

Chapter 3 - GARBAGE SOLID WASTE

Sections:

5-3.01 - Definitions.

For the purposes of this chapter, certain words and phrases used in this chapter are defined as follows:

"Act" means the California Integrated Waste Management Act of 1989 (commencing with Section 40000 of the Public Resources Code), as amended, including but not limited to, the Jobs and Recycling Act of 2011 (AB 341), SB 1016 (Chapter 343, Statutes of 2008 [Wiggins, SB 1016]), the Mandatory Commercial Organics Recycling Act of 2014 (AB 1826), and the Short-Lived Climate Pollutants Bill of 2016 (SB 1383), and as implemented by the regulations of CalRecycle.

"Authorized Collector" means such persons, firms or corporations collecting and delivering for disposal, recycling or processing solid waste (other than solid waste generated by a permitted building project) originating in the town and doing so under a contract or franchise agreement with the Town.

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

"Collection" means to take physical possession of Solid Waste at, and remove from, the place of generation for transport to a solid waste facility or other recovery activity.

"Commercial business" or "Commercial" means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multi-family dwelling, or as otherwise defined in 14 ~~CCR~~ Section 18982(a)(6). A multi-family dwelling that consists of fewer than (5) or more dwelling units is not "Commercial", for the purposes of this Chapter.

"Commercial Edible Food Generator" means a tier one or a tier two commercial edible food generator as defined in 14 CCR Section 18982(a)(73) and (a)(74). Food recovery organizations and food recovery services are not commercial edible food generators.

"Commercial generator" means any commercial business, non-residential establishment, large event, large venue, or other entity that is responsible for the initial creation of solid waste and is not a single-family dwelling nor a multi-family dwelling consisting of fewer than five dwelling units. For the purposes of this chapter, a multi-family dwelling that consists of five or more dwelling units is considered a commercial generator.

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

"Composting" means the process of controlled biological decomposition of organic waste.

"Construction and demolition debris" or "C&D" means used or discarded materials resulting from construction, renovation, remodeling, repair, demolition, excavation, or construction clean-up operations on any pavement or structure.

"Container" or "collection container" means, for the purpose of this Chapter, any bin, box, or cart used for the purpose of holding solid waste for collection.

"Debris box" means any ten (10) to forty (40) cubic yard container, or any compactor provided by a solid waste generator, placed in the public right-of-way, on town property, private property, or elsewhere in the service area, which is procured by a solid waste generator for their use in the collection of their solid waste. Debris boxes are serviced by means of lifting the entire container, including all contents, onto a designated collection vehicle.

"Designated collection location" means the place where a collector has contracted with either the local governing body or a private entity to pick up source-separated, recyclable materials. This location will customarily be the curbside of a residential neighborhood or the service alley of a commercial (or multi-family) enterprise.

"Disposal" means the final disposition of Solid Waste at a Solid Waste Facility permitted for disposal.

"Diversion" means activities reducing or eliminating the amount of solid waste from solid waste disposal, and which return these materials to use in the form of raw materials for new, reused, or reconstituted products, which meet the quality standards necessary for commercial use, or for other purposes of reuse.

"Dwelling unit" means one (1) or more rooms with internal access between all rooms, which provide complete independent living facilities for at least one (1) family, including provisions for living, sleeping, eating, cooking, bathing, and sanitary facilities. Cooking facilities for purposes of this chapter shall be defined as any combination of the following: sink, refrigerator, cupboard and/or storage, stove, oven (including microwave and convection).

"Edible food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), "edible food" is not solid waste if it is recovered and not discarded. Nothing in this chapter or in 14 CCR, Division 7, Chapter 12 requires or authorizes the recovery of edible food that does not meet the food safety requirements of the California Retail Food Code.

"Enforcement Action" means an action of the Town to address non-compliance with this ordinance including but not limited to issuing administrative notices, citations, fines, penalties, or using other remedies.

"Enforcement Agency" means an entity with the authority to enforce part or all of this chapter as specified herein. Employees and agents of an Enforcement Agency may carry out inspections and enforcement activities pursuant to this chapter. Nothing in this chapter authorizing an entity to enforce its terms shall require that entity to undertake such enforcement except as agreed to by that entity and the Town. The Town is an Enforcement Agency for all Sections of this chapter. The Town may choose to additionally delegate enforcement responsibility for certain sections, to other public entities, including the Marin Hazardous and Solid Waste Joint Powers Authority (Zero Waste Marin) and the County of Marin.

"Food recovery organization" means an entity that engages in the collection or receipt of edible food from commercial edible food generators and distributes that edible food to the public for food recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

- 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.

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

"Food waste" means food scraps and trimmings and other putrescible waste that result from food production, preparation, cooking, storage, consumption or handling. Food waste includes but is not limited to meat, fish and dairy waste, fruit and vegetable waste and grain waste. Food waste does not include exempt waste.

Commented [MHA1]: I am just flagging this so you'll know the Town has this responsibility, unless you delegate some of the enforcement duties.

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"Garbage" means all non-recyclable packaging and other waste attributed to normal activities of a service unit. Garbage must be generated by and at the service unit wherein the garbage is collected. Garbage does not include recyclable materials, organic materials, debris from construction and demolition, large items, e-waste, universal waste, hazardous waste, household hazardous waste or exempt waste.

"Generators" for the purpose of this Chapter, means a person or entity, including commercial generators and residential generators, that is responsible for the initial creation of organic materials, or as otherwise defined as "organic waste generator" in 14 CCR Section 18982(a)(48).

"Hauler" means a person who collects material from a generator and delivers it to a reporting entity, end user, or a destination outside of the state. "Hauler" includes public contract haulers, collectors, food waste self-haulers, and self-haulers. A person who transports material from reporting entity to another person is a transporter, not a hauler.

"Inspection" means a site visit where a Jurisdiction or its designee or designated entity reviews records, containers, and an entity's collection, handling, recycling, or disposal of solid waste or edible food handling, to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).

"Multi-Family dwelling" or "Multi-family" means of, from, or pertaining to residential premises with five (5) or more dwelling units, for the purposes of this Chapter. Multi-family premises do not include hotels, motels, or other transient occupancy facilities, which are considered commercial businesses.

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

"Person" means any person or persons, firm, association, corporation, or other entity acting as principal, agent or officer, servant, or employee, for themselves or for any other person, firm, or corporation.

"Premises" includes a tract or parcel of land with or without habitable buildings or appurtenant structures. (14 CCR CCR, Section§ 17225.50) For purposes of this chapter the word premises includes residential and commercial uses of the land, whether owned, leased, rented or subrented, including every dwelling house, dwelling unit, apartment house or multiple-dwelling building, trailer or mobile home park, store, restaurant, rooming house, hotel, motel, office building, department store, manufacturing, processing or assembling shop or plant, warehouse and every other place or premises where any person resides, or any business is carried on or conducted within the town.

"Prohibited container contaminants" means (1) discarded materials placed in the designated Recyclables container that are not identified as acceptable source separated recyclables for the town's designated recyclables collection container; (2) discarded materials placed in the designated organic materials collection container that are not identified as acceptable source separated organic materials for the town's designated organic materials collection container; and (3) discarded materials placed in the garbage container that are acceptable source separated recyclables and/or source separated organic materials to be placed in town's designated organic materials collection container and/or designated recyclables collection container and, and (4) excluded waste placed in any container.

"Recyclable (source separated) materials" means any material designated to be separated from the waste stream for purposes of recycling (adapted from See, Pub. Res. Code §-PRC, Section 41951). This designation shall be made by the Town and the Authorized Collector based on good public practice, ability to receive an acceptable economic return, and feasibility of separating the material from the waste stream at the point of collection. Recyclable materials are currently limited to paper, glass, cardboard, plastics, ferrous metal, and aluminum.

"Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become garbage and returning them for use or reuse in the form of raw materials

for new, used, or reconstituted products which meet the quality standard necessary to be used in the marketplace. Recycling does not include transformation as defined in Public Resources Code [Section 40201](#). ~~(14 CCR, Title 14, Section §17225.54).~~

"Residential" means, for the purposes of this chapter, any premise consisting of between one (1) and four (4) dwelling units, and onsite domestic uses accessory to these dwelling units. A multi-family dwelling that consists of fewer than (5) dwelling units is "Residential", for the purposes of this Chapter.

"Self-haul" means a person who hauls solid waste, organic waste, or recovered material they have generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). "Back-haul" means generating and transporting organic materials to a destination owned and operated by the generator using the generator's own employees and equipment, or as otherwise defined in 14 CCR Section 189881(a)(66)(A).

"Solid waste" has the same meaning as defined in Public Resources Code Section 40191, which defines solid waste as all putrescible and nonputrescible solid and semisolid wastes, including garbage, recyclable materials, organic materials, demolition and construction wastes, bulky waste, discarded home and industrial appliances, manure, vegetable or animal solid or semisolid wastes, and other discarded solid and semisolid wastes with the exception that Solid Waste does not include any of the following wastes: (1) Hazardous waste, as defined in the Public Resources Code Section 40141, (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code) and (3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the Public Resources Code. Recyclable materials and organic materials are a part of solid waste.

"Solid waste collection service" means collection of solid waste originating in the ~~T~~town, by ~~a~~ persons, firms or corporations, and doing so under a contract or franchise agreement with the Town.

"Solid waste facility" means a solid waste transfer or processing station including Material Recovery Facilities, a composting facility, a gasification facility, a transformation facility, an Engineered Municipal Solid Waste conversion facility, and a disposal facility. Solid waste facility additionally includes a solid waste operation that may be carried out pursuant to an enforcement agency notification, as provided in regulations adopted by CalRecycle, or otherwise set forth in the Act.

"Source separate" means the process of removing recyclable materials and organic materials from Solid Waste at the place of generation, prior to Collection, and placing such materials into separate containers designated for recyclable materials and organic materials, or as otherwise defined in 14 CCR Section 17402.5(b)(4).

"Tier One commercial edible food generator" means a Commercial Edible Food Generator that is one of the following as defined in 14 CCR Section 18982(a):

- (a) Supermarkets with gross annual sales of \$2,000,000 or more
- (b) Grocery store with a total facility size equal to or greater than 10,000 square feet.
- (c) Food service provider, which means an entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations.
- (d) Wholesale food vendor, which means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination.
- (e) Food Distributor, which means a company that distributes food to entities including, but not limited to, supermarkets and grocery stores.

"Tier Two commercial edible food generator" means a Commercial Edible Food Generator that is one of the following as defined in 14 CCR Section 18982(a):

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- (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, which means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue.
- (e) Large Event, which means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event..
- (f) A state agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
- (g) A local education agency facility with an on-site food facility. "Local Education Agency" means a school district, charter school, or county office of education that is not subject to the control of town, city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).

"Town Administrator" means the ~~Town M~~anager of the Town of San Anselmo, or their designee.

- (a) ~~"Wet garbage" shall mean all hygienic and food waste and other waste generated from the preparation and/or consumption of food and/or beverages or which garbage is physically wet.~~
- (b) ~~"Dry waste" shall mean all waste other than wet garbage as defined in subsection (a) of this section.~~
- (c) ~~"Recyclable waste" shall mean all dry waste which is salvageable or which can be salvaged when properly segregated.~~

(§§ 1 and 6, Ord. 253, as amended by § 1, Ord. 594, eff. December 16, 1969, § 1, Ord. 623, eff. December 9, 1971, § 1, Ord. 670, eff. May 9, 1974, and § 1, Ord. 698, eff. February 26, 1976)

5-3.02 - Garbage Solid waste disposal regulated.

- (a) It shall be unlawful for any person to keep, deposit, bury, or dispose of any ~~garbage, refuse, rubbish, and other~~solid waste, except as provided in this chapter, in or upon any private property, public street, alley, sidewalk, gutter, park, or other public place whatsoever or to throw the same in the bed or upon the banks of any stream or creek in the Town or in or upon any of the waters thereof. Every person in the Town having the obligation to dispose of ~~garbage, refuse, rubbish, and other~~solid waste shall dispose of the same only in the manner provided in this chapter through ~~the~~ the Official Garbage CollectorAuthorized Collector of the Town; provided, ~~however that~~ any person him/herself may dispose of accumulations of dry waste by personally hauling such dry waste to legal disposition facilities ~~self-haul solid waste to a solid waste facility in addition to their solid waste collection service in conformance with this Chapter.~~ Every tenant, lessee, or occupant of any private dwelling house or premises or furnished flat or apartment house, and the keeper or manager of every hotel, restaurant, eating house, boardinghouse, or other place where meals are furnished,

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~~and the owner or proprietor of every business or storegenerator~~ shall have ~~garbage solid waste~~ collection service by the ~~Official Garbage Collector~~Authorized Collector each week, or ~~often more often~~ if ordered by the ~~Health Officer, Enforcement Authority~~ and shall pay the ~~Official Garbage Collector~~Authorized Collector the monthly rates provided for in the franchise agreement, unless otherwise specified in this chapter. ~~Failure of receipt of a bill does not obviate responsibility for payment. In each instance, the property owner shall be primarily responsible for the payment of the charges provided for herein.~~

Commented [MHA2]: Who is the Health Officer? This is the only time the term is used in the ordinance. Should this be "Enforcement Authority"?

- (b) For the purposes of this chapter, any dwelling unit in which there are cooking facilities, and which is occupied more than four (4) days in any one month, shall be considered to ~~produce~~ garbagegenerate solid waste and require ~~garbage solid waste~~ collection service. ~~The Authorized Collector shall give written notice to the Town of the address of any occupied premise within the town which is not subscribing to the solid waste collection service.~~
- (c) The Town may require the ~~Official Garbage Collector~~Authorized Collector to operate and maintain a recycling ~~and reclamation~~ program for any and all ~~refuse-recyclable materials and organic materials~~ collected within the Town.
- (d) ~~A tenant, lessee, or occupant of any private dwelling house or premises or furnished flat or apartment house, or the owner or proprietor of a business or storegenerator, may request less frequent garbage solid waste collection service, and shall pay the Official Garbage Collector~~Authorized Collector the monthly rates provided for in the franchise agreement, upon meeting the following conditions:
- ~~(1) A residential customer over age sixty-five (65), bearing proof of age and residency, may, by written application to the Official Garbage Collector~~Authorized Collector, request "Lifeline" ~~garbage solid waste~~ collection service;
 - ~~— A residential or business customer~~generator, may, by written application to the Town Administrator, request "~~Intensive Recycling~~" ~~garbage solid waste~~ collection service.
- (d) ~~A mandatory obligation is imposed on each person occupying any premise to source separate and recycle all recyclable material and organic materials from the garbage generated on the premise as described in Section 5-3.156 and Section 5-3.16.7.~~
- (e) ~~Generators shall place source separated organic materials, including food waste, in the organic materials collection container; place source separated recyclable materials in the recyclable material collection container; and place garbage in the approved garbage collection container. Generators shall not place prohibited container contaminants into the garbage collection container, organic materials collection container or recyclable material collection container.~~
- (f) ~~If any person should fail to subscribe for the collection and disposal of solid waste or violate any other provision of this Chapter, said violation shall be subject to enforcement actions described in Section 5-3.223.~~
- (g) ~~Generators shall provide or arrange for access during all inspections and investigations (with the exception of a private residential dwelling unit) and cooperate with the Town or Authorized Collector during such inspections and investigations as described in Section 5-3.212.~~
- (h) ~~Nothing in this Chapter shall prohibit generators from regularly disposing of garbage, recyclable material, or organic materials at a solid waste facility, by self-hauling or through the uncompensated services of another in a manner collector conforming to Section 5-3.189.~~
- (i) ~~Nothing in this section prohibits generators from preventing or reducing waste generation, or otherwise diverting recyclable material and organic material as described in Section 5.3.145.~~

Commented [MHA3]: What is Intensive Recycling? This is the only time the term is used in the ordinance.

(2, Ord. 253, as amended by § 1, Ord. 512, eff. September 10, 1964, § 1, Ord. 594, eff. December 16, 1969, and § 2, Ord. 670, eff. May 9, 1974, and §§ 1, 2, Ord. 950, eff. August 27, 1993)

5-3.03 - ~~Garbage receptacles~~Collection containers.

It shall be the duty of every tenant, lessee, or occupant of any private dwelling house or premises or furnished flat or apartment house, and the keeper or manager of every hotel, restaurant, eating house, boardinghouse, or other place where meals are furnished, and the owner or proprietor of every grocery, butcher shop, business, or store, and every person having garbage to be disposed of to provide, without expense to the Town, and at all times to keep within such building or on the premises where the garbage is located, for wet garbage suitable and sufficient watertight cans or receptacles with suitable bales or handles, each having a tight-fitting cover, for receiving and holding, without leakage or escape of odors and without being filled to within four (4") inches of the top, all the garbage which would ordinarily accumulate on such premises in one week's time, or in such time as would ordinarily elapse before the garbage would be removed by the Official Garbage Collector, or otherwise dispose of such garbage as in this chapter provided. All such cans shall be placed and kept at least four (4") inches above the ground and shall be so placed and kept as to be readily accessible for removing and emptying the garbage therefrom and where they will not be a public nuisance or in any degree offensive. Such cans or receptacles for garbage from private dwellings and from each flat or apartment house shall have a capacity of not less than ten (10) gallons nor more than thirty-two (32) gallons. Dry waste shall be contained either in a receptacle as described in this section or in any suitable barrel, can, box, bag, or disposable container not exceeding thirty-two (32) gallons' capacity. Garden and tree cuttings may be securely tied in single bundles not to exceed eighteen (18") inches in diameter and forty-eight (48") inches in length. No can or receptacle for receiving garbage shall be placed or kept on or in any public street, alley, sidewalk, footpath, or public place whatsoever. Each filled container shall not exceed a total of seventy-five (75) pounds in weight, including the weight of the container.

(a) Generators shall store solid waste on their property or premises or shall require it to be stored or handled in such manner so as not to promote the propagation, harborage or attraction of vectors or the creation of nuisance (14 CCR-Section- § 17312).

(b) It shall be the duty of every property owner, occupant and tenant of any premises within the town to store all solid waste in collection containers provided by the Authorized Collector. These containers shall be constructed of metal or an approved plastic material which shall be watertight, nonabsorbent, vector resistant, durable, easily cleanable, equipped with handles, and having tight-fitting covers such that said containers hold said solid waste without spillage and leakage, escape of odors or access of flies to the contents thereof and without being filled to within four (4") inches of the top. Garden and tree cuttings may be securely tied in single bundles not to exceed eighteen (18") inches in diameter and forty-eight (48") inches in length. Each filled container shall not exceed a total of seventy-five (75) pounds in weight, including the weight of the container. It is unlawful to place, or permit to remain, any solid waste subject to decay except in a suitable covered container, as set forth herein. The specific nature of said containers shall be established as from time to time approved by the Town and Authorized Collector.

(c) Each person who has a collection container shall keep the area where the collection container is located in a clean, safe and sanitary condition. Each collection container and its cover shall be kept clean, and the cover shall not be removed except to place solid waste therein or to empty the same. The Authorized Collector will maintain or replace collection containers as needed.

(a)(d) No can or receptacle for receiving garbagecollection container shall be placed or kept on or in any public street, alley, sidewalk, footpath, or public place whatsoever but shall be maintained on the premises, out of public view, except as may be provided for removing and emptying by the Authorized Collector on the day(s) and in the designated collection location. Collection containers are permitted to be placed in public view and on a public street, sidewalk or footpath only during the forty-eight-hour period commencing at 12:01 a.m. on the day preceding the day of scheduled pick-up and terminating at 12:01 a.m. on the day following such pick-up. For curbside collection service, the designated collection location shall be the street curb line

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adjacent to such premises and collection containers shall be placed in the location by the occupant of such premises for collection by the Authorized Collector.

(§ 3, Ord. 253, as amended by § 1, Ord. 561, eff. March 11, 1968, § 1, Ord. 594, eff. December 16, 1969, § 2, Ord. 698, eff. February 26, 1976, and § 1, Ord. 950, eff. August 27, 1993)

5-3.04 - Removal of ~~garbage from receptacles~~ solid waste.

- (a) ~~A~~ All garbage and other solid waste shall be removed from the cans or receptacles collection containers at least once each week, unless otherwise specified by this chapter, state law, or by the franchise agreement. R, and removal shall occur as often in each week as may be necessary to fully comply with the provisions of this chapter, and shall be so removed only by the official garbage collector/Authorized Collector and upon the terms and conditions specified in this chapter or shall be otherwise disposed of only as in this chapter or in the franchise agreement provided. Generators shall arrange for a size, quantity and collection frequency of collection containers to adequately store all solid waste generated in connection with the premise between the times designated for collection service. The Town shall have the right to review the number and size of such collection containers to evaluate the adequacy of capacity provided for each type of collection service and to review the separation and containment of materials. The Health Officer/Town shall be the exclusive judge of the sufficiency of the cans or receptacles collection containers, and of the least number of times each month/week garbage solid waste shall be removed from any premises, and of the sufficiency of disposition in compliance with this chapter otherwise than by collection by the official garbage collector/Authorized Collector. Generators shall adjust service levels for their collection services as requested by the Town in order to meet the standards set forth in this chapter.
- (b) It shall be unlawful for any person to place or cause to be placed in any refuse-public receptacle owned by the Town and located upon any public street or public place any ~~garbage or refuse~~ solid waste originating within or upon any private property; provided, however, pedestrians or other persons using such street or public place shall be permitted to deposit in such receptacles miscellaneous small articles of refuse-solid waste carried by them.

(§ 4, Ord. 253, as amended by § 1, Ord. 512, eff. September 10, 1964, § 1, Ord. 594, eff. December 16, 1969, and § 3, Ord. 950, eff. August 27, 1993)

5-3.05 ~~5-3.05~~ Rates for collection and collection services.

~~(a)~~ (a) Rate schedule: Establishment of Rate Schedule. A comprehensive rate schedule for the collection of garbage and dry solid waste shall be established by the Council from time to time after a public hearing.

~~(b) Charge for Services. A charge shall be collected by the authorized collector at rates to be established between the Town and the authorized collector, said rates to be subject to change upon approval of an agreement between the Town and said authorized collector. The property owner is responsible for all charges for solid waste removal, including recyclable materials. Said rates shall provide to the authorized collector a fair and reasonable compensation and return.~~

~~(b) Residential rates. The rate schedule shall provide a monthly rate for weekly pickups of each thirty-two (32) gallon can collection container or equivalent from a residence, may provide differential rates for users selecting recycling services and/or multiple can collection services, and shall provide one-time charges for extra pickups at the tune time of regular service or at other times and for occasional debris box rentals. The residential rate schedule shall apply to each unit in a multiple residential building; provided, however, recycling rates shall be applicable only if the building owner and all tenants commit in writing to participate in a recycling program established pursuant to the provisions of subsection (c) of Section 5-3.02 of this chapter.~~

~~(c) Commercial rates. Commercial rates may be negotiated between the user generator and the Official Garbage Collector/Authorized Collector; provided, however, the minimum monthly charge shall be no less than the minimum residential rate for one can non-recycle garbage collection container, and the maximum~~

Commented [R35]: Note for discussion. Should this be kept in the franchise agreement rather than the Municipal Code?

Commented [MHA6R5]: I've taken the basic language re: rates from Larkspur's ordinance. As suggested by R3, I recommend the more detailed subsections be deleted, as they are more appropriate for the franchise agreement than the Muni Code.

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charge per pickup or for debris box rentals shall not exceed the ceilings established by the Council in the comprehensive rate schedule.

(d) — Selection of service.

(1) — ~~New residential generators~~users shall be informed of the types of solid waste collection service available and shall make their choice of service prior to the commencement thereof. If no choice is made, the Official Garbage Collector~~Authorized Collector~~ shall provide and bill for ~~three-stream solid waste collection service~~~~single can non-recyclable services~~.

(2) — ~~Continuing residential users~~generators, by written notice to the Official Garbage Collector~~Authorized Collector~~ at least thirty (30) days in advance, ~~may change from one type of collection service to another available type~~ as of the first day of the next month.

(3) — ~~Annually, between November 1 and November 20, the Official Garbage Collector~~~~Authorized Collector~~ shall send each residential user~~generator~~, in a form approved by the Town Administrator or his/her designee, an explanation of any recycling program established pursuant to the provisions of subsection (c) of Section 5-3.02 of this chapter, a calendar of recycling pickups for the following year, and a statement of the availability of a five (5%) percent discount for annual payments in advance as set forth in Section 5-3.06 of this chapter.

(§ 5, Ord. 253, as amended by §§ 2 and 3, Ord. 453, § 1, Ord. 512, eff. September 10, 1964, § 2, Ord. 561, eff. March 11, 1968, § 1, Ord. 571, eff. October 10, 1968, § 1, Ord. 594, eff. December 16, 1969, § 2, Ord. 623, eff. December 9, 1971, § 3, Ord. 670, eff. May 9, 1974, § 3, Ord. 698, eff. February 26, 1976, § 1, Ord. 833, eff. January 13, 1983, and § 1, Ord. 950, eff. August 27, 1993)

5-3.06 - Payment of garbage rates: Delinquencies.

(a) — ~~Payment of Rates. It shall be unlawful for any person to refuse to pay the rates fixed for the collection of solid waste. Nonpayment may result in cessation of service, a violation punishable by law. Except as otherwise permitted by this chapter, it shall be unlawful for any person to dispose of solid waste, from premises owned, occupied, or leased by said person other than by and through the Authorized Collector. The rates established pursuant to Section 5-3.05 of this chapter shall be paid on or before the fifth day of each month succeeding the month in which garbage solid waste is collected to the person who was the Official Garbage Collector~~~~Authorized Collector~~ at the time of such collection or may be paid one year in advance at a five (5%) percent discount of the total annual charge.

(b) If all payments are not made when due and after reasonable efforts to collect them have failed, the ~~Official Garbage Collector~~~~Authorized Collector~~ shall so notify the Town in writing, showing the total delinquency and a ~~resume list~~ of the efforts made to collect. The Town shall thereupon notify the owner of the property by certified mail with return receipt requested. The notice shall demand that all delinquent payments be paid forthwith, and, if not, ~~the Town will order the garbage company~~~~Authorized Collector to resume regular service, and the charges therefor will be paid by the Town, and collected from the property owner in a form of a lien in favor of the Town upon the real property on which the premises are located. In the event the Town is compelled to proceed pursuant to the provisions of this section, a cost charge of Six and no/100ths (\$6.00) Dollars per month will be added for each month or part of a month that collection in this manner is necessary, which charge shall continue until the owner pays all the delinquent charges, plus the costs, and resumes normal garbage collection with payments therefor. The cost charge of Six and no/100ths (\$6.00) Dollars per month shall be retained by the Town.~~

(c) It shall be the responsibility of the owner of any ~~dwelling unit, either single family or multi-family~~~~residential dwelling unit~~, or commercial property which is rented to provide for ~~garbage solid waste~~ collection service to each family or business entity located on the property. Such owner shall be responsible for the payment of the fees provided for in this chapter.

(d) It shall be unlawful for any person having the responsibility for ~~garbage removal~~~~solid waste collection service~~ to fail, neglect, or refuse to do so after the Chief of Police or the Town Administrator or

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Commented [R37]: Note for discussion. Recommendation to remove this or specify an automatic service level (minimum)? This is not necessary because the Town does have the ability to adjust the size of the containers 5-3.04

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Commented [R38]: Note for discussion. Should this include changing the size of collection container or type of collection service?

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Commented [R39]: Note for discussion. Should this be included in the franchise agreement rather than the Municipal Code?

Commented [MHA10R9]: Yes. I think this is more appropriate for the agreement than the ordinance.

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Commented [R311]: Does the Town wish to retain lien? For discussion with CAO.

Commented [MHA12R11]: This seems like an outdated section of the ordinance and I would recommend the Town handle these delinquent charges as it does other unpaid fees/charges in Town. Does the Town have to take on this collection effort or can it be done by the Authorized Collector? I would like to know how this is handled by other members of the franchise group.

his/her~~their~~ designee ~~orders-notifies~~ such responsible person to remove the ~~garbage-solid waste~~ in accordance with the provisions of this chapter.

- (e) It shall be the responsibility of the ~~Official Garbage Collector~~Authorized Collector to collect all fees provided for in this chapter and to keep proper books of account and all billings on a timely basis and to account to the Town as often as the Town shall require. ~~Any cost or expense incurred by the Town to enforce the provisions of this chapter shall be, and the same is hereby ordered, a lien against the real property of the responsible person and shall be assessed, levied, and collected in the same manner as Town and County real property taxes.~~

(§ 7, Ord. 253, as amended by § 1, Ord. 512, eff. September 10, 1964, § 1, Ord. 594, eff. December 16, 1969, § 1, Ord. 639, eff. November 23, 1972, § 4, Ord. 698, eff. February 26, 1976, § 1, Ord. 828, eff. September 9, 1982, § 2, Ord. 833, eff. January 13, 1983, and § 1, Ord. 950, eff. August 27, 1993)

5-3.07 - Conveyance of garbage through streets and alleys.

It shall be unlawful for any person, ~~except the official garbage collector~~Authorized Collector, to remove or carry on, along, or through the streets and alleys of the Town any ~~wet garbage~~solid waste (other than solid waste generated by a permitted building project); ~~provided, however, the provisions of this section shall not apply to any person conveying solid waste collected outside the Town, nor to any person employed by the Town who shall be assigned to the work of solid waste removal while acting within the scope of their employment or to an authorized collector or to any employee of such authorized collector during such time as such franchise agreement shall be in force. Nor shall this section be deemed to prohibit an individual from exercising their rights as described in sections 5-3.02, 5-3.14, 5-3.18, and which authorizes occasional disposals at authorized disposal sites.~~

All ~~garbage-solid waste~~ removed or carried on, along, or through such streets or alleys shall be removed or carried in watertight cans or in ~~carts or wagons~~vehicles which do not leak and which have proper covers and are so loaded that none of the ~~garbage-solid waste~~ shall fall, drip, or spill to the ground or upon the streets or alleys. All such ~~carts and wagons~~vehicles shall be kept clean on the outside and be numbered on the outside so that the number can be plainly seen. ~~When at work each garbage collector shall wear a badge in plain sight upon which shall be the words "Garbage Collector".~~

(§ 8, Ord. 253, as amended by § 1, Ord. 594, eff. December 16, 1969, and § 1, Ord. 950, eff. August 27, 1993)

5-3.08 - Municipal ~~garbage and solid~~ waste.

The ~~Official Garbage Collector~~Authorized Collector, without any charge whatsoever to the Town, shall pick up and remove all properly contained ~~garbage and solid~~ waste from all Town buildings and property on a weekly basis and shall daily empty and remove the contents of all public receptacles and litter cans provided by the Town.

(§ 8.5, Ord. 253, as added by § 1, Ord. 300, as amended by § 1, Ord. 594, eff. December 16, 1969, and § 1, Ord. 950, eff. August 27, 1993)

5-3.09 - Contract for removal ~~of garbage~~solid waste authorized.

The Council, after inviting bids therefor, ~~and after a duly noticed public hearing,~~ may enter into a contract-franchise agreement with any responsible person for the collection, removal, and disposal of garbage solid waste collected and accumulated within the Town, and such contract shall operate for a term not to exceed ten (10) years, unless otherwise provided for in the franchise agreement.

- (a) Independent Contractor. The Authorized Collector, in accordance with this chapter, shall be considered as and shall be an independent contractor and shall be responsible to the Town for the result of the work to be done, but shall act under his own directions as to the manner of performing the work.
- (b) Liability. The Authorized Collector and the Town shall be exempt from responsibility and liability for tampering or misuse of any items left at curbside for collection and/or recycling should spillage

Commented [R313]: Does the Town wish to retain lien? For discussion with CAO.

Commented [MHA14R13]: As with comments above, I am curious to see how other franchisees handle delinquent payments.

Commented [MHA15]: This is consistent with Larkspur's ordinance and I believe it clarifies the appropriate exceptions to the general prohibition, including the last sentence that allows for self-haul.

Commented [R316]: Note for Discussion. Is this specified in the franchise agreement? If so, may we remove this from the Municipal Code?

Commented [MHA17R16]: I'll defer to Sean and Dave on this. I can review the franchise agreement if it would be helpful.

or other mishap occur prior to possession by Authorized Collector. Once the authorized collector takes possession of the solid waste, the authorized collector then assumes responsibility and liability.

(c) Minimum Provisions. The provisions of this chapter shall be the minimum requirements for the protection of the public health, safety, convenience and general welfare.

(d) As required by state law, the Town's Authorized Collector providing organic materials collection services to generators within the Town's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the Town to collect organic materials:

(1) Through written notice to the Town annually on or before January 1, 2022, identify the facilities to which they will transport organic materials including facilities for source separated recyclable materials and source separated organic materials.

(2) Transport source separated recyclable materials and source separated organic materials to a facility, operation, activity, or property that recovers organic materials as defined in 14 CCR, Division 7, Chapter 12, Article 2.

(3) Obtain approval from the Town to haul organic materials, unless it is transporting source separated organic materials to a community composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1.

(§ 9, Ord. 253, as amended by § 4, Ord. 950, eff. August 27, 1993)

5-3.10 5-3.10. —Award of franchise agreement for removal of ~~garbage~~solid waste.

(a) ~~Upon the order of the Council, the~~The City Town Clerk shall advertise for bids for the agreement authorized by Section 5-3.09 of this chapter, ~~publishing notice of such call for bids once in a newspaper of general circulation published in the Town at least ten (10) days prior to the time set for opening such bids or proposals.~~ Such proposals shall offer to the Town a stated percentage amount based on monthly gross receipts ~~to be paid on or before the twentieth day of each succeeding calendar month~~ for the exclusive right to collect and dispose of ~~garbage~~solid waste collected in the Town for the period of the agreement. The Council shall have the power to refuse any and all bids and shall award the agreement to the person in its opinion best qualified and equipped for performing the contemplated agreement. Should the Council determine that such bids are too low or are not fair or just, it may, at its option after rejecting all of them, proceed without notice or publication to let an agreement to, or enter into an agreement with, such person upon such terms as shall appear to the Council to be for the best interests of the Town. The successful bidder or contractor shall, during the term of the agreement, be known as the "~~Official Garbage Collector~~Authorized Collector" and shall collect ~~garbage~~solid waste on the terms and conditions and at the rates for such collection fixed and established by the provisions of this chapter and ~~the franchise agreement~~ and shall dispose of all ~~garbage~~solid waste at a ~~site or site~~solid waste facility or facilities mutually designated by the Town and the ~~Official Garbage Collector~~Authorized Collector.

~~The Town's Authorized Collector providing organic materials collection services to generators within the Town's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the Town to collect organic materials:~~

~~Through written notice to the Town annually on or before January 1, 2022, identify the facilities to which they will transport organic materials including facilities for source separated recyclable materials and source separated organic materials.~~

Commented [MHA18]: These terms are from Larkspur's Ordinance and were already reviewed by MSS as part of that ordinance review. I suggest we include them here and in the franchise agreement.

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Commented [MHA19]: This is consistent with R3's recommendations and with Larkspur's ordinance.

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- ~~Transport source separated recyclable materials and source separated organic materials to a facility, operation, activity, or property that recovers organic materials as defined in 14 CCR, Division 7, Chapter 12, Article 2.~~
- ~~Obtain approval from the Town to haul organic materials, unless it is transporting source separated organic materials to a community composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1.~~

(§ 10, Ord. 253, as amended by § 5, Ord. 950, eff. August 27, 1993)

5-3.11 - Renewal of agreement.

When an agreement has been entered into between the Town and a contractor for the collection, removal and disposal of ~~garbage~~solid waste, and the contractor shall have satisfactorily performed such contract, the Council, without inviting bids or proposals therefor, and without giving notice of its intention to do so, may, either prior to or after the expiration of such agreement, extend or renew the same for terms not exceeding ten (10) years each upon the same conditions or such other conditions as the Council shall provide, unless otherwise specified in the franchise agreement.

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(§ 11, Ord. 253, as amended by § 6, Ord. 950, eff. August 27, 1993)

~~5-3.12 - Performance bond.~~

~~Every successful bidder or person to whom any such agreement is awarded shall furnish a surety bond in the sum of One Thousand and no/100ths (\$1,000.00) Dollars conditioned upon the faithful performance of his contract and compliance with all the laws of the Town. Any such contractor shall maintain headquarters equipped with a telephone within the Town.~~

Commented [R320]: Note for discussion. Should this be placed in the franchise agreement and removed from the Municipal Code?

Commented [MHA21R20]: Agreed. Let's remove the bond requirement from the Code. This is consistent with Larkspur's amendment.

(§ 12, Ord. 253, as amended by § 1, Ord. 950, eff. August 27, 1993)

5-3.12~~3~~ - Exporting and importing ~~garbage~~solid waste prohibited.

The following acts and conduct are hereby declared to be unlawful and a public nuisance:

- (a) For any person having ~~garbage~~solid waste collection service of any type to remove any ~~garbage~~solid waste or waste from ~~his~~their premises to the premises of any other person; and
- (b) For any person having ~~garbage~~solid waste collection service of any type to permit or suffer ~~his~~their premises to be used for the deposit of any ~~garbage~~solid waste or waste from the premises of any other person.

(§ 1, Ord. 594, eff. December 16, 1969)

5-3.13~~4~~ - Audit by ~~Authorized~~ Collector.

The ~~Official Garbage Collector~~Authorized Collector shall annually furnish the Town, at ~~his/her~~their own expense, an audit ~~of~~of his/her garbage~~their solid waste~~ collection business and operations, which audit shall include a statement of financial condition and profit and loss statement to be made and prepared by a certified public accountant approved by the ~~Council~~Town Manager or his designee.

(§ 1, Ord. 594, eff. December 16, 1969, as amended by § 7, Ord. 950, eff. August 27, 1993)

5-3.14~~5~~ - Right to divert recyclable material and organic materials.

- (a) Nothing in this chapter limits the right of any person to donate, sell, or otherwise remove their recyclable materials so long as the removal otherwise complies with this Chapter.

- (b) Organic materials may be fed to animals on the premises where such organic materials is produced, provided that the premises are always kept in a sanitary condition to the satisfaction of the Town Administrator; and provided further that the keeping and feeding of such animals shall at all times conform to the applicable regulations of those entities governing the same now in force or which thereafter may be enacted or promulgated.
- (c) Organic materials may be used in on-site composting or community composting pursuant to 14 CCR Section 18984.9(c), provided that such operation conforms to the applicable regulations of those entities governing the same now in force or which thereafter may be enacted or promulgated.

5-3.156 - Residential generator requirements.

Each residential generator shall subscribe to a level of solid waste collection service with the Authorized Collector that is sufficient to handle the volume of garbage, recyclable material, and organic materials generated or accumulated on the premises and comply with requirements of those collection services. Multi-family dwellings consisting of five dwelling units or more shall comply with the commercial generator requirements.

5-3.16 ~~5-3.17~~ - Commercial generator requirements.

(a) Commercial generators shall comply with the following requirements.

- (1) Each commercial generator, including all multi-family dwellings that consist of five dwelling units or more, large events and large venues shall be responsible for compliance with the requirements of this Section.
- (2) Each commercial generator shall subscribe to a level of service with an authorized collector that is sufficient to handle the volume of garbage, recyclable materials and organic materials generated or accumulated on the premises. Additionally, each commercial generator shall ensure the proper separation of solid waste, as established by the authorized collector, by placing each type of material in designated collection containers, and ensure that employees, contractors, volunteers, customers, visitors, and other persons on-site conduct proper source separation of solid waste.
- (3) Each commercial generator shall Ssupply and allow access to adequate number, size, and location of collection containers with sufficient labels or colors, conforming with requirements of this section, for employees, contractors, tenants, and customers, consistent with the solid waste collection service.
- (4) Each commercial generator shall Aannually provide information to employees, contractors, tenants, and customers about organic materials recovery requirements and about proper sorting of solid waste.
- (5) Each commercial generator shall pProvide educational information before, or within, fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep source separated organic materials and source separated recyclable materials separate from garbage (when applicable) and the location of collection containers and the rules governing their use at each property.
- (6) Each commercial generator shall aAccommodate and cooperate with the authorized collector's monitoring program for inspection of the contents of containers for prohibited container contaminants, to evaluate generator's compliance.
- (7) If a commercial generator self-hauls, the commercial generator shall meet the self-haul requirements in Section 5-3.19of this chapter.

(b) Commercial generators, excluding multi-family dwellings consisting of five (5) or more dwelling units, shall comply with the following requirements.

- (1) Provide containers for the collection of source separated organic materials and source separated recyclable materials in all indoor and outdoor areas where garbage disposal

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containers are provided for customers, for materials generated onsite. 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 collection container, then it is not required to provide that type of collection container in all areas where disposal collection containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the collection containers shall have either:

- i. A body or lid that is gray or black for collection of garbage, blue for collection of recycling, and green for collection of organic materials. 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 the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
 - ii. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
- (2) To the extent practical through education, training, inspection, and/or other measures, prohibit employees from placing materials in a container not designated for those materials per the solid waste collection service.
- (3) Periodically inspect organic materials, recycling, and garbage containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
- (4) Commercial generators that are commercial edible food generators, as defined in Section 5-3.01, shall comply with food recovery requirements, pursuant to Section 5-3.21.

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5-3.178 - Waivers.

- (a) Pursuant to 14 CCR Section 18984.11, the Town may grant waivers to commercial businesses ~~forbased on physical space limitations and/or de minimis volume generated at such commercial businesses.~~ Commercial businesses seeking a waiver shall submit their request in a form specified by the Town Administrator or their designee. After reviewing the waiver request, and after an on-site review, if applicable, the Town Administrator or their designee may either approve or deny the ~~following~~ waiver requests in accordance with the following criteria. Anyone granted a waiver shall provide written verification of eligibility for a waiver at least every five years, and shall notify the Town if circumstances change such that they are no longer eligible for such waiver, in which case waiver will be rescinded.

- (1) De Minimis Waivers: The Town may waive a commercial business' obligation to comply with some or all the ~~organic waste collection service~~ requirements of ~~Section 5-3.17~~ if the commercial business meets the following requirements:
- (i) Submit an application, with any application fee established by resolution of the Town Council, -specifying the type of waiver requested and provide documentation as described below.
 - (ii) Provide documentation that either:
 - (a) The commercial business receives two or more cubic yards of weekly solid waste collection service (including garbage, recyclable material and organic materials) and organic materials subject to collection comprises less than 20 gallons per week of the business' total weekly solid waste volume; or

(b) The commercial business receives less than two cubic yards of weekly solid waste collection service (including garbage, recyclable material and organic materials) and organic materials subject to collection comprises less than 10 gallons per week of the business' total weekly solid waste volume.

(c) For the purposes of subsections (a) and (b) above, weekly solid waste collection shall be the sum of weekly garbage collection container volume, recyclable material collection container volume and organic materials collection container volume, measured in cubic yards.

~~– Notify the Town if circumstances change such that volume of commercial business' organic materials placed in collection containers exceeds threshold required for waiver, in which case waiver will be rescinded.~~

~~– Provide written verification of eligibility for de minimis waiver every five years if the Town has approved de minimis waiver.~~

(2) Physical Space Waivers: The Town may waive a commercial business' obligations (including multi-family dwellings consisting of five (5) or more dwelling units) to comply with some or all of the recyclable materials and/or organic materials collection service requirements if -the Town 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 collection service requirements. A commercial business or property owner may may request a physical space waiver through the following process:

(i) Submit an application form specifying the type(s) of collection services for which they are requesting a waiver from mandatory collection service.

(ii) Provide documentation that the premises lacks adequate space for the approved recyclable materials collection containers and approved organic materials collection containers including documentation from its authorized collector, licensed architect, or licensed engineer.

~~– Provide written verification to the Town that it is still eligible for physical space waiver every five years if the Town has approved application for a physical space waiver.~~

5-3.189 - Self-haul requirements.

(a) Self-haulers shall source separate all recyclable materials and organic materials generated on-site from solid waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul organic materials to a high diversion organic waste processing facility as specified in 14 CCR Section 18984.3.

(b) Self-Haulers shall haul their source separated recyclable materials to a facility that recovers those materials; and haul their source separated organic materials to a solid waste facility, operation, activity, or property that processes or recovers source separated organic materials; and haul any other solid waste to an authorized disposal site.;

(c) Self-haulers that are commercial businesses shall keep a record of the amount of organic materials delivered to each solid waste facility, operation, activity, or property that processes or recovers organic materials; this record shall be subject to inspection by the Town. The records shall include the following information:

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

Commented [MHA22]: The edits to this section are consistent with Larkspur's ordinance. I did not accept any of MSS's requested changes in this section.

2. The amount of material in cubic yards or tons transported by the generator to each entity.

~~At the request of the Town or Authorized Collector, complete and retain on-site a self-hauling form certifying that all self-hauling activities will be completed in accordance with this chapter or any other applicable law or regulation. A copy of such form shall be completed and remitted annually to the Town.~~

Commented [MHA23]: Note that I deleted subsection 3 re: record keeping, based on Larkspur's ordinance to ensure consistency.

Commented [R324]: Note for discussion. Does the Town want to include this provision?

5-3.2019 - Commercial Edible Food Generator Requirements.

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

Commented [MHA25R24]: I'll leave this one up to you, Dave and Sean.

~~(a) Operators of a large venue or large event (as defined in 14 CCR 18982(a)(38)) that are not providing food services, but allowing for food to be provided by others, shall require food facilities operating at the large venue or large event to comply with the requirements of this section, commencing January 1, 2024. Large venue or large event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the large venue or large event to comply with the requirements of this section, commencing January 1, 2024.~~

Commented [MHA26]: I've also edited this section for consistency with Larkspur.

(b)

(c) Commercial edible food generators shall comply with the following requirements:

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

(2) Contract with or enter into a written agreement with food recovery organizations or food recovery services for: (a) the collection of edible food for food recovery; or (b) acceptance of the edible food that the commercial edible food generator self-hauls to the food recovery organization for food recovery.

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

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

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

(i) A list of each food recovery service or organization that collects or receives its edible food pursuant to a contract or written agreement established under 14 CCR section 18991.3(b).

(ii) A copy of all contracts or written agreements established under 14 CCR section 1891.3(b).

(iii) A record of the following information for each of those food recovery services or food recovery organizations:

(a) The name, address and contact information of the food recovery service or food recovery organization.

(b) The types of food that will be collected by or self-hauled to the food recovery service or food recovery organization.

(c) The established frequency that food will be collected or self-hauled.

(d) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a food recovery service or food recovery organization for food recovery.

(d) Nothing in this Chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557, as amended from time to time 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).

5-3.204 - Food Recovery Organization and Food Recovery Services requirements.

- (a) Food recovery services collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
- (1) The name, address, and contact information for each commercial edible food generator from which the service collects edible food.
 - (2) The quantity in pounds of edible food collected from each commercial edible food generator per month.
 - (3) The quantity in pounds of edible food transported to each food recovery organization per month.
 - (4) The name, address, and contact information for each food recovery organization that the food Recovery Service transports edible food to for food recovery.
- (b) Food recovery organizations collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
- (1) The name, address, and contact information for each commercial edible food generators from which the organization receives edible food.
 - (2) The quantity in pounds of edible food received from each commercial edible food generator per month.
 - (3) The name, address, and contact information for each food recovery service that the organization receives edible food from for food recovery.
- (c) Food recovery organizations and food recovery services that have their primary address physically located in the Ttown and contract with or have written agreements with one or more commercial edible food generators pursuant to 14 CCR Section 18991.3(b) shall annually report to the Town it is located in the total pounds of edible food recovered in the previous calendar year from the tier one and tier two commercial edible food generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than April 1.
- (d) In order to support edible food recovery capacity planning assessments or other studies conducted by the County, Town, or Special District that provides solid waste collection services, or its designated entity, foodFood recovery services and food recovery organizations operating in the town shall provide information and consultation to the Ttown, upon request, regarding existing, or proposed new or expanded, food recovery capacity that could be accessed by the Town its commercial edible food generators. A food recovery service or food recovery organization contacted by the Town shall respond to such request for information within 60 days unless a shorter timeframe is otherwise specified by the Town.

5-3.212 - Inspections and investigations.

- (a) The Town Administrator, Authorized Collector, or designee is authorized to conduct any inspections, remote monitoring, or other investigations as reasonably necessary to further the goals of this chapter, subject to applicable laws. This may include inspections and investigations, at random or otherwise, of any collection container, collection vehicle load, or transfer,

processing, or disposal facility to confirm compliance with this chapter, subject to applicable laws. This section does not allow entry in a private residential dwelling unit for inspection. For the purposes of inspecting collection containers for compliance, the Town Administrator or Authorized Collector may conduct container inspections for prohibited container contaminants using remote monitoring, and generators shall accommodate and cooperate with the remote monitoring.

A Person subject to the requirements of this chapter shall provide or arrange for access during all inspections (with the exception of a private residential dwelling unit) and shall cooperate with the Town Administrator or Authorized Collector during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in collection containers, inspection of edible food recovery activities, review of required records, or other verification or inspection to confirm compliance with any other requirement of this chapter. Failure to provide or arrange for: (i) access to the premises; (ii) installation and operation of remote monitoring equipment, if a remote monitoring program is adopted; or (iii) access to records for any inspection or investigation is a violation of this chapter and may result in penalties.

(b) Any records obtained by the Town Administrator, Authorized Collector, or designee, during inspections, investigations, remote monitoring and other reviews shall be subject to the requirements and applicable disclosure exemptions of the California Public Records Act as set forth in Government Code Section 6250 et seq.

The Town, Authorized Collector or designee shall accept written complaints from persons regarding an entity that may be potentially non-compliant with this chapter.

5-3.223 - Violations and penalties.

(a) A violation of any provision of this chapter shall constitute an infraction and will be grounds for issuance of a Notice of Violation and assessment of an administrative citation and penalty by the Town's Enforcement Officer or its designated Enforcement Agency.

Enforcement Actions under this chapter are issuance of an administrative citation and assessment of a fine. The A violation of any provision of this chapter shall be subject to Town of the enforcement tools available under the law, including those outlined in s procedures on imposition of administrative citations and fines as contained in Title 1, Chapters 2 and 6 Chapter 13.3.26 of the Municipal Code, except that fines, charges, and/or costs shall not be recoverable by recording a lien or special assessment against a property. e shall govern the imposition, enforcement, collection, and review of administrative citations and fines issued to enforce this chapter and any rule or regulation adopted pursuant to this chapter. Any section of this chapter may be enforced by the Town, or if agreed to, by its designated Enforcement Agency.

A violation may be punishable by:

A fine of one hundred dollars for a first violation;

A fine of two hundred dollars for a second violation of the same provision of this code within any twelve consecutive month period;

A fine of five hundred dollars for each additional violation of the same provision of this code within any twelve consecutive month period. Any citation issued after the issuance of a third citation or violation of the same provision of this code within any twelve consecutive month period may be charged as a misdemeanor pursuant to the provisions of Chapter 10.3.2603 of the Municipal Code.

The Town or designated Enforcement Agency may issue a Notice of Violation requiring compliance within 60 days or sooner of issuance of the notice.

Absent compliance by the respondent within the deadline set forth in the Notice of Violation, the Town or designated Enforcement Agency shall commence an action to impose penalties, via an

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Commented [MHA27]: The Larkspur ordinance does not include these paragraphs as part of the ordinance. For consistency, I recommend we delete these subsections, unless R3 believes it is necessary.

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Commented [R328]: Note for discussion. Does the Town want to include this in the Municipal Code?

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~~administrative citation and fine, pursuant to the Town's standard procedures or the standard procedures of its designated Enforcement Agency.~~

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

Commented [MHA29]: Unless there is a reason to have this ordinance-specific enforcement mechanism, I recommend using the existing process for issuing an administrative citation under SAMC Title 1, Chapter 6. If you are in agreement, we can delete the highlighted text here.