

CITY OF FAIRFIELD

ORDINANCE NO. 2021-13

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD AMENDING CHAPTER 9 OF THE
FAIRFIELD MUNICIPAL CODE RELATING TO SOLID WASTE COLLECTION SERVICES**

THE CITY COUNCIL OF THE CITY OF FAIRFIELD DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 9 is hereby amended to the Fairfield City Code to read as follows:

**CHAPTER 9
SOLID WASTE COLLECTION SERVICES**

Article I. General Provisions.

9.010 Title.

This Chapter is known and may be cited as the Solid Waste Collection Services Ordinance of the City of Fairfield.

9.020 Purpose and Intent.

It is the intent of the City Council in adopting this Chapter to set forth terms and conditions pursuant to which authorization may be granted by the council to provide Solid Waste Collection Services, and to promote the public health, welfare and safety of the community by establishing reasonable regulations relating to the storage, accumulation, collection and disposal of Solid Waste.

9.030 Defined Terms and Phrases.

For the purposes of this Chapter, the words, terms and phrases as defined in Section shall be construed as hereinafter set forth, unless it is apparent from context that a different meaning is intended:

1. Act. "Act" means the California Integrated Waste Management Act of 1989 (sometimes referred to as "AB 939"), 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), Public Resources Code § 40000 and following as it may be amended, and as implemented by the regulations of CalRecycle.

2. Authorized C&D Collector. "Authorized C&D Collector" shall mean an Authorized Collector with a Collection Agreement for the Collection of Construction and Demolition Waste.
3. Authorized Collector. "Authorized Collector" shall mean a Solid Waste Enterprise operating under the provisions of a Collection Agreement approved by the City Council.
4. Bin. "Bin" shall mean a detachable container used in connection with Commercial/Industrial Premises with a capacity equal to or less than six cubic yards that is serviced using a front-end loading vehicle.
5. Box. "Box," sometimes known as a "roll-off," "drop" box or "debris" box, means a wheeled or sledded container or compactor, generally 10 to 40 cubic yards in size, that is picked up in its entirety by a dedicated truck.
6. Bulky Waste. "Bulky Waste" shall mean oversized or overweight household articles placed curbside by a Residential Householder, which oversized or overweight household articles have weights, volumes, or dimensions which cannot be accommodated by a Standard Residential Container, such as stoves, refrigerators (Freon free), water heaters, washing machines, furniture, sofas, mattresses, box springs, large rugs, and Green Waste that does not fit into a Standard Residential Container, including stumps or branches exceeding three , inches in diameter or three , feet in length.
7. CalRecycle. "CalRecycle" means the California Department of Resources, Recycling and Recovery, or any successor agency.
8. Cart. "Cart" shall mean an industry-standard receptacle for Garbage, Recyclables, or Organic Waste made of metal, hard rubber, or plastic in a range of sizes approximately 35, 65, or 95 gallons with wheels, a handle for ease of movement, and a tight-fitting, attached lid, and designed to be dumped mechanically into a collection vehicle.
9. City. "City" shall mean the City of Fairfield, a California municipal corporation.
10. City Manager. "City Manager" shall mean the city manager of the City of Fairfield or his or her designee.
11. Collection. "Collection" shall mean the operation of gathering together within the City, and transporting to the point of Disposal or Processing, any Garbage, Organic Waste, and Recyclables.

12. Collection Agreement. "Collection Agreement" shall mean an agreement between the City and a Solid Waste Enterprise, entered into pursuant to Article II of this Chapter, for the provision of Solid Waste Collection Services In the City.
13. Collector Fee. "Collector Fee" shall mean the fee paid to the City by an Authorized Collector pursuant to this chapter.
14. Commercial/Industrial Business Owner. "Commercial/Industrial Business Owner" shall mean any Person holding or occupying, alone or with others, Commercial/Industrial Premises, whether or not it is the holder of the title or owner of record of the Commercial/Industrial Premises.
15. Commercial Edible Food Generator. "Commercial edible food generator" includes a Tier One or a Tier Two commercial edible food generator.
16. Commercial/Industrial Premises. "Commercial/Industrial Premises" shall mean all occupied real property In the City, except property occupied by state or local governmental agencies which pursuant to state or federal laws are exempt from the requirement to utilize the City's Authorized Collector and, except Residential Premises as defined herein, shall include, without limitation, wholesale and retail establishments, restaurants and other food establishments, bars, stores, shops, offices, industrial establishments, manufacturing establishments, service stations, repair, research and development establishments, professional, services, sports or recreational facilities, Construction and Demolition Sites, a Multi-Family Residence that is not a Residential Premises, and any other commercial or industrial business facilities, structures, sites, or establishments In the City.
17. Construction and Demolition Waste Collection Agreement. "Construction and Demolition Waste Collection Agreement" shall mean an agreement between the City and an Authorized C&D Collector, entered into pursuant to Article II of this Chapter, for the provision of collection of Construction and Demolition Waste In the City.
18. Construction and Demolition Collector Fee. "Construction and Demolition Collector Fee" shall mean the fee paid to the City by an Authorized C&D Collector pursuant to this chapter.
19. Construction and Demolition Sites. "Construction and Demolition Sites" shall mean any real property In the City, on or from which a building or structure is being constructed,

enlarged, altered, repaired, moved or demolished, including but not limited to the change of occupancy of a building, and/or electrical, gas, mechanical or plumbing systems, and which produces Construction or Demolition Waste which must be removed from the property, and requires the use of a Bin or a Box for that purpose.

20. Construction and Demolition Waste. "Construction and Demolition Waste" shall mean any non-putrescible Solid Waste generated as the result of construction, remodeling, repair, demolition, or renovation operations on any pavement, house, commercial building or other structure, including but not limited to, dirt, sand, rock, gravel, bricks, plaster, gypsum wallboard, aluminum, glass, asphalt material, plastic pipe, roofing material, carpeting, concrete, wood, masonry, rocks, trees, surplus materials, or remnants of new materials, including but not limited to paper, plastic, carpet scraps, wood scraps, scrap metal, building materials, packaging and rubble, whether brought on site for fabrication or intended for use on the site, excluding liquid and hazardous wastes.
21. Container. "Container" shall mean any Bin, Box or Cart used for the purpose of holding Garbage, Recyclables, or Organic Waste for Collection.
22. Disposal. "Disposal" shall mean the final disposition of Solid Waste collected.
23. Edible Food. "Edible Food" means food intended for human consumption. For purposes of this chapter, Edible Food is not Solid Waste if it is recovered and not discarded. Nothing in this chapter requires or authorizes the recovery of food that does not meet the food safety requirements of the California Retail Food Code.
24. Food Waste. "Food Waste" means (1) food scraps including all scraps, trimmings, and other putrescible waste that results from food production, preparation, storage, consumption, or handling; and (2) food-soiled paper, which is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, and pizza boxes.
25. Garbage. "Garbage" means all putrescible and non-putrescible solid, semi-solid, and liquid wastes generated or accumulated through the normal activities of a premises. Garbage does not include Recyclables or Organic Waste that is source-separated and set out for the purposes of collection and recycling.
26. Green Waste. "Green Waste" means leaves, grass, weeds, landscape and pruning waste, wood materials from trees and shrubs, and other forms of organic materials generated from landscapes or gardens.

27. Hazardous Waste. "Hazardous Waste" shall have the meaning set forth in California Code of Regulations, Title 14 §17225.32 and Health and Safety Code §25117, or successor laws and regulations as may be amended from time to time.
28. High Diversion Organic Waste Processing Facility. "High Diversion Organic Waste Processing Facility" means a facility that is in compliance with the reporting requirements of the Act and meets or exceeds an annual average mixed waste organic content recovery rate of 50% between January 1, 2022, and December 31, 2024, and 75% after January 1, 2025, as calculated pursuant to the Act for Organic Waste received from the mixed waste organic collection stream as defined in the Act; or, as otherwise defined in the Act.
29. Holiday. "Holiday" shall mean: New Year's Day, Independence Day, Thanksgiving Day and Christmas Day. "Holiday" shall also mean any other day recognized by resolution of the City Council or designated in the applicable Collection Agreement.
30. Household Hazardous Waste. "Household Hazardous Waste" shall have the meaning set forth in California Code of Regulations, Title 14 §18502, or successor laws and regulations as may be amended from time to time.
31. In the City or Within the City. "In the City" or "Within the City" shall mean all of the territory within the corporate boundaries of the City as such boundaries exist on the effective date of this Chapter or may thereafter exist by virtue of annexation of territory to or detachment of territory from the boundaries of the City.
32. Manure. "Manure" shall mean the waste droppings from any animal.
33. Medical and Infectious Waste. "Medical and Infectious Waste" shall mean biomedical waste generated at hospitals, public or private medical clinics, dental offices, research laboratories, pharmaceutical industries, blood banks, mortuaries, veterinary facilities, and other similar establishments.
34. Mobile Home. "Mobile Home" shall have the meaning set forth in California Health and Safety Code §18200.
35. Mobile Home Parks. "Mobile Home Parks" means a site at which Mobile Home spaces are rented for residential use.

36. Multi-Family Residence. "Multi-Family Residence" shall mean any building or structure, including but not limited to Mobile Home Parks, or portion thereof, used for residential purposes having five or greater distinct living units.
37. Organic Waste. "Organic Waste" means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to Food Waste, Green Waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges or as otherwise defined in the Act. Biosolids and digestate are as defined by the Act.
38. Person. "Person" shall mean any individual, association, firm, partnership, corporation, organization, or any other group or combination thereof acting as a unit.
39. Processing. "Processing" shall mean the controlled and monitored process of reduction, separation, recovery, conversion, or recycling of Organic Waste or Recyclables for the purpose of recovery.
40. Public Agency. "Public Agency" shall mean any governmental agency or department thereof, whether federal, state, or local.
41. Recyclables. "Recyclables" shall mean those materials that are separated from Solid Waste prior to disposal to be recycled consistent with the requirements of the Act. The City may adopt a schedule of materials suitable for Recycling, as determined by resolution of the City Council, or as set forth in a Collection Agreement, which may be revised periodically.
42. Recycling. "Recycling" shall mean the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become Garbage, and returning 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. "Recycling" does not include transformation as defined in Public Resources Code Section 40201.
43. Residential Householder. "Residential Householder" shall mean any Person or Persons holding or occupying Residential Premises In the City, whether or not the owner of the Residential Premises.
44. Residential Owner. "Residential Owner" shall mean the owner of any Residential Premises Within the City.

45. Residential Premises. "Residential Premises" shall mean: (i) any building or structure, or portion thereof, that is used for residential housing purposes and has four (4) or fewer distinct living units; and (ii) any multiple unit residential complex which, with the prior written approval of the City Manager, receives Solid Waste Collection services using Standard Residential Containers.
46. Resource Recovery. "Resource Recovery" shall mean any use of Solid Waste collected pursuant to this Chapter, except for landfill Disposal or transfer for landfill Disposal. "Resource Recovery" shall include, but is not limited to, backhauling, transformation, composting, and multi-material Recycling.
47. SB 1383. "SB 1383" or "Senate Bill 1383" shall mean Chapter 13.1 (commencing with Section 42652) of Part 3 of Division 30 of the California Public Resources Code, together with Sections 39730.5 through 39730.8 of the California Health and Safety Code, as they may be amended, as implemented by Title 14, Division 4, Chapter 12 of the California Code of Regulations.
48. Solid Waste. "Solid Waste" shall mean all putrescible and non-putrescible solid, semisolid, and liquid wastes generated or accumulated for collection, processing, or disposal Within the City. Solid Waste includes Garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, Construction and Demolition Wastes; discarded home appliances, or Bulky Waste; dewatered, treated, or chemically fixed sewage sludge which is not a Hazardous Waste or Special Waste; Recyclables; Manure, Organic Waste, vegetable or animal solid and semisolid wastes; Special Items, Special Wastes; and other discarded solid and semisolid wastes. "Solid Waste" does not include Hazardous Waste or Medical and Infectious Waste.
49. Solid Waste Collection Services. "Solid Waste Collection Services" shall mean the Collection, storage, or transfer of Solid Waste.
50. Solid Waste Enterprise. "Solid Waste Enterprise" shall mean any individual, partnership, joint venture, unincorporated private organization, or private corporation regularly engaged in the business of providing Solid Waste Collection Services.
51. Special Items. "Special Items" shall mean any bulky or heavy objects that require Bin service and are not Bulky Waste, including, but not limited to, dirt, sod, brick, Manure, waste from any poultry yard or stable, and Construction and Demolition Waste.

52. Special Wastes. "Special Wastes" include flammable waste; waste transported in a bulk tanker; liquid waste; sewage sludge; pollution control process waste; residue and debris from the cleanup of a spill or release of chemical substances or any other Special Wastes; contaminated soil, waste, residue, debris and articles from the cleanup of a site or facility formerly used for the generation, storage, treatment, Recycling, reclamation, or Disposal of any other Special Wastes; dead animals; waste water; explosive substances; radioactive substances; industrial appliances; and abandoned vehicles and parts thereof.
53. Standard Commercial/Industrial Container. "Standard Commercial/Industrial Container" shall mean a state-of-the-art Bin used in connection with Commercial/Industrial Premises designed for mechanical pick-up by Collection vehicles and equipped with a lid, or where appropriate for the Commercial/Industrial Premises being served, a state-of-the-art Box, and shall include other types of Containers suitable for the storage and Collection of commercial/industrial Solid Waste if approved in writing by the City Manager.
54. Standard Residential Container. "Standard Residential Container" shall mean a standardized Cart used in connection with Residential Premises designated for the Collection of Solid Waste, having the capacity designated in the applicable Collection Agreement, and of a design, color and durability as approved by the City Manager.
55. Tier One Commercial Edible Food Generator. "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 10,000 square feet.
 - (c) Food Service Provider.
 - (d) Food Distributor.
 - (e) Wholesale Food Vendor.

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

56. Tier Two Commercial Edible Food Generator. "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 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.

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

57. Vacant Property. "Vacant Property" shall mean real property that is not occupied by any Person for a period of 30 days or more.

58. Waste Reduction and Recycling Plan. "Waste Reduction and Recycling Plan" shall mean information submitted to City for reporting diversion requirements to City. The information may be submitted online or in person and shall consist of an estimated materials checklist submitted prior to construction, a final report submitted at completion of project prior to final inspection, and all necessary documentation to verify accuracy of information.

Nothing contained in this Section shall be deemed to preclude the City and any Authorized Collector from incorporating into any Collection Agreement definitions relating their respective contractual rights and obligations, which may differ from or augment those set forth herein.

Article II. Collection Agreements.

9.040 Authorization of Collection Agreement by City Council.

The City Council may authorize, by contract, one or more Solid Waste Enterprises to provide Solid Waste Collection Services for Residential Householders and Commercial/Industrial Premise users or customers, including but not limited to the Collection of Construction and Demolition Waste. In the sole discretion of the council, the Solid Waste Collection Services may be authorized on an exclusive or non-exclusive basis, and with or without competitive bidding, and may relate to any class or type of Solid Waste within all or any part of the territory of the City.

Notwithstanding the foregoing, nonexclusive Construction and Demolition Waste Collection Agreements may be approved by the City Manager.

No Person shall collect or dispose of Solid Waste In the City unless that Person has entered into a Collection Agreement with the City, except as otherwise specifically provided in this Chapter, and irrespective of any permit issued by any other governmental agency authorizing Collection of Solid Waste. Any such Collection Agreement shall be in addition to any business license or permit otherwise required by this Code. Authorized Collectors operating In the City on the effective date of this Chapter under a nonexclusive Collection Agreement may continue to operate only until the rights thereunder are terminated or revoked, or until such rights expire pursuant to the provisions of Section 49520 of the Public Resources Code.

9.050 Contents.

- A. The terms and provisions of any Collection Agreement for Solid Waste and Recyclables collection services may relate to or include, without limitation such requirements, conditions, policies, and procedures as may be mutually agreed upon by the parties to the collection agreement and which will, in the judgment and discretion of the City Council, best serve the public interest and protect the public health, safety and welfare.
- B. Each Authorized Collector with a collection agreement shall pay a Collector Fee in an amount set forth in the collection agreement.
- C. In the event of any conflict between the provisions of a Collection Agreement which is authorized and approved by the council and the provisions of this chapter, the provisions of the Collection Agreement shall control.
- D. Every Authorized Collector shall obtain and maintain at all times during the Authorized Collector's operations a business license issued by the City, and all applicable permits and licenses required by any Public Agency having jurisdiction.

Article III. Rates.

9.060 Rates, Fees and Charges.

The City Council may, by resolution or an approved Collection Agreement, place a limit on the rates, fees, and charges (collectively, "Fees") Authorized Collectors may charge to Residential Owners and to Commercial/Industrial Business Owners for the Collection of Solid Waste. No Authorized Collector shall charge any Fee which is greater than the maximum permitted by the council, unless otherwise authorized in this Chapter.

9.070 Billing and Collection of Fees.

The billing and collection of the Fees imposed by the Authorized Collectors for Solid Waste Collection Services shall be the responsibility of the Authorized Collector; the City shall have no liability or responsibility therefor.

Every Commercial/Industrial Business Owner and Residential Owner shall pay the Authorized Collector the applicable Fees for Collection services rendered pursuant to this Chapter.

Article IV. Vehicles.

9.080 Vehicles - General.

No Person may operate any vehicle for the Collection of Solid Waste other than an Authorized Collector who has a valid business license and a Collection Agreement and who has paid all required license, Collection Agreement or other City charges. All activities conducted with vehicles, equipment, and containers for the Collection of Solid Waste shall be in accordance with all applicable federal, state, and local laws and ordinances, and best management practices. Vehicles, equipment, and containers shall be kept in a clean and well-maintained condition.

9.090 Operation of Equipment.

All Persons operating equipment for the Collection or transportation of Solid Waste shall do so in compliance with all applicable federal, state and local laws and ordinances. Such vehicles shall not be operated in a manner which results in undue interference with normal traffic flows. No such vehicle shall be parked or left unattended on the public streets. No such vehicle shall be parked overnight on a public street or thoroughfare In the City.

9.100 Compliance with Vehicle Standards.

Any vehicle used in the Collection or transportation of Solid Waste In the City shall, at all times, be maintained in accordance with all the standards set forth in this Chapter. The use of a vehicle which fails to comply with each of the standards set forth in this Chapter is prohibited. An Authorized Collector shall immediately remove any vehicle from Collection service which fails, at any time, to conform to any of the standards recited in this chapter and shall not use that vehicle until it is repaired. Should the City give notification at any time to an Authorized Collector that any of the Authorized Collector's vehicles are not in compliance with the standards of this Chapter, the Authorized Collector shall immediately remove the vehicle from service. The vehicle shall not again be utilized In the City until it has been inspected and approved by the City. The

Authorized Collector shall maintain its regular Collection schedule regardless of repair of any vehicle.

9.110 Transfer of Loads on Public Streets.

No Person shall transfer Solid Waste from one Collection vehicle to another on any public street or road unless such transfer is essential to the method of operation and is approved by the City, or is necessary owing to mechanical failure or accidental damage to a vehicle.

Article V. Exclusions.

9.120 Residential Householder Exclusion.

No provision of this Chapter shall prevent Residential Householders from collecting and disposing of occasional loads of Solid Waste generated in or on their Residential Premises, or from composting Organic Waste, or from selling or donating Recyclables generated in or on their Residential Premises. No Residential Householder, however, shall employ or engage any Solid Waste Enterprise, other than the Authorized Collector, to haul or transport such materials to a transfer station or landfill.

9.130 Gardener's Exclusion.

No provisions of this Chapter shall prevent a gardener, tree trimmer or Person engaged in a similar trade from collecting and delivering to a Resource Recovery facility grass cuttings, prunings, and similar material not containing other Solid Waste when incidental to providing such gardening, tree trimming, or similar services. Notwithstanding the foregoing, landscape contractors under contract to the City shall comply with all requirements of the applicable City contract.

9.140 Commercial/Industrial Exclusions.

- A. Source Separated Recyclables. No provision of this Chapter shall prevent a Commercial/Industrial Business Owner from selling to a buyer (whether such buyer is a recycler, junk dealer, or other enterprise engaged in the business of buying and marketing such materials in stream of commerce, for a monetary or other valuable consideration), or from donating to a charitable organization, any source separated Recyclables, including without limitation, any saleable scrap, discard, reject, by-product, ferrous or non-ferrous metal, worn-out or defective part, junk, pallet, packaging material, paper or other similar item generated in, on or by a Commercial/Industrial Premises or business, and no longer useful to such commercial/industrial business. Any such buyer, however, must not be

engaged in the business of collecting Solid Waste or Recyclables for a fee, other charge, or consideration. Further, no such materials may be transported for disposition to a landfill or transfer station (as defined in Public Resources Code Section 40200). Source separated Recyclables within the meaning of this Section shall mean Recyclables separated on the Commercial/Industrial Premises from Solid Waste for the purpose of sale, not mixed with or containing more than incidental or minimal Solid Waste and having a market value.

No provision of this Chapter shall prevent a recycler, junk dealer or other enterprise engaged in the business of buying and marketing such materials in stream of commerce, and which is not engaged in the business of collecting Solid Waste or providing Solid Waste Collection services for a fee, other charge or consideration, from buying any materials referenced in this paragraph "A" for monetary or other valuable consideration, and removing and transporting such materials to a destination for marketing (but not for disposition in a landfill or transfer station (as defined in Public Resources Code Section 40200)). No such buyer shall buy or transport such materials without prior authorization from the City, as required by this Code, whether in the form of a business license, a business permit, or a nonexclusive Collection Agreement.

- B. In-House Recycling Programs. Nothing in this Chapter shall prevent a Commercial/Industrial Business Owner which has its own Recycling or Resource Recovery program for Recyclables generated by such business and not utilizing a Solid Waste Enterprise which provides Collection services for a fee, service charge, or other consideration, from continuing such Recycling or Resource Recovery program, and the Recyclables included in such program are excepted from any Collection Agreement entered into by the City.
- C. Renovation, Rebuilding, Repairs. No provision of this Chapter shall prevent a Commercial/Industrial Business Owner from arranging for any worn, spent, or defective equipment, or part thereof, used in such commercial/industrial business and requiring renovation, rebuilding, recharging, regeneration or repair, to be picked up, renovated, rebuilt, recharged, regenerated or otherwise restored and repaired and returned to such Commercial/Industrial Business Owner; nor shall any provision of this Chapter prevent any Person engaged in the business of renovating, rebuilding, recharging, regenerating, or otherwise restoring or repairing such equipment or part thereof, from transporting the same from or returning it to the commercial/industrial business, or from removing, transporting or disposing of any such equipment, or part thereof, replaced in connection with an equipment repair or service contract.

- D. Solid Waste. No provision of this Chapter shall prevent Commercial/Industrial Business Owners from collecting and disposing of occasional loads of Solid Waste generated in or on their Commercial/Industrial Premises. No Commercial/Industrial Business Owner, however, shall employ or engage any Solid Waste Enterprise, other than the Authorized Collector, to haul or transport such materials to a transfer station or landfill.

9.150 Contractors' Exclusions.

No provision of this Chapter shall prevent a licensed contractor having a contract for the demolition or reconstruction of a building, structure, pavement, or concrete installation from marketing any saleable items salvaged from such demolition or reconstruction, or from causing such salvageable items or Construction and Demolition Waste to be removed and transported from the premises on which such waste is generated, pursuant to the provisions of the demolition or construction contract. If a subcontractor is to be engaged to remove such Construction and Demolition Waste, the subcontractor must be an Authorized Collector.

9.160 Document Destruction Service.

No provision of this Chapter shall prevent any Person engaged in the business of destroying or disposing of secret, confidential, or sensitive documents from transporting or disposing of such documents by shredding, lumping, incinerating or other means, as a part of such document destruction or Disposal service.

9.170 Self-Haul Exclusion.

Notwithstanding Paragraph C of Section 9.210, and in addition to the authority granted by Section 9.120, nothing in this Chapter shall prevent a Commercial/Industrial Business Owner or Residential Householder from, on a regular basis, collecting and disposing of Solid Waste generated in or on their premises, in lieu of availing themselves of the services of the Authorized Collector.

No Residential Householder or Commercial/Industrial Business Owner shall employ or engage any Solid Waste Enterprise, other than an Authorized Collector, to haul or transport such materials to a transfer station or landfill. Any Residential Householder or Commercial/Industrial Business Owner who, pursuant to this Section, seeks to collect and dispose of Solid Waste generated in or on their premises, on a regular basis, must first obtain a self-haul permit from the City by completing an application and paying the required fee, and must comply with procedures for self-hauling to be adopted by the City Council by resolution and other applicable laws, including the following requirements:

- A. Comply with the requirements in this Chapter by delivering Recyclables or Organic Waste to permitted facilities that will process those materials in accordance with the requirements and intent of this Chapter (Organic Waste shall not be delivered to a facility for ultimate use as alternative daily cover or for disposal).
- B. Complete, submit to City, and retain on-site a self-hauling form certifying that all self-hauling activities will be completed in accordance with this Chapter and any other applicable law or regulation, including SB 1383.
- C. Provide proof of compliance with this Chapter, upon request from the city manager; proof includes, but is not limited to, receipts and/or invoices from a Resource Recovery facility that clearly identifies the type and quantity of material delivered for all material hauled. Records shall be retained for a minimum of 24 months.

9.180 Special Exclusions.

Special Exclusions may be granted by the City Manager for businesses that provide Collection of Solid Waste solely in conjunction with other services that are not provided by an Authorized Collector or Authorized C&D Collector. A Special Exclusion may not be granted where more than four cubic yards of Solid Waste will be disposed of in a landfill or where a Bin is used on-site. Examples of such businesses include, but are not limited to, businesses that enter onto private property and clean up and remove Solid Waste on an occasional basis. Any Person who, pursuant to this Section, seeks a Special Exclusion, must first obtain a Special Exclusion Permit from the City by completing an application and paying the required fee, and must comply with procedures for Special Exclusions to be adopted by the City Council by resolution. Any business engaged in the Collection of Solid Waste pursuant to a Special Exclusion Permit must use a vehicle or trailer that is equipped with a non-detachable debris container with an open top, that is not capable of loading itself, and the driver must remain with the vehicle while it is being loaded.

9.190 Non-subscription to Recyclables or Organic Waste Collection.

A Commercial/Industrial Business Owner may seek a waiver from the requirement to subscribe to Recyclables or Organic Waste Collection service, including for any of the reasons set forth in 14 CCR Section 18984.11 (de minimis waiver, physical space waiver, or collection frequency waiver). Commercial/Industrial Business Owners seeking a waiver shall submit their request for waiver as described this Section and in accordance with any rules or regulations adopted pursuant to Section 9.370, on a form specified by the City Manager. After reviewing the waiver

request, and after an on-site review, if applicable, the City Manager may either approve or deny the waiver request.

The following shall be exempt from the requirement to subscribe to Recyclables and/or Organic Waste Collection:

- A. Solid Waste generated on property operated by any Public Agency, which is Collected under a system of Solid Waste Collection and transportation maintained by the Public Agency;
- B. Solid Waste to be used as raw material in manufacturing or collected for purposes of salvage; provided that all such materials are reused or recycled, and no such materials are delivered to a disposal site.
- C. Solid Waste which cannot be handled by standard Solid Waste Collection equipment, or which involve significant health, operating or handling hazards.
- D. Commercial Edible food recovery from commercial establishments resulting in the recovery and redistribution of Edible Food for consumption.

9.200 General Requirements Applicable to Exclusions.

In all cases where the right to an exclusion pursuant to Sections 9.120 through 9.190 of this Chapter is exercised, Disposal shall be made at a Disposal or Processing facility which meets all applicable regulatory requirements. Any such Disposal by a Person exempted under this Section shall not relieve such Person from any obligation or liability imposed by this Chapter or any other City ordinance, resolution, rule or regulation for the payment of the minimum Solid Waste Collection rates imposed by the Authorized Collector pursuant to this Chapter, or of any other applicable rates or fees except as set forth in the next sentence. Notwithstanding the foregoing, the following shall be exempt from the payment of the Solid Waste Collection rates imposed for use of the services provided by the Authorized Collector: (a) any Person with a valid self-haul permit obtained pursuant to Section 9.170 who does not use the Solid Waste Collection Services offered by the Authorized Collector; and (b) any owner of Vacant Property who does not use Solid Waste Collection Services offered by the Authorized Collector, for the period of time the property is vacant.

Article VI. General Requirements.

9.210 Mandatory Service.

- A. Subscription to Garbage collection service is mandatory except in the case of a self-hauler in compliance with Section 9.170. Subscription to Recyclables and Organic Waste collection service is mandatory except in the case of approved waivers as described in Section 9.190. Unless otherwise approved by the City Council, collection of Solid Waste shall take place no less than once each calendar week, on the same day of the week.
- B. All Solid Waste collected from Residential or Commercial/Industrial Premises for a fee, service charge or other consideration, shall be collected by an Authorized Collector, subject to the exclusions set forth in Article V of this Chapter and the limited rights granted Authorized Collectors with Collection Agreements.
- C. No Person, firm, corporation or Solid Waste Enterprise or other Person, other than an Authorized Collector, shall negotiate or contract for, undertake to receive, collect or transport Solid Waste from Within the City for a fee, service charge or other consideration therefore, except as expressly provided herein.
- D. Except as otherwise provided in this Chapter, each Residential Householder and Commercial/Industrial Business Owner shall utilize the services of an Authorized Collector operating in accordance with a Collection Agreement for Solid Waste Collection Services from the Residential or Commercial/Industrial Premises held or occupied by such Householder or Owner and shall pay for such services the Fees set by the Authorized Collector and authorized by the council. No Residential Householder or Commercial/Industrial Business Owner shall enter into an agreement for Solid Waste Collection Services with any Person other than the Authorized Collector, except as otherwise expressly provided in this Chapter.

9.220 Recyclables and Organic Waste Generator Requirements.

All Organic Waste Generators as defined in the Act shall be required to source-separate, place Containers in appropriate locations, and subscribe to service or self-haul according to the requirements in the Act. All penalties and enforcement procedures described therein are hereby incorporated.

Each Commercial/Industrial Business Owner shall be responsible for ensuring and demonstrating its compliance with the requirements of this Chapter, including all Multi-Family Residences (five units or more). Owners of Residential Premises (one to four units) shall also be responsible for ensuring and demonstrating compliance with the requirements of this Chapter.

All Commercial/Industrial Business Owners must make arrangements for the diversion of Recyclables, either through a collection service with an Authorized Collector, or by self-hauling

to a permitted Resource Recovery facility for diversion and reuse. Alternatively, self-haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.

Each Commercial/Industrial Business Owner shall be responsible for ensuring and demonstrating its compliance with the following requirements:

- A. Source separate Recyclables and Organic Waste from Garbage.
- B. Provide a basic level of Recyclables and Organic Waste Collection that includes, at a minimum, the collection of Recyclables and/or Organic Waste and delivery to a Resource Recovery facility.
- C. As applicable, complete and retain on site a self-haul form certifying that all self-hauling activities will be completed in accordance with the provisions of this chapter or any other applicable law or regulation. A copy of such form shall be made available to the City Manager upon request. The form shall include record of:
 - a. The amount of Organic Waste transported by the Commercial/Industrial Business Owner or Multi-Family Residence, in cubic yards or tons, delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste.
 - b. Delivery receipts and weight tickets from the entity accepting the Organic Waste.
 - c. If the Organic Waste is transported to an entity that does not have scales on-site or employs scales incapable of weighing the self-hauler's vehicle in a manner that allows it to determine the weight of materials received, the self-hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
- D. Provide Standard Commercial/Industrial Containers for Recyclables in Multi-Family residential rental units and in maintenance and work areas where Recyclables may be collected and/or stored.
- E. Prominently post and maintain one or more signs where Recyclables and/or Organic Waste are collected and/or stored that set forth what materials are required to be source separated in addition to collection procedures for such materials.

- F. Notify and instruct employees and tenants of applicable source separation requirements, including a list of Recyclables and/or Organic waste that are required to be source separated for recycling. A copy of such instructions shall be provided to the City Manager upon request.
- G. Each covered generator shall ensure that Recyclables and/or Organic Waste generated at their site will be taken only to a recycling facility and not to a landfill for disposal by complying with all requirements under this chapter.
- H. The self-haul form or other documents pertaining to this chapter, shall be available for inspection by the City Manager, at the principal location of the covered generator during normal business hours.
- I. No waste hauler shall be held liable for the failure of its customers to comply with such regulations.
- J. No covered generator shall be liable for the failure of their waste hauler to deliver Recyclables or Organic Waste to a Recycling or Processing facility.
- K. It shall be the responsibility of the business or Multi-Family property owner whose garbage was not removed because it contained Recyclables to properly separate Recyclables from the uncollected Garbage for proper Recycling. Allowing such unseparated Garbage to accumulate will be considered a violation of this chapter.

9.230 Litter.

Any Person who deposits, or causes to be deposited, any Solid Waste on any public property, including the public right-of-way, or on private property within public view, except in a Container provided therefor as herein specified, shall immediately clean up, contain, collect and remove same.

To facilitate proper disposal of litter by pedestrians and motorists, publicly patronized establishments and institutions shall provide, empty and maintain adequate Containers for public deposit of Solid Waste generated by the public as a result of the patronization of such establishments.

9.240 Transporting Loose Solid Waste.

It shall be unlawful for any Person to transport any loose Solid Waste by motor vehicle unless the cargo is covered and/or secured in such a manner as to prevent depositing of Solid Waste on public or private property.

9.250 Unauthorized Removal from, or Disposal in, Containers.

No Person other than the Authorized Collector shall tamper with or remove any Solid Waste from a Container, other than the owner or occupant of the property served by such Container, or an authorized employee of the City.

Subject to any exclusions set forth in Article V of this Chapter, no Person shall deposit Solid Waste from a Residential or Commercial/Industrial Premises in any place other than in an approved Container located on the Premises which generated the Solid Waste.

9.260 Hours of Collection.

No Collection or delivery/removal of Containers shall be made between the hours of 6 p.m. and 6 a.m. Monday through Saturday or at any time on Sunday.

The City Manager may waive the requirements of this Section when necessitated by conditions beyond the control of the Authorized Collector. The City Manager may require an Authorized Collector to change hours of operation if disruption occurs.

9.270 Ownership.

At such time as Solid Waste is placed for Collection at the usual place of Collection, the Solid Waste becomes the property of the designated Authorized Collector for that location.

9.280 Unlawful Dumping, Burning, or Other Release.

It shall be unlawful at any time for any Person, including Authorized Collectors, to burn, place, deposit, release, spill, leak, pour, emit, empty, discharge, inject, bury, dump or otherwise release into the environment (including by abandonment or discarding of barrels, containers, and other closed receptacles) or cause to be placed, deposited, released, spilled, leaked, poured, emitted, emptied, discharged, injected, buried, dumped, or disposed, any Solid Waste Within the City, except in an authorized or permitted container, at an authorized or permitted Solid Waste collection facility, or as authorized by the City Manager.

9.290 Trespass.

No Person authorized to collect or transport Solid Waste shall enter on private property beyond the extent necessary to collect the Solid Waste properly placed for Collection, or beyond the extent necessary to provide any agreed upon special Solid Waste Collection Service.

9.300 Building Contractors to Maintain Area.

All owners, contractors, builders and demolition contractors shall, at all times, maintain the Construction or Demolition Site and any nearby premises utilized in the construction or demolition in a clean, safe and aesthetic manner and free of any Solid Waste. All owners, contractors, builders, and demolition contractors shall be responsible for maintaining clean public streets surrounding the Construction or Demolition Site as required in Chapter 5 Building and Housing Codes.

9.310 Accumulation or Storage of Solid Waste Declared Nuisance.

The accumulation or storage of Solid Waste, on any real property or in any structure Within the City, by any Person beyond the period of one week or in any manner other than as specified in this Chapter is hereby declared to be a nuisance pursuant to Section 38771 of the California Government Code. The City Council, pursuant to Section 38773 of the Government Code, shall by separate ordinance provide for the summary abatement of such nuisances.

9.320 Improper Receptacles.

No cardboard box or paper or plastic bag may be used as a receptacle outdoors for Solid Waste. Any receptacle used to store Solid Waste outdoors must contain a lid that prevents moisture, flies, rodents or vermin from entering the receptacle.

9.330 Unauthorized Containers.

- A. Except as expressly authorized by this Chapter, no Person other than an Authorized Collector operating in accordance with a Collection Agreement may place a Container or other receptacle for the Collection of Solid Waste Within the City. Any Container or other receptacle placed in violation of this Section is hereby declared to be a nuisance and is subject to abatement pursuant to applicable provisions of the City Code.
- B. No Person shall place a Container in the public right-of-way without the prior written consent of the City Manager. Any such Container may be impounded by the City if not removed within 24 hours of written notice to the apparent owner of the Container, or immediately if the Container is not marked with information identifying its owner.

9.340 Interference with Collection.

No Person shall, in any manner, interfere with the Collection of Solid Waste by any Authorized Collector. No Person, other than the property owner or occupant, a Public Agency employee in the course of his or her official duties or an Authorized Collector, shall remove Solid Waste from any Container.

9.350 Edible Food Recovery Required.

Tier One Commercial edible food generators shall comply with the requirements of this Section and Title 14, Division 7, Chapter 12 of the California Code of Regulations commencing January 1, 2022. Tier Two Commercial edible food generators shall comply with the requirements of this Section and Title 14, Division 7, Chapter 12 of the California Code of Regulations commencing January 1, 2024.

A large venue or large event operator that does not provide food services, but allows for food to be provided, shall require food facilities operating at the large venue or large event to comply with the requirements of Title 14, Division 7, Chapter 12 of the California Code of Regulations, commencing January 1, 2024.

Commercial Edible Food Generators shall comply with the following requirements:

1. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
2. Contract with or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
3. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
4. Commercial Edible Food Generators and Food Recovery Organizations shall maintain a record acceptable to the City Manager and in compliance with applicable law.
5. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4.

9.360 Violations and Infractions.

- A. Any violation of this Chapter is subject to the general penalty in Section 1.7 of this Code. Any violation of this Chapter may also be enforced by the issuance of an administrative citation pursuant to Article II of Chapter 1 of this Code.
- B. The City Manager may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with this Section if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:
 - a. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
 - b. Delays in obtaining discretionary permits or other government agency approvals; or,
 - c. Deficiencies in Organic Waste recycling infrastructure or edible food recovery capacity and the City is under a corrective action plan with CalRecycle pursuant to the Act due to these deficiencies.
- C. City representatives and/or its designated agent are authorized to conduct inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Recyclables or Organic Material or Construction and Demolition Debris to confirm compliance with this Chapter by generators and haulers, subject to applicable laws. This section does not allow the City representatives to enter the interior of a private residential property for inspection. Regulated entities shall provide or arrange for access during all inspections and shall cooperate with the City representative or its designated entity during such inspections and investigations.

9.370 Forms, Regulations and Guidelines.

The City Manager may adopt necessary forms, rules, regulations and guidelines which may be necessary or desirable to aid in the administration or enforcement of the provisions of Articles I-VIII. The City may provide information on its website regarding what materials are accepted as Garbage, Recyclables, and Organic Waste, and under this Chapter.

Article VII. Residential Solid Waste Collection.

9.380 Residential Collection - Containers.

No cardboard box, paper or plastic bag, or other similarly fragile container, may be used as a Container for Solid Waste Collection Service. Except as expressly provided otherwise herein, upon the commencement of automated Collection In the City only Standard Residential Containers provided by the Authorized Collector may be used for residential Solid Waste Collection Service.

9.390 Residential Collection - Placement and Removal of Containers.

Every Residential Householder shall place each Container for Collection at the curb in front of the premises, or at the curb at the side of the premises where the premises are adjacent to more than one street. Where feasible, carts shall be placed for collection a minimum of two feet apart and six feet from any fixed object including parked vehicles. No Person shall place any such Container for Collection earlier than sunset of the day preceding the day designated for Collection, and all Containers and receptacles shall be removed from the place of Collection prior to 10:00 p.m. of the day the Containers have been emptied. Such Containers shall be removed to a storage location, which is not visible from any public right-of-way, excluding alleys.

9.400 Residential Collection - Collection of Special Items.

Any Residential Householder receiving temporary service for Collection of Special Items shall obtain an encroachment permit from the City prior to having any Container for Special Items placed in a public right-of-way. Proof of such encroachment permit shall be provided to any Authorized Collector prior to receipt of the Special Items Container.

Article VIII. Commercial/Industrial Collection.

9.410 Commercial/Industrial - Containers.

- A. Every commercial/industrial business served by an Authorized Collector shall use the Standard Commercial/Industrial Containers or with the prior written approval of the City Manager Standard Residential Containers both as provided by the Authorized Collector.
- B. Every Authorized Collector providing any Container or other equipment used for the storage of commercial/industrial Solid Waste shall:

1. Place and maintain on the outside of such Container, Bin or other equipment, in legible letters and numerals not less than one inch in height, the Authorized Collector's business name and telephone number, in a color contrasting with the background color of the Container; and
2. Provide Containers on wheels or skids or with hasps and locks upon request by the Commercial/Industrial Business Owner.

9.420 Commercial/Industrial Maintenance and Placement of Containers.

All Containers provided by an Authorized Collector shall be maintained in a clean, safe, and sanitary condition by the Authorized Collector. Containers which are not provided by the Authorized Collector shall be maintained in a clean, safe, and sanitary condition by the Commercial/Industrial Business Owner. Every Commercial/Industrial Business Owner shall provide a location on the Commercial/ Industrial Premises to store Standard Commercial/Industrial Containers and shall keep the area in good repair, clean and free of Solid Waste outside of the Container. Every Authorized Collector shall remove any Solid Waste or litter that is spilled or deposited on ground as a result of the Authorized Collector's emptying of the Container or other activity of the Authorized Collector.

9.430 Commercial/Industrial - Special Circumstances.

If particular Commercial/Industrial Premises require Collections at times, frequencies or in a manner such that the Authorized Collector operating in accordance with a Collection Agreement is unable to perform the Collection in the normal course of business, or where unusual quantities of Solid Waste or special types of material are to be collected and disposed of, or where special methods of handling are required, or where the quantity of Solid Waste requires the use of multiple (more than three) Containers, the Authorized Collector and the Commercial/Industrial Business Owner may make arrangements for such Collection on mutually agreeable terms. If the business owner and the Authorized Collector do not agree as to the methods for the service provided for in this Section, the City shall determine the method of service. If the Authorized Collector is unable or unwilling to provide such service, the City may authorize the business owner to use another Authorized Collector for such special service until the Authorized Collector can provide such service in its normal course of business.

9.430 New Commercial/Industrial Buildings.

No building permit shall be issued for construction of any commercial/industrial building, including but not limited to Multi-Family Residences, until the adequacy, location and accessibility of Standard Commercial/Industrial Containers has been approved by the City. No

certificate of occupancy shall be issued for the premises until the Planning Department has approved these facilities.

Article IX. Construction and Demolition Waste.

9.440 Construction and Demolition Waste Collection.

Purpose and intent. The purpose of these provisions is to prescribe requirements designed to meet and further the goals of the Act; as well as the California Green Building Code (which has been adopted by Section 5.2.14 of this Code). Therefore, the City requires compliance with the following provisions of the California Green Building Standards Code, California Code of Regulations, Title 24, Part 11: (1) Section 4.408 Construction Waste Reduction, Disposal and Recycling Residential, (2) Section 4.410.2 Recycling by Occupants Residential, (3) Section 5.408.1 Construction Waste Management Non-residential, and (4) Section 5.410.1 Recycling by Occupants Non-residential.

9.450 Construction and Demolition Waste - Enforcement.

The Collection of Construction and Demolition Waste deemed applicable per section 9.470 by any Person who does not have a Construction and Demolition Waste Collection Agreement with the City is in violation of this Chapter. When such Collection of Construction and Demolition Waste without a Construction and Demolition Waste Collection Agreement is identified by the City, the City shall have the discretion to take any or all of the following actions:

1. The Person found to be providing or paying for a subcontractor to provide for Construction and Demolition Waste Collection that does not have an approved Construction and Demolition Waste Collection Agreement will be notified of the violation via first-class mail, email, or personal service.
2. The Person providing the collection of Construction and Demolition Waste shall be given 24 hours from the date of the notice to remove any and all Containers used to collect the Construction and Demolition Waste.
3. If the Person does not apply for a Construction and Demolition Waste Collection Agreement and fails to remove Containers within the 24-hour period given, City staff may initiate abatement procedures pursuant to Chapter 27, section 27.401(r) of the City Code.
4. Per Section 9.330, no Person shall place a Container in the public right-of-way without the prior written consent of the City Manager.

9.460 Construction and Demolition Waste Diversion.

Construction and Demolition Waste generated from applicable construction, remodeling, or demolition projects shall be diverted from disposal to landfills through recycling, reuse and diversion programs to meet the current required diversion as described in the California Green Building Standards Code, adopted pursuant to Chapter 5, section 5.2.14 of this Code, which is 65% diversion as of 2021. Separate calculations, plans and reports are required for the construction portion and demolition portion of projects.

9.470 Applicability.

Projects subject to the California Green Building Standards Code shall also comply with the requirements of this Article, whichever is more stringent. Projects subject to the requirements of this article include any project that consists of one or more of the following:

1. Any new construction project that requires a permit
2. Any demolition projects that require a permit
3. Any non-residential additions that require a permit
4. Any non-residential alterations that require a permit
5. Any residential additions or alterations that increase the building's conditioned area, volume, or size

9.480 Exemptions.

1. Emergency work to demolish, construct, or alter a structure deemed a hazard or substandard structure by the California Building Code through the Building Official.
2. Any project which may be contaminated by hazardous waste.
3. Demolition of a building or structure, or a portion thereof, that is equal to or less than 999 square feet.
4. Addition or alteration of commercial, industrial, institutional, multi-family building, single family home, or structure that is equal to or less than 999 square feet.

5. In unusual and unique circumstances, the City Manager may exempt a specific project from the requirements of this Article IX.

9.490 Information Required Before Issuance of Building or Demolition Permit.

1. Prior to permit issuance projects must submit Waste Reduction Recycling Plan identifying the estimated construction and demolition diversion.
 - i. No building permit or demolition permit shall be issued without an approved Waste Reduction and Recycling Plan.
 - ii. In lieu of a Waste Reduction and Recycling Plan, the applicant can contract the services of an Authorized C&D Collector and provide a copy of said contract to the City Manager for acceptance prior to permit issuance.
 - iii. All information for Waste Reduction and Recycling Plan may be submitted via hardcopy on City approved forms or submitted electronically online through a City approved site.
2. Deposits:
 - i. A deposit of three 3% of the total project value, not to exceed \$10,000, may be required if the applicant is not achieving the 65% diversion, or the current diversion requirement set by the CalGreen Building Standards Code, for their previous or existing Waste Reduction and Recycling Plan based on quarterly diversion reports or if the applicant has not submitted the required reports.
 - ii. Applicants receiving a Non-Compliance determination for previous Waste Reduction and Recycling Reports will be required to submit a 3% of total project value, not to exceed \$10,000, deposit on five subsequent projects following the Non-Compliance determination.
 - iii. Upon the City's determination that the applicant has complied with this article for the five projects, the applicant shall not be required to comply with the 3% deposit provision unless a new violation of this article has occurred.
3. Submittal of Waste Reduction and Recycling Plan:

- i. Every applicant shall submit a properly completed Waste Reduction and Recycling Plan as a requirement of the building or demolition process.
- ii. The Waste Reduction and Recycling Plan and required information may be submitted electronically online or submitted as a hard copy. City approved forms must be used.
- iii. The Waste Reduction and Recycling Plan shall be submitted to the City Manager for review and approval prior to permit issuance.
- iv. The Waste Reduction and Recycling Plan can cover multiple building permits for lots where construction activity is occurring at the same time by the same applicant (i.e. residential subdivisions).
- v. The applicant must provide information on the Waste Reduction and Recycling Plan that identifies project information and materials to be recycled and/or disposed of and facilities or service providers to be used.
- vi. The City will deny approval of an incomplete Waste Reduction and Recycling Plan.
- vii. The applicant must submit the additional information requested to the City and resubmit Waste Reduction and Recycling Plan to be reviewed for approval.

9.500 Compliance with Diversion Requirements.

A. Compliance.

- i. Inspection: City may inspect project sites to determine compliance with Waste Reduction and Recycling Plan.
- ii. Proof of Diversion: After Waste Reduction and Recycling Plan is approved and building permit issued, applicants will be required to submit proof of compliance quarterly and at the end of each project to demonstrate compliance with the project specific Waste Reduction and Recycling Plan. End of project reports are to be submitted at the end of the project as a precedent to final inspection and certificate of occupancy.

- iii. There are no additional reporting requirements if an Authorized C&D Collector has been utilized.

B. Proof of Compliance includes:

- i. A completed and approved copy of the Waste Reduction and Recycling Plan.
- ii. Receipts from vendors, landfill or facilities which collected or received each material showing the actual weight of that material (Recyclables, Organic Waste and Garbage). Each receipt must clearly state the project title, date, and location of facility for each project.
- iii. Weight tickets from landfill and materials salvaged or reused in current project. Each weight ticket must clearly state the project, date and location for each project.

9.510 Determination of Compliance.

All projects where an Authorized C&D Collector is the waste hauler are required to achieve 65% diversion, or the California Green Building Standards Code minimum diversion requirements, pursuant to the applicable Collection Agreement. For Self-haul projects the City Manager shall review the Waste Reduction and Recycling Plan and report and determine whether the applicant has complied with the diversion requirements as follows:

1. Full compliance. City Manager will notify the applicant and the building department if the diversion requirements have been met.
2. Good faith effort to comply. If the City Manager determines that the diversion requirements have not been achieved, a case-by-case determination shall be considered if a "good faith effort to comply" has been issued.
3. Non-Compliance. If the City Manager determines that the applicant has not made good faith efforts to comply, the applicant will receive a "Non-compliance" determination.
4. Applicants that have received a "Non-Compliance" determination will be required to post a deposit that is 3% of the total project value of the applicant's next five consecutive Waste Reduction and Recycling Plans (not to exceed \$10,000 for each plan).

5. Projects that have been constructed without the submittal and compliance with a Waste Reduction and Recycling Plan shall be subject to a \$1,000 penalty, will receive a “Non-Compliance” description and will be required to post a deposit that is 3% of the total project value of the applicant’s Waste Reduction and Recycling Plan for the next five consecutive Waste Reduction and Recycling Plans (not to exceed \$10,000 for each plan).
6. Any deposits that are forfeited and/or fines that are collected shall be deposited into the Solid Waste Fund and will be used to implement the City’s recycling program.

9.520 Authorized Construction and Demolition Recycling Facility.

Construction and Demolition Waste must be hauled to an approved facility that has obtained all applicable federal, state and local permits, and is in full compliance with all regulations, and its percentage of diversion meets current requirements set forth by the City.

9.530 Option to Revise.

The City will periodically evaluate this diversion of Construction and Waste article to determine its effectiveness in reducing the amount of Construction and Demolition Waste landfilled. If the City determines that additional Construction and Demolition Waste can reasonably be diverted beyond that which is required herein, the City may amend these provisions and implement additional measures and accompanying fees to divert more materials.

9.540 Recycling Encouraged.

Nothing in this chapter shall limit the right of an individual or applicant to donate, sell or otherwise dispose of recyclables, provided that such disposal is in accordance with provisions of this chapter.

9.550 Rules and Regulations.

The City Manager is authorized to make all necessary and reasonable rules and regulations with respect to the enforcement of this article. All such rules and regulations shall be consistent with the provisions of this article.”

SECTION 2. The City Council hereby finds, in the exercise of its independent judgment and analysis, that this Ordinance is exempt from the California Environmental Quality Act (CEQA) as there is no possibility that this Ordinance would have a significant impact on the environment pursuant to State CEQA Guidelines Section 15061(b)(3).

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. This Ordinance shall be effective 30 days following its adoption by the City Council. A summary of this Ordinance shall, within 15 days after passage, be published in accordance with Section 36933 of the Government Code of the State of California with the names of the City Councilmembers voting for and against it.

INTRODUCED at a regular meeting of the City Council of the City of Fairfield on the 6th day of July, 2021, and

PASSED AND ADOPTED this 20th day of July, 2021, by the following vote:

AYES: Councilmembers: PRICE / BERTANI / MOY / PANDURO / TIMM / TONNESEN / VACCARO

NOES: Councilmembers: _____

ABSENT: Councilmembers: _____

ABSTAIN: Councilmembers: _____

MAYOR

ATTEST:

CITY CLERK