponsor the collection, removal or transportation of organic waste who is not an authorized hauler.

30.61.050 Waivers from organic waste recycling requirements.

A. A commercial generator may apply for any of the following types of waivers from the organic waste recycling requirements included in this Chapter. If the commercial generator is also applying for a waiver from the recycling obligations required in EGMC Chapter 30.60, the applications may be combined into a single application.

1. De minimis waivers. The City may waive a commercial generator's obligation to comply with some or all of the organic waste requirements of this

Chapter if the commercial generator provides documentation that it generates below a certain amount of organic waste material as described in Subsection b below. Commercial generators requesting a de minimis waiver shall:

- a. Submit a written application specifying the services for which they are requesting a compliance waiver.
- b. Provide documentation that either:
 - i. The commercial generator's total solid waste collection service is two cubic yards (2 cy) or more per week and organic waste generated comprises less than 20 gallons per week of the generator's total waste; or,
 - ii. The commercial generator's total solid waste collection service is less than two cubic yards (2 cy) per week and organic waste generated comprises less than 10 gallons per week of the commercial generator's total waste.
- c. Notify the City if circumstances change such that the commercial generator's organic waste exceeds the threshold required for a waiver, in which case the waiver will be rescinded.
- d. Provide written verification of continuing eligibility to the City for the de minimis waiver every 5 years after an approved de minimis waiver was issued by the City.

2. Physical Space Waivers. The City may waive a commercial generator's obligations to comply with some or all of the 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 this Chapter. A commercial generator may request a physical space waiver through the following process:

- a. Submit a written application specifying the type(s) of collection services for which they are requesting a compliance waiver.
- b. Provide documentation that the premises lacks adequate space for green or brown containers including documentation from its hauler, licensed architect, or licensed engineer.
- c. Provide written verification to the City that it is still eligible for a physical space waiver every 5 years after the issuance of a City approved physical space waiver.

B. An application for a waiver shall be submitted to the Recycling & Waste Division on a form prescribed by the Division. After reviewing the request, the Division shall either approve or disapprove the waiver request.

C. Notwithstanding any other provision herein, a commercial generator shall not be required to source-separate organic waste if the commercial generator demonstrates to the Recycling & Waste Division that there is no collection service or other system available for recycling such material.

D. Notwithstanding any other provision herein, a commercial generator shall be exempt from the requirements of this Chapter if all of the commercial generators/tenants on the owner's property are not required to comply with the provisions of this Chapter or have received a waiver pursuant to this Section.

Chapter 30.62
COMMERCIAL EDIBLE FOOD GENERATOR REQUIREMENTS

Sections:

- 30.62.010 Compliance required.
- 30.62.020 Commercial edible food generator requirements.
- 30.62.030 Edible food generator protections.

30.62.010 Compliance required.

A. Tier One Commercial Edible Food Generators must comply with the requirements of this Chapter commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR 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 a large venue or large event to comply with the requirements of this Chapter commencing January 1, 2024.

30.62.020 Commercial edible food generator requirements.

Commercial edible food generators shall comply with the following requirements:

A. Arrange to recover the maximum amount of edible food that would otherwise be disposed.

B. Have in place 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 recovery.

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

D. Allow the City or a designee to access the premises during normal business hours to complete inspections and allow the City to review records pursuant to 14 CCR 18991.4.

E. Keep records that include the following information, or as otherwise specified in 14 CCR 18991.4:

1. A list of each food recovery service or organization that collects or receives its edible food pursuant to a written agreement established under Subsection B of this Section.
2. A copy of all written agreements established under Subsection B of this Section.
3. A record of the following information for each of those food recovery services or organizations:

- a. The name, address, and contact information of the food recovery service or organization;
- b. The types of food that will be collected by or self-hauled to the food recovery service or organization;
- c. The established frequency that food will be collected or self-hauled; and
- d. The quantity of food, measured in pounds, recovered per month, collected or self-hauled to a food recovery service or organization.

30.62.030 Edible food generator protections

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

Chapter 30.63
FOOD RECOVERY ORGANIZATION AND FOOD RECOVERY SERVICE
REQUIREMENTS

Sections:

- 30.63.010 Food recovery service records required.
- 30.63.020 Food recovery organization records required.
- 30.63.030 Annual reports required.
- 30.63.040 Food recovery capacity planning.

30.63.010 Food recovery service records required.

Food recovery services collecting or receiving edible food directly from commercial edible food generators, through a written agreement established under EGMC Section 30.62.020(B), or as otherwise specified by 14 CCR 18991.5(a)(1), shall maintain the following records:

- A. The name, address, and contact information for each commercial edible food generator from which the service collects edible food;
- B. The quantity, in pounds, of edible food collected from each commercial edible food generator per month;
- C. The quantity, in pounds, of edible food transported to each food recovery organization per month; and
- D. The name, address, and contact information for each food recovery organization that the food recovery service transports edible food to for food recovery.

30.63.020 Food recovery organization records required.

Food recovery organizations collecting or receiving edible food directly from commercial edible food generators, through a written agreement established under EGMC Section

30.62.020(B), or as otherwise specified by 14 CCR 18991.5(a)(2), shall maintain the following records:

- A. The name, address, and contact information for each commercial edible food generator from which the organization receives edible food;
- B. The quantity, in pounds, of edible food received from each commercial edible food generator per month; and
- C. The name, address, and contact information for each food recovery service that the organization receives edible food from for food recovery.

30.63.030 Annual reports required.

Food recovery organizations and services with a primary address physically located in the City and that have written agreements with one or more commercial edible food generators pursuant to EGMC Section 30.62.020 (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 by no later than February 1st of each year.

30.63.040 Food Recovery Capacity Planning

In order to support edible food recovery capacity planning assessments or other studies conducted by the City or County, food recovery services and 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 organization contacted by the City shall respond to such request for information within 60 days unless a shorter timeframe is otherwise specified by the City.

Chapter 30.70

CONSTRUCTION AND DEMOLITION (C&D) DEBRIS REDUCTION, REUSE AND RECYCLING

Sections:

- 30.70.010 General requirements.
- 30.70.020 Covered project.
- 30.70.030 Requirements of C&D generators.
- 30.70.040 C&D debris ownership.
- 30.70.050 Construction & Demolition (C&D) waste plan.
- 30.70.060 Management of C&D debris.
- 30.70.070 Reporting.
- 30.70.080 Inspection and audit authority.
- 30.70.090 Use of containers.
- 30.70.100 Probation.

30.70.010 General requirements.

- A. All C&D debris, including that from sources other than covered projects, shall be contained in a manner so as to prevent blowing or scattering.
- B. All C&D debris, including that from sources other than covered projects, shall be hauled by an authorized hauler, or by the person who generated that mixed C&D debris.

- C. No C&D debris, including that from sources other than covered projects, shall be deposited on any roadway.
- D. No C&D debris shall be deposited on any real property without a solid waste facility permit for that real property, whether public or private.
- E. No C&D debris shall be deposited in any river, stream, or other waterway, or in any sanitary sewer or storm drainage system.
- F. No C&D debris, including any from sources other than covered projects, shall be burned.

30.70.020 Covered project.

All additions, remodels, new construction, or demolition projects within the City are defined as a covered project and shall be subject to this Chapter. Additions, remodels, and newly constructed buildings with an established cost threshold (set by resolution of the City Council) are subject to additional report and fee obligations, which reports and/or fee obligations shall be set by resolution of the City Council.

30.70.030 Requirements of C&D generators.

- A. Each C&D generator shall be responsible for ensuring and demonstrating their compliance with this Chapter and shall recycle all recyclable C&D debris by any of the following methods:
 - 1. Source-separating recyclable C&D debris and recycling it; and/or
 - 2. Self-hauling mixed C&D debris containing recyclable C&D debris to a certified C&D sorting facility; and/or
 - 3. Depositing mixed C&D debris containing recyclable C&D debris in a container provided by an authorized hauler, who shall deliver that load of mixed C&D debris to a certified C&D sorting facility; and/or
 - 4. Any other method described in detail on the C&D Waste Plan required by EGMC Section 30.70.050 and approved by the Recycling & Waste Division that achieves the required diversion of recyclable material.
- B. Each C&D generator shall recycle one hundred (100%) percent of all excavated soil and land clearing debris.
- C. Each C&D generator shall recycle or divert no less than sixty-five percent (65%) of the material collected at the construction site, not including excavated soil and land clearing debris.
- D. Each C&D generator shall notify and instruct all employees and subcontractors of the recycling requirements in Subsection B and C of this Section and the methods, described in the C&D Waste Plan required by Section 30.70.050, to be employed in meeting those requirements.
- E. Each C&D generator shall keep records of all bills, receipts, or scale house tickets from the authorized hauler or those obtained directly from facilities if self-hauling, including that of any subcontractors, on file for a period of one (1) year from the date of final inspection by Building Safety and Inspection (BSI) or the issuance of the certificate of occupancy, whichever is later.

F. Nothing in this Chapter shall abridge the right of any C&D generator to sell or exchange at fair market value its own recyclable materials, which are source separated for reuse or recycling.

G. Each C&D generator, for additions of one thousand square feet (1,000 sq. ft.) or greater and/or building alterations with a permit valuations of Two Hundred Thousand and no/100ths dollars (\$200,000.00) or above shall provide verification that universal waste items such as fluorescent lamps, Polychlorinated biphenyl (PCB) or electrical ballasts, and mercury-containing thermostats as well as other California prohibited universal waste materials are disposed of properly and are diverted from landfills.

30.70.040 C&D debris ownership.

C&D debris lawfully deposited in bins, drop-boxes or other containers used by an authorized hauler for collection for either disposal or recycling shall become the property of the authorized hauler upon its deposit in any such container.

30.70.050 Construction & Demolition (C&D) Waste Plan.

A. Any person applying for a permit for a covered project shall submit a completed C&D Waste Plan, on a form provided by the Recycling & Waste division, as part of the jobsite waste and recycling documentation for approval by BSI.

B. The C&D Waste Plan shall provide the following:

1. The types of waste materials to be generated from the project;
2. The manner in which C&D debris will be managed on site, for example in dumpsters, bins or corrals;
3. The manner in which recyclable C&D debris will be diverted, for example by source-separation of recyclable C&D debris or by delivery of commingled C&D material to a certified C&D sorting facility, or both;
4. The person or entity who will transport C&D debris, for example identification of an authorized hauler, independent re-users or recyclers, or a description of any self-hauling activity to be employed; and
5. Identification of all disposal and recycling facilities, including certified C&D sorting facilities, where C&D debris will be delivered.

C. All C&D Waste Plans submitted shall be accompanied by a processing fee. The fee shall be set by resolution of the City Council.

D. C&D Waste Plans deemed complete according to the requirements of this Chapter shall be approved by the Recycling & Waste Division and will be in full force and effect for the duration of the project. Upon approval, the Division will forward a copy of the approved C&D Waste Plan to Building Safety and Inspection (BSI).

E. A copy of the C&D Waste Plan as well as any signed service agreement with an authorized hauler shall be kept readily available on the project site in the jobsite permit folder and shall be made available to the Division for inspection during regular business hours.

30.70.060 Management of C&D debris.

All vehicles or containers to be used for the collection of C&D debris shall prominently display the identification of the authorized hauler or the self-hauler.

30.70.070 Reporting.

A. Authorized Haulers. Any authorized hauler engaged to provide C&D debris collection services in the City pursuant to this Chapter shall be subject to all applicable reporting requirements in EGMC Section 30.50.190.

B. General. All permittees shall make reasonable efforts to ensure that all C&D debris diverted or sent to a landfill is measured and recorded using the most accurate method of measurement available. To the extent practical, C&D debris shall be weighed on certified scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For C&D debris for which weighing is not practical due to size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the permittee shall use conversion rates approved by the Recycling & Waste Division for this purpose.

30.70.080 Inspection and audit authority.

A. Each permittee shall at all times maintain accurate and complete records of all C&D debris generated, transported, recycled and/or disposed of; the hauler of such C&D debris; and the final destination of such C&D debris. The permittee's books, accounts, and records reasonably necessary for the enforcement of this code shall be made available for inspection, examination, and audit during normal business hours by the Recycling & Waste Division or a designee. The Division shall give written notice at least ten (10) days prior to any inspection, audit, or examination of these records.

B. Accurate and complete records shall be maintained by the permittee for a minimum period of twelve (12) months immediately following the date of the issuance of the certificate of occupancy or the project final inspection, whichever is later.

C. Where the Recycling & Waste Division determines that an audit is necessary, the permittee may be responsible for reimbursement of audit costs, including any consultant services, to perform audits of accounts of all C&D debris generated, transported, recycled and/or disposed of; the hauler of such C&D debris; and the final destination of such C&D debris.

30.70.090 Use of containers.

No person other than a commercial generator who has contracted for service with an authorized hauler, or a person with such commercial generator's consent, shall deposit solid waste into a C&D debris box, drop box, roll-off container, pen, corral, compactor, or any other container placed in the City by an authorized hauler for the purpose of receiving C&D debris.

30.70.100 Probation.

A. The remedies set forth herein are cumulative to any other remedy available to the City. Nothing contained herein shall limit or be deemed to prevent the City from pursuing any other available remedy under this code, this Title, or any other applicable law.

B. Probation. In addition to any other remedies, the City Manager is authorized to impose probationary measures on a permittee for violations of this Chapter. Probationary measures will remain in effect for one (1) year or until the permittee provides

documentation satisfactory to the administrator verifying that the reason for imposition of the probationary measures no longer exists. Probationary measures imposed may include, but are not limited to, any combination of the following:

1. For two (2) or more violations of this Chapter, a recycling performance deposit may be required prior to approval of the permittee's next C&D Waste Plan for a covered project. A recycling performance deposit will be calculated as one (1%) percent of the stated project valuation but will not exceed Ten Thousand and no/100ths (\$10,000.00) Dollars.

The recycling performance deposit, which may be imposed for two (2) or more violations of this Chapter, shall be released in full upon a showing that the permittee has fully complied with the requirements of this Chapter, and complied with the terms and conditions of the approved C&D Waste Plan, and complied with any other probationary measures imposed, for the duration of the project. If the City Manager determines that the permittee only partially complied with the requirements of this Chapter and complied with the terms and conditions of the approved C&D Waste Plan, and complied with any other probationary measures imposed, for the duration of the project, then the City Manager may authorize a partial release of the recycling performance deposit.

2. For any violation of this Chapter, the C&D Waste Plan for the permittee's next project may be required to be submitted directly to the Recycling & Waste division for approval.

3. For any violation of this Chapter, submittal of all receipts or scale house tickets from disposal and/or recycling facilities in lieu of a summarizing Waste Log may be required upon completion of the permittee's next project.

Chapter 30.80 SOLID WASTE FACILITIES

Sections:

30.80.010 Regulation and certification of facilities.

30.80.020 Inspection.

30.80.030 Posting rates.

30.80.040 Organic waste capacity planning.

30.80.010 Regulation and certification of facilities.

The City recognizes that the County of Sacramento Environmental Management Department is the local enforcement agency (LEA) designated by the California Department of Resource Recycling and Recovery to regulate, survey, monitor, and ensure the lawful operation of transfer/processing facilities, recycling facilities, compost facilities, construction and demolition (C&D) debris sorting facilities, landfills, and like solid waste disposal operations. The City further recognizes that the Sacramento County Department of Waste Management and Recycling is the local entity that certifies Construction and Demolition (C&D) sorting facilities for the purposes of determining C&D debris diversion rates. Therefore, any such facility or operation certified, licensed, or otherwise approved by Sacramento County to engage in solid waste handling or disposal is deemed adequate and approved for the sorting, recycling, handling, disposal, and any similar activity to process solid waste generated in or originating from the City or within its jurisdiction. This approval by the City is operative notwithstanding certified or approved facility or operation is located outside of the territorial jurisdiction of Sacramento County.

30.80.020 Inspection.

The owner or operator of a facility shall allow the Environmental Compliance Division, Sacramento County Environmental Management Department staff and/or representatives of the County of Sacramento or the City to inspect the facility during hours of operation and at other times.

30.80.030 Posting rates.

The owner or operator of a site that accepts delivery of solid waste from the public shall post facility rates in a visible location at the entrance to the facility or site.

30.80.040 Organic waste capacity planning

A. 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 60 days.

B. 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 60 days.

Chapter 30.90
SOLID WASTE STORAGE SPACE ALLOCATION AND ENCLOSURE DESIGN
GUIDELINES

Sections:

30.90.010 Solid Waste enclosures required.

30.90.020 New Development Waste Plan.

30.90.030 Roll-off containers (debris boxes) and compacting units.

30.90.010 Solid Waste enclosures required.

A. All containers located on nonresidential property and used for the storage of solid waste pending collection from an authorized hauler shall be stored inside one or more enclosures designed to accommodate containers of sufficient size and quantity pursuant to the Space Allocation and Enclosure Design Guidelines for Solid Waste referenced in Subsection B below. Solid waste containers shall not be stored outside of an enclosure unless authorized by the City.

B. The City established the Space Allocation and Enclosure Design Guidelines for Solid Waste document, as may be amended by the City Manager or designee. These guidelines provide solid waste collection requirements for all developments Citywide. Integrated collection areas with recycling components assist in the reduction of waste materials. The written document provides information, resources, and requirements for designing solid waste enclosures that will be used by building occupants in new developments or significant remodels. New commercial and multi-family developments of five (5) units or more, and improvements that add thirty (30%) percent or more to the existing floor area, shall include adequate, accessible, and convenient areas for collecting, storing, and loading solid waste.

C. If the standards in this Chapter conflict with the City's Zoning Code, the Zoning Code shall prevail.

30.90.020 New Development Waste Plan.

A. Each applicant for a land use permit is required to develop and submit a New Development Waste Plan as part of the permit process. The plan shall demonstrate those steps the applicant will take to meet the State mandated waste reduction and recycling requirements to assist in meeting the statewide goal of diverting seventy-five percent (75%) of all waste generated.

B. Each New Development Waste Plan shall include an estimate of the amount of solid waste capacity required, the location and size of the solid waste enclosure(s), and a summary of the waste management services to be provided at the location.

30.90.030 Roll-off containers (debris boxes) and compacting units.

Enclosures are not required for roll-off containers (debris boxes) or compacting units. Placement of roll-off containers and compacting units shall be subject to the requirements specified in the Space Allocation and Enclosure Design Guidelines for Solid Waste.

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 27-2021

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on October 13, 2021, and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on October 27, 2021, by the following vote:

AYES: **COUNCILMEMBERS:** *Singh-Allen, Nguyen, Hume, Spease, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*

A summary of the ordinance was published pursuant to GC 36933(c) (1).



Jason Lindgren, City Clerk
City of Elk Grove, California