

CHAPTER 50: COLLECTION OF SOLID WASTE AND RECYCLABLES

Section

General Provisions

- 50.001 Definitions
- 50.002 Burning
- 50.003 Dumping on public or private property

Collection and Disposal

- 50.020 Solid waste franchise/recyclable dealer permit required
- 50.021 Permit application; consideration by City Council
- 50.022 Fee(s)
- 50.023 Mandatory service; violation; fees and penalties
- 50.024 Required compliance with all laws, regulations
- 50.025 Number of permittees allowed; type of material collected
- 50.026 Compliance with diversion requirements
- 50.026.01 Organic Recycling Waivers
- 50.027 Cooperation with city
- 50.028 Educational materials and public awareness programs
- 50.029 Cost recovery special fund
- 50.030 Recyclable dealers tonnage reports, fees, penalty for late payment, and record retention
- 50.031 Commercial and residential collection and disposal rates
- 50.032 Commercial and residential franchise quarterly reports, penalty for late payment, and record retention
- 50.033 Duration of residential and/or commercial franchise
- 50.034 Duration of recyclable dealer permit
- 50.035 Transferability
- 50.036 Suspension of permit by City Manager
- 50.037 Revocation
- 50.038 Appeal to City Council

Means of Collection and Disposal

- 50.050 Residential franchise - frequency and routes of collection
- 50.051 Commercial franchise - frequency and routes of collection
- 50.052 Interference with the collection
- 50.053 Flow control
- 50.054 Maintenance of equipment; vehicles to have name of collector on sides
- 50.055 Receptacles required for residential property; specifications

- 50.056 Placement of residential and commercial bins
- 50.057 Method of keeping contests for collection
- 50.062 Disposal of solid waste by franchisee; method of designating the means of disposal of non-residential waste
- 50.063 Illegal trash containers; bin impoundment; fees and penalties

Recycling and Disposal of Construction, Demolition and Renovation Debris

- 50.075 Waste management plan requirement
- 50.076 Submission of waste management plan
- 50.077 Review of waste management plan
- 50.078 Compliance with waste management plan
- 50.079 Non-compliance of waste management plan

Miscellaneous

- 50.080 Commercial Edible Food Generators and food recovery organizations and services
- 50.081 Procurement

GENERAL PROVISIONS

§ 50.001 DEFINITIONS.

The following definitions shall apply to this chapter as written unless context indicates or requires a different meaning:

AB 341. AB 341 (Chesbro, Chapter 476, Statutes of 2011), which sets forth the requirements of the statewide mandatory commercial recycling program.

AB 939 or THE ACT. The California Integrated Waste Management Act of 1989, and subsequent mandatory recycling legislation as may be amended by Public Resources Code Section 40000 *et seq.* and implementing regulations of CalRecycle.

AB 1826. AB 1826 approved by the Governor in October 2014, which requires businesses that generate a specified amount of organic waste per week to arrange for recycling services for that waste, and for jurisdictions to implement a recycling program to divert organic waste from businesses subject to the law, as well as report to CalRecycle on their progress in implementing an organic waste recycling program.

APPLICANT. Any individual, firm, permittee, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the city for the applicable permit(s) or any individual, firm, permittee, limited liability company,

association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity submitting a waste management plan to undertake any construction, demolition or renovation project within the city.

APPLICATION FEE. The fee or assessment imposed by the city on new or returning permittee's. The fee is paid annually on or before permit expiration on June 30 of each year. Applications received after said date will not be pro-rated. The fee shall vary depending on status of applicant ("New" or "Renewal") and shall change from time to time upon council resolution.

AUTOMATED CART or AGC's. Automated guided carts that are used to transport material between locations without human involvement and without a conveyor.

BAILING. The process of compacting by pressure resulting in a homogenous mass of like composition bound together by straps or wire.

BIN. Containers, whether residential, multi-family residential, commercial, industrial, or institutional, provided for temporary accumulation and collection of solid waste or recyclables for removal from all premises located within the city. Bins include but are not limited to, containers with capacity of at least one cubic yard and roll-off type service containers.

BUILDING OFFICIAL. The Chief Building Official of the city.

C&D DIVERSION REQUIREMENT. The percentage of C&D debris for each project that must be diverted from landfills.

C&D GENERATOR. A residential or commercial entity that produces construction and demolition debris.

CALRECYCLE. California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing, among others, SB 1383 Regulations on Jurisdictions.

CALIFORNIA CODE OF REGULATIONS OR CCR. 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).

CITY MANAGER. The City Manager or another person designated by the City Manager.

COLLECTION. The act of collecting solid waste, recyclables, and construction and demolition debris, at or near the place of generation.

COLLECTION VEHICLE. The vehicle utilized in the collection, transportation, storage, transfer, or processing of solid waste or recyclable solid waste.

COMMERCIAL BUSINESS or COMMERCIAL. A firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR

Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this chapter.

COMMERCIAL EDIBLE FOOD GENERATOR. Includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in this chapter or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).

COMMERCIAL PERMIT. A permit issued to permittee to collect, transport, store, transfer or process solid-waste, source-separated material, and/or mixed-waste material, including construction and demolition material, from any commercial business or establishment located within the city. A maximum of four commercial permits may be issued by the city at any time.

COMMERCIAL PROPERTY. A non-residential unit including, but not limited to, a place of business, hotel, restaurant, office building, shop, store, hospital, auto court, industrial property, including a place of manufacture, production or fabrication, warehouse, and residential units containing five or more family residential units.

COMMERCIAL SOLID WASTE. Solid waste generated by commercial units.

COMPLIANCE REVIEW. A review of records by a Jurisdiction to determine compliance with this chapter.

COMPOST. Has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the adoption of this chapter, that “Compost” means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.

COMPOSTING. The process of collecting, grinding, mixing, piling, and supplying sufficient moisture and air to organic materials, such as leaves, grass clippings, brush, and food waste, to speed natural decay to a finished product suitable for incorporating into topsoil as a soil amendment and for growing plants. Compost is different than mulch, which is a shredded or chipped organic product placed on top of soil as a protective layer.

CONSTRUCTION. The building of any facility or structure or any portion thereof including any tenant improvement or renovation to an existing facility or structure.

CONSTRUCTION AND DEMOLITION DEBRIS AKA C&D. Bricks, stones, mortar, concrete, asphaltic concrete, wood, or other debris including used or discarded materials removed from premises during construction, renovation, remodeling, repair, or demolition operations including the demolition of buildings or structures.

CONTAINER. A receptacle constructed of metal, plastic or some other impervious material and having a solid bottom.

CONTAINER CONTAMINATION OR CONTAMINATED CONTAINER. A container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).

CONVERSION RATE. The rate set forth in the standardized conversion rate table approved by the city pursuant to this chapter for use in estimating the volume or weight of materials identified in a Waste Management Plan.

COVERED PROJECT. Any and every construction, demolition or renovation project within the city. Each project must meet a diversion rate of 75% (which may be changed time to time), failure to do so may result in fines, fee, penalties, civil and/or criminal charges, and a denial letter from City Manager or his/her designee at project completion.

DEMOLITION. The disseminating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior including, but not limited to soft demolition such as that associated with remodeling or the replacement of roofs.

DISPOSAL. The complete operation of treating and disposing of the accumulations of solid waste and the products or residue arising from such treatment.

DIVERT. To use material for any purpose other than disposal in a landfill or transformation facility.

DIVERSION RATE. The percentage of total waste that a jurisdiction diverted from disposal at a Department of Resources Recycling and Recovery permitted landfill, MRF's, waste-to-energy, reclamation and transformation facilities through reduction, reuse, recycling programs, and/or composting programs , pursuant to California Code of Regulations Title 27. As of the year 2000, jurisdictions are required by law to achieve 50% diversion, which may change from time to time per city and/or state regulations.

EDIBLE FOOD. Food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this chapter 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.

ELECTRONIC WASTE OR E-WASTE. Consumer and business electronic equipment that is near or at the end of its useful life including but not limited to, computers, computer peripherals, telephones, answering machines, radios, stereo equipment, tape players/recorders, phonographs, video cassette players/recorders, compact disc players/recorders, calculators, and some appliances. Certain components of some electronic products contain materials that render them hazardous, depending on their condition and density. For instance, California law currently views non-functioning CRTs (cathode ray tubes) from televisions and monitors as hazardous.

ENFORCEMENT ACTION. An action of the Jurisdiction to address non-compliance with this chapter including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

FOOD DISTRIBUTOR. A company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).

FOOD FACILITY. Has the same meaning as in Section 113789 of the Health and Safety Code.

FOOD RECOVERY. Actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).

FOOD RECOVERY ORGANIZATION. An entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

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

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

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

FOOD RECOVERY SERVICE. 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 SCRAPS. All food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.

FOOD SERVICE PROVIDER. An entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).

FOOD-SOILED PAPER. 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, pizza boxes, and milk cartons.

FOOD WASTE. Food Scraps and/or Food-Soiled Paper.

FRANCHISE. The right of a person or entity to make arrangements for the collection and transportation of solid waste, recyclable material and recyclable solid waste to landfills, transformation facilities, material recovery facility or other Department of Resources Recycling and Recovery permitted solid waste management facilities, and/or the ability to extricate recyclable material from all solid waste including recyclable solid waste and green waste, or composting material. A franchise is only applicable to residential and/or commercial permittees.

FRANCHISE FEE. The applicable percentage of gross receipts of residential and/or commercial permittees that must be submitted monthly or quarterly upon submission of tonnage report for the applicable time period.

GARBAGE. Waste, animal and vegetable matter of every kind and character including such waste food, animal and vegetable matter as accumulates in hotels, restaurants, eating houses and private homes in the kitchens and on the tables of such places; and also including such waste, animal and vegetable matter as accumulates in meat markets, grocery stores and fruit and vegetable markets.

GENERATOR. Any individual, partnership, joint venture, unincorporated private organization or corporation which accumulates, exports or causes to be exported, from the city solid waste and/or recyclable materials which is sold, donated, or charged a fee by a permittee identified in § 50.020.

GRAFFITI. A non-permitted inscription or drawing, including “tagging,” written on a public or private surface, wall, or building.

GREEN BUILDING. The practice of creating buildings that are designed, built, renovated, operated, or reused in an ecological and resource-efficient manner. Also known as sustainable building. Green building includes the practices of salvaging material from building demolition for reuse in new buildings and for recycling. The term, green building, is also applied to buildings that minimize impact to the environment, protect health and enhance productivity of occupants, and utilize energy, water, and other resources efficiently.

GREEN WASTE. Leaves, grass clippings, brush, branches and other forms of organic matter generated from landscapes and gardens and incidental pieces of untreated and unpainted scrap lumber no longer than twenty-four inches and containing no metal objects, separated from other forms of solid waste. Green waste also includes holiday trees from which all tinsel, flock, base attachments and ornaments have been removed. Green Waste does not include stumps or branches exceeding six inches in diameter or two feet in length, palm fronds, yucca, food waste, manure, dirt, rocks, garbage or any other form of Solid Waste which are not suitable for composting.

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

GROSS RECEIPTS. The summation of all revenue/receipts that a permittee/recycler collects during a certain period of time; either monthly or quarterly. It shall be the decision of the city whether payments based on gross receipts should be made monthly or quarterly.

GROSS TONNAGE COLLECTED. All commodities (regardless of the type) collected by a permittee from within the city's borders within a certain time-period; such as monthly, quarterly, annually.

HAULER ROUTE. The designated itinerary or sequence of stops for each segment of the Jurisdiction's collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

HAZARDOUS WASTE.

(1) All waste defined or characterized as hazardous waste by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901 et seq.) in 42 U.S.C. Section 6903 (5) as amended from time to time, and all implementing regulations;

(2) All waste defined or characterized as a hazardous substance pursuant to the provisions of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601 et seq. ("CERCLA" or "Superfund"), as in 42 U.S.C. § 9601(14), may be amended from time to time, and all implementing regulations; and

(3) All waste defined or characterized as hazardous waste by agencies of the state of California (including without limitations the Department of Health Services, the Department of Toxic Substances Control and CalRecycle) having jurisdiction over solid and hazardous waste. The term HAZARDOUS WASTE means, in addition to any substance, included in any of the foregoing categories, those substances which are not normally permitted to be disposed of by generally accepted, sanitary landfill disposal methods, but which may be contained in solid waste streams. In the event of a conflict in

the definitions employed by two or more governmental agencies having concurrent or overlapping jurisdiction over hazardous waste, the broader, more encompassing definition shall apply.

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

INSPECTION. A site visit where a Jurisdiction reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this chapter, or as otherwise defined in 14 CCR Section 18982(a)(35).

JURISDICTION. The City of Santa Fe Springs, or the area within the territorial limits of the City of Santa Fe Springs, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

JURISDICTION ENFORCEMENT OFFICIAL. The city manager, county administrative official, chief operating officer, executive director, or other executive in charge or their authorized Designee(s) who is/are partially or whole responsible for enforcing the chapter. See also “Regional or County Agency Enforcement Official.”

LARGE EVENT. 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. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this chapter.

LARGE VENUE. 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 chapter 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 chapter and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section

18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this chapter.

MATERIALS RECOVERY FACILITY or MRF. A materials recovery facility permitted by the Department of Resources Recycling and Recovery (CalRecycle) and capable of guaranteeing a reduction in the amount of waste residue through the diversion of materials, including but not limited to papers, glass, plastic, metal, organics, wood products, or fiber board.

MIXED WASTE. Organic Waste collected in a container that is required by 14 CCR Sections 18984.1, 18984.2 or 18984.3 to be taken to a High Diversion Organic Waste Processing Facility

MULTI-FAMILY RESIDENTIAL DWELLING OR MULTI-FAMILY. Of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

NON-ORGANIC RECYCLABLES. Non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).

ORGANIC WASTE. Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

ORGANIC WASTE GENERATOR. A person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

PAPER PRODUCTS. Includes, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).

PERMIT FEE. The fee or assessment imposed by the City on a Permittee that:

(1) Charges a generator/customer to pick up a commodity (regardless of the type); or

(2) Permittee which purchases a commodity or receives a commodity through donation from a recycling generator. The fee is due at the time Permittee submits their tonnage report, either monthly or quarterly. The fee shall be determined by City Council resolution and shall vary time to time.

PERMITTEE.

(1) The individual, firm, limited liability company, association, partnership, or private corporation, or any other entity person, company, or corporation entering into a contract with and receiving a permit for the collection and/or disposal of solid waste, other commodities, and/or recyclable materials within the city.

(2) **PERMITTEE.** Any individual, partnership, joint venture, unincorporated private organization or private corporation who has been issued a valid RESIDENTIAL COLLECTION PERMIT, COMMERCIAL COLLECTION PERMIT, and/or RECYCLABLE MATERIAL DEALER PERMIT by the city as required by § 50.020 that has not been suspended and/or revoked.

PROHIBITED CONTAINER CONTAMINANTS. Any of the following:

- (1) Discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the Jurisdiction's Blue Container;
- (2) Discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the Jurisdiction's Green Container;
- (3) Discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in Jurisdiction's Green Container and/or Blue Container; and,
- (4) Excluded Waste placed in any container.

PROJECT. Any activity for which the city requires a Waste Management Plan (WMP) for a building, construction, demolition or similar permit.

RECEPTACLE. Containers, automated carts, or bins whether residential, multi-family residential, commercial, industrial, or institutional, provided for temporary accumulation and collection of solid waste or recyclables for removal from any premises located within the city. Receptacles include but are not limited to, containers, automated carts, bins, and roll-off type service containers.

RECOVERED ORGANIC WASTE PRODUCTS. Products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).

RECOVERY. Any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

RECYCLABLE DEALER. Any individual, partnership, joint venture, unincorporated private organization, or private corporation that has been issued a recyclable dealer

permit in accordance with this chapter in order to legally provide collection services for any source separated recyclable material, and/or any other material that is transported within city limits and either recycled or disposed of at a calrecycle permitted facility within or outside city limits. This includes dealers that purchase recyclable material from generators.

RECYCLABLE DEALER PERMIT. A permit which has been issued by City Council to any individual, partnership, joint venture, unincorporated private organization, or private corporation for the collection, transportation, storage, or processing of material which has a commercial value, and which is sold or donated to the permitted entity.

RECYCLABLE DEALER TONNAGE FEE. A per ton permit fee that city may charge for collected recyclables to recyclable dealer permittees, which will be determined from time to time upon City Council resolution.

RECYCLABLE MATERIAL. Material which has been source-separated from other forms of solid waste, whether or not there is a fee-for-purchase or a fee-for-hauling associated with the material. Any Permittee which transports recyclable material within the city shall have a valid permit per the requirements of § 50.020.

RECYCLABLE MATERIAL BIN. A bin, vessel, can, cart or other receptacle used for accumulating and collecting recyclable material.

RECYCLE OR RECYCLING. The process of collecting, sorting, cleansing, treating, and reconstituting source separated single-category materials that would otherwise become solid waste and returning them to the economic mainstream in the form of raw material, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

RECYCLING GENERATOR. Any individual, partnership, joint venture, unincorporated private organization or corporation which accumulates, exports or causes to be exported recyclable materials which is sold or donated to a permittee in good-standing.

REDEEMABLE MATERIAL. A material which has commercial value, and which is sold or donated to an entity. Redeemable materials are commodities that have been source-separated from the solid waste stream at the point of generation. If the generator of redeemable material pays a permittee (entity), such as a RECYCLABLE MATERIAL DEALER, any consideration for collecting, processing, recycling, or transporting of REDEEMABLE MATERIAL, the transaction shall be regarded as a sale or donation of REDEEMABLE MATERIAL and therefore falls under § 50.020 which requires purchaser/buyer to have a valid RECYCLABLE MATERIAL DEALER PERMIT and submit the required reports and fees per § 50.030. REDEEMABLE MATERIAL shall be deemed to be contaminated if the container into which is has been placed contains more than one percent non-recyclable material, or any amount of hazardous waste.

REFUSE or RUBBISH. Solid waste.

RENOVATION. Any change, addition or modification to an existing structure.

RESIDENTIAL PERMIT. A permit issued to any individual, partnership, joint venture, unincorporated private organization or corporation to collect, transport, store or process solid-waste, source-separated material, and/or mixed-waste material, including construction and demolition material, from any residential property located within the city. A maximum of three residential permits may be issued by the city at any time.

RESIDENTIAL PROPERTY. Every lot in the city upon which is situated one or more but not more than four dwelling units including planned development projects and any other parcel which has been improved with a “duplex” or “triplex” residential dwelling unit designated and used as living quarters by human beings. Residential units shall not include hotels, motels, lodge halls, clubs, tourist camps, trailer camps, churches, commercial and industrial establishments, or any other lot containing more than four dwelling units or upon which commercial or industrial occupation is conducted.

RESIDUE. Residual solid waste that is unable to be recycled and must therefore be taken to a landfill, transformation facility, or other permitted disposal facility pursuant to Title 27 of the California Code of Regulations. All facilities mentioned must be permitted with the Department of Resources Recycling and Recovery at the time of disposal.

RESTAURANT. An establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).

REUSE. Further or repeated use of construction or demolition debris.

SB 1383. Senate Bill 1383 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.

SB 1383 REGULATIONS or SB 1383 REGULATORY. The Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

SALVAGE. The controlled removal of construction or demolition debris from a permitted building or demolition site for the purpose of recycling, reuse, or storage for later recycling or reuse.

SCAVENGING. The unauthorized removal of recyclable material or any other commodity designated by the city to have recyclable properties or value by any person, individual,

business, or solid waste entity other than those authorized by the city or established in accordance with this chapter.

SELF-HAUL. The activity of a generator, whether it be residential, commercial, industrial or construction demolition debris, that hauls, transfers, or conveys any solid waste or recyclables upon any public property, street or alley or upon any property of another. Any person that self-hauls any solid waste or recyclables within the city without a valid permit, shall be subject to all fines, fees, and penalties identified in this chapter.

SOLID WASTE.

(1) Refuse, rubbish, garbage, sludges, and other discarded solid materials resulting from residential activities, and industrial and commercial operations including but not limited to: tree and shrubbery trimmings, lawn clippings, grass, weeds, leaves, chips, paper, pasteboard, magazines, books, rags, rubber, carpets, clothing, boots, shoes, hats, straw, packing boxes and cartons, crates, packing material and other kinds of combustible rubbish, trash or waste material. This does not include hazardous waste, radioactive waste, electronic waste, universal waste, or medical waste nor does not include solids or dissolved material in domestic sewage or other significant pollutants in water such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants. However, if any of these materials are separated from the water that carries them and are solidified, then they are considered solid waste.

(2) Solid Waste additionally includes non-source separated or commingled material that is 10% or more non-source separated, including:

- (a) All putrescible and non-putrescible solid and semisolid waste;
- (b) Garbage;
- (c) Trash;
- (d) Refuse;
- (e) Paper (including all forms of paper products, shredded documents and cardboard);
- (f) Rubbish;
- (g) Ashes;
- (h) Industrial wastes;
- (i) Demolition and construction wastes;
- (j) Abandoned vehicle parts;
- (k) Discarded home and industrial appliances (does not include u-waste or e-waste);
- (l) Dewatered, treated or chemically fixed sewage sludge which is not hazardous waste;
- (m) Manure;
- (n) Sludge; and
- (o) Vegetable or animal solid and semisolid wastes and other discarded solid and semisolid wastes.

SOLID WASTE COLLECTION SERVICES. The collection, transportation, storage, transfer, or processing of solid waste or recyclable solid waste for residential, commercial, industrial, construction or institutional user(s), customers, patrons, or residents. Only entities holding a valid residential collection permit and/or commercial collection permit in accordance with this chapter shall be allowed to collect this material.

SOLID WASTE PERMITTEE. Any individual, partnership, joint venture, unincorporated private organization, or private corporation that holds a valid residential collection permit and/or commercial collection permit in accordance with this chapter to collect, transport, transfer or process solid-waste from a residential and/or commercial location within the city.

SOURCE SEPARATED RECYCLABLE MATERIAL. Single type or category of Recyclable or redeemable or Organic Material that has been segregated from all other materials. Source separated recyclable material shall be deemed *contaminated* if the container into which it has been placed contains more than ten percent (10%) of any other type of material (including but not limited to any mixed waste and/or any amount of hazardous waste). If a container is deemed “contaminated” it is therefore considered “Solid Waste” as defined under this chapter. Effective June 30, 2019: should the “Recyclable Dealer” Permittee’s charge to pick-up this material or any other type of material, they shall be subject to all fines, fees, penalties, and civil and/or criminal prosecution as provided herein.

SPILL KIT. A kit containing material designed to absorb liquids in an emergency situation.

SPECIAL WASTE. An item or element of solid waste identified in California Code of Regulations Title 22, §§ 66261.120, 66261.122 (or provision subsequently enacted in place of this provision) or any other waste which has been classified as special waste by resolution of the City Council.

STATE. Means the State of California.

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

TIER ONE COMMERCIAL EDIBLE FOOD GENERATOR. A Commercial Edible Food Generator that is one of the following:

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

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 chapter.

TIER TWO COMMERCIAL EDIBLE FOOD GENERATOR. A Commercial Edible Food Generator that is one of the following:

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

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 chapter.

TRANSFORMATION. Incineration, pyrolysis, distillation, gasification, or biological conversion other than composting. Transformation (Public Resources Code § 40201) does not include composting or biomass conversion. For purposes of diversion rate measurement, only waste sent to CalRecycle-permitted transformation facilities is used in diversion rate calculations. Transformation counts as disposal, except in special circumstances beginning in the year 2000, when limited amounts of waste sent to CalRecycle-permitted transformation facilities may count as diversion.

UNIVERSAL WASTE or U-WASTE. Reflects the traditional federal concept of identifying processes. In the case of universal wastes, there are supposedly no processes that can be clearly identified as the source of generation because they come from an infinite number of sources. California universal waste includes but is not limited to:

- (1) Batteries-Includes AAA, AA, C, D, button cell, 9-volt, both rechargeable and single use. These may contain some corrosive or reactive chemicals, as well as toxic heavy metals like cadmium (Automotive type batteries are not universal waste. However, when they become waste, they are banned from the trash).
- (2) Fluorescent lamps and tubes. Includes fluorescent tubes, compact fluorescent lamps, metal halide lamps, sodium vapor lamps, high intensity discharge (HID) lamps, and neon bulbs. These lamps contain Mercury. Mercury vapor might be released to the environment when they are broken. The mercury from broken lamps in trash bins could find its way to lakes and rivers during rain storms.

- (3) Thermostats. There is mercury inside the sealed glass “tilt switch” of the old-style thermostats (not the newer electronic kind).
- (4) Electronic devices. Includes televisions and computer monitors, computers, printers, VCRs, cell phones, telephones, and radios. These devices often contain heavy metals like lead, cadmium, copper, and chromium.
- (5) Electrical switches. Some electrical switches and relays contain mercury. Such mercury switches can be found in some chest freezers, pre-1972 washing machines, sump pumps, electric space heaters, clothes irons, silent light switches, automobile hood and trunk lights, and ABS brakes.
- (6) Pilot light sensors. Mercury-containing switches associated with pilot light sensors are found in some gas appliances such as stoves, ovens, clothes dryers, water heaters, furnaces and space heaters.
- (7) Mercury gauges. Some gauges, such as barometers, manometers, blood pressure, and vacuum gauges contain mercury.
- (8) Mercury added novelties. Examples include greeting cards that play music when opened; athletic shoes (made before 1997) with flashing lights in soles; and mercury maze games.
- (9) Mercury thermometers. Mercury thermometers typically contain about a half gram of mercury. Many health clinics, pharmacies and doctor's offices have thermometer exchange programs that will give you a new mercury-free fever thermometer in exchange for your old one.
- (10) Non-empty aerosol cans that contain hazardous materials. Many products in aerosol cans are toxic. And many aerosol cans contain flammables, like butane, as propellants for products like paint. If your aerosol can is labeled with words like TOXIC or FLAMMABLE don't put it in the trash unless it is completely empty.

UNPERMITTED HAULERS. Any person or entity that does not have a valid permit and/or is hauling material which they are not permitted to collect as identified in §§ 50.020 and 50.025.

WASTE MANAGEMENT PLAN. A completed waste management plan form, approved by the City Manager or his/her designee in compliance with this chapter, submitted by the applicant for any covered project.

WMP COMPLIANCE OFFICIAL. The City Manager or his/her designee authorized and responsible for implementing this chapter.

§ 50.002 BURNING.

No person shall burn any trash, material or rubbish without having first complied with all rules and regulations of the city, the County of Los Angeles, the South Coast Air Quality Management District (AQMD), and the State of California.

§ 50.003 DUMPING ON PUBLIC OR PRIVATE PROPERTY.

(A) No person shall throw, place, scatter, deposit, dispose of or dump any solid waste, trash, garbage, rubbish, refuse, recyclable material, construction debris, u-waste, e-waste, special waste, green waste or other objects of any kind or composition upon or below the surface of any public property, street or alley or except as may be provided and set apart for such use by the city.

(B) No person shall throw, place, scatter, deposit, dispose of or dump any solid waste, trash, garbage, rubbish, refuse, recyclable material, construction debris, U-Waste, E-Waste, special waste, green waste or other objects of any kind or composition upon or below the surface of any private property, private property of another, or into any container or receptacle owned or leased by another, within the city.

COLLECTION AND DISPOSAL

§ 50.020 SOLID WASTE FRANCHISE/RECYCLABLE DEALER PERMIT REQUIRED.

(A) No person shall remove, collect, convey, transport, store, or process, or cause to be removed, collected, conveyed, transported stored or processed any solid waste, recyclable material, and/or construction and demolition debris upon, along or across any public street, alley, highway or other public place without first applying for and receiving a valid residential franchise, commercial franchise, or recyclable dealer permit as provided herein and complying with the provisions of Chapter 50.

(B) Residential franchise. No person shall remove, collect, convey, transport, store or process, or cause to be removed, collected, conveyed, transported, stored or processed any solid waste, construction and demolition debris, and/or recyclable material from residential property within the city without first having obtained a valid residential franchise. A maximum of three residential franchises may be issued by the city at any time.

(1) Residents conveying generated bulky items, generated recyclables or small quantities of debris generated at owned or rented residential properties, shall have the option of subscribing with a franchise hauler or self-haul their own generated materials to a CalRecycle permitted recycling or disposal facility, without procuring a franchise or recyclable dealer permit.

(2) Home-based businesses, including but not limited to home-based contractors and hired contractors generating waste, shall subscribe to collection services provided by a franchised or permitted collector, subject to the requirements of this chapter.

(C) Commercial franchise. No person shall remove, collect, convey, transport, store or process, or cause to be removed, collected, conveyed, transported, stored or processed any solid waste, construction and demolition debris, and/or recyclable material from any non-residential property within the city without first having obtained a valid commercial franchise. A maximum of four commercial franchises may be issued by the city at any time.

(D) Recyclable dealer permit. No person shall remove, collect, convey, transport, store or process, or cause to be removed, collected, conveyed, transported, stored or processed any source-separated recyclable material and/or redeemable material within the city without first having obtained a valid recyclable dealer permit.

§ 50.021 PERMIT APPLICATION; CONSIDERATION BY CITY COUNCIL.

(A) An applicant for a recyclable material dealer permit shall submit an application fee as set by resolution of the City Council, file a permit application in the form required by the City Manager or his/her designee and any other documentation necessary for consideration of the application to ensure the applicant is likely to comply with the requirements of this chapter and to meet public health, safety and welfare standards.

(B) Any applicant for a residential/commercial franchise, or recyclable materials dealer permit shall have their application considered by City Council. City Council shall have the sole authority whether to grant or reject the permit(s) sought.

(C) Any person or entity applying for a permit at any time must first meet the following requirements:

(1) Submittal of completed application packet; including any and all forms approved by the City Manager or his/her designee.

(2) Payment of application fee.

(3) Payment and acquisition of business license.

(4) Must be in good standing with the city. Any applicant that has previously had their permit suspended or revoked shall not be eligible to apply for a new permit indefinitely.

§ 50.022 FEE(S).

- (A) Franchise haulers: residential, commercial and construction demolition debris - franchise fee. Each of the approved three residential franchise haulers, and four commercial franchise haulers, shall pay quarterly franchise fees in the amount and/or percentage of gross revenue, set by resolution of the City Council.
- (B) Recyclable dealer permit.
 - (1) Application fee. Each applicant shall pay an initial application fee in the amount as set by resolution of the City Council.
 - (2) Renewal fee. Thereafter, on an annual basis, any holder of a recyclable dealer's permit shall file for and pay an annual renewal fee in the amount as set by resolution of the City Council.
 - (3) Per ton fee. In addition to the Application fee required herein, any holder of a recyclable dealer permit that self-hauls their own recyclables utilizing their own vehicles and driver, shall pay a per ton fee in the amount as set by resolution of the City Council.
 - (4) Decal fee. Any and all bins, roll-offs and/or containers, utilized by a recyclable dealer and its generator, for the storage and handling of recyclable materials, shall apply for and procure on an annual basis, a "bin decal." Said bin decal shall be affixed to each bin, roll-off or container at all times. Bin decal fees shall be set by resolution of the City Council.

§ 50.023 MANDATORY SERVICE; VIOLATION; FEES AND PENALTIES.

(A) Except as otherwise provided in this chapter, all solid waste collected from residential or nonresidential property including commercial/industrial premises for a fee, service charge, or other consideration, may only be collected, conveyed, and/or transported across city streets by the holder of a valid residential franchise or commercial franchise.

(B) Violation.

(1) Notwithstanding any other provision of the Santa Fe Springs Municipal Code to the contrary, any person/company who violates any provision of this chapter, or who fails to comply with any obligation or requirement of this chapter, is guilty of a misdemeanor unless the offense is charged as an infraction by a prosecuting attorney.

(2) Each person/company shall be guilty of a separate offense for each and every day, or part thereof, during which a violation of this chapter, or of any law or regulation

referenced in this chapter, is allowed, committed, continued, maintained or permitted by such person, and shall be punishable accordingly.

(C) Fees and penalties. Notwithstanding any other provision of the Santa Fe Springs Municipal Code to the contrary, any Permittee and or person/company who violates any provision of this chapter, or who fails to comply with any obligation or requirement of this chapter, shall be liable to the city for all permit fees (same calculation used to determine permittee fee(s) due), in addition to any and all costs associated with auditing and other applicable fees accumulated in the efforts of collecting any fees/penalties due as provided herein.

§ 50.024 REQUIRED COMPLIANCE WITH ALL LAWS, REGULATIONS.

Each solid waste generator, solid waste franchisee and recyclable dealer permittee shall comply with the provisions of this chapter and any and all applicable sections of the City's Municipal Code, Public Resources Code or any other local, state or federal code having jurisdiction. The collector(s) and generator shall be required to cooperate with the city in solid waste generation studies, preparation of waste stream audits and the submission of information required by the city to meet the reporting requirements of the Act or other applicable legislation as may be amended from time to time, and to implement measures consistent with the city's source reduction and recycling element and household hazardous waste element in order for the city to reach the mandated diversion and other goals as established by the act as it may be amended from time to time. The collector(s) shall submit to the city monthly and or quarterly reports which show the number of tons collected and the tonnage delivered to disposal facilities, itemized by disposal facility.

(A) Mandatory solid waste services. Each solid waste generator, including but not limited to residential, commercial and industrial, shall subscribe to regular solid waste collection services provided by a franchise hauler for the collection, transportation, processing, recycling, and/or disposal of solid waste generated materials.

(1) Each occupied residential unit shall, at a minimum of once per week, subscribe for the collection transportation, processing, recycling, and/or disposal of solid waste generated materials.

(2) Each commercial/industrial generator shall, at a minimum of once per week, subscribe for the collection transportation, processing, recycling, and/or disposal of solid waste generated materials.

(B) Mandatory recycling. Pursuant to Assembly Bill 939 ("the Act"), and subsequent legislation mandating compulsory recycling programs. Each generator of solid waste, including residential, commercial and industrial generators, shall cooperate with the city and/or its service provider, in the establishment and implementation of mandatory recycling programs.

(1) Mandatory commercial recycling. Pursuant to Assembly Bill 341, solid waste generators, meeting the criteria established by said Assembly Bill, shall implement a regulator approved solid waste recycling and diversion program and subscribe for collection and recycling services with either a franchise hauler or a permitted materials recyclable dealer.

(2) Mandatory organics recycling. Pursuant to AB 1826, SB 1383 and subsequent legislation, any and all solid waste generators, meeting the criteria established by certain legislation and/or CalRecycle, shall subscribe for organics collection and recycling services. Said services may include source separated organics recycling, commingled materials recovery processing or solid waste containing organic materials or any permitted and established program that meets the requirements of said legislation.

§ 50.025 NUMBER OF PERMITTEES ALLOWED; TYPE OF MATERIAL COLLECTED.

Notwithstanding the foregoing, a holder of one type of permit shall not be prohibited from also holding another type of permit, subject to approval by the City Council.

(A) Residential and commercial permits.

(1) Not more than three residential franchisees, and four commercial franchisees for the collection of solid waste shall be issued and outstanding at any given time.

(2) The holder of a commercial and/or residential Franchise shall be allowed to collect any type of material as allowed under this chapter.

(3) Each permittee shall have a local or toll-free telephone number and a customer service call center within the Southern California region.

(B) Recyclable dealer permits.

(1) There shall be no limit on the amount of recyclable dealer permits.

(2) Any generator using the services of a recyclable dealer shall first separate ("source-separated material") such recyclable materials from all solid waste, as defined herein. Solid waste and recyclable/redeemable materials shall not intentionally be mixed in the same container.

(3) (a) All containers used for the storage of recyclable materials shall be clearly marked with the words, RECYCLABLE MATERIALS ONLY, and shall identify the material contained within the bin (e.g. "Metal," "Cardboard," etc.).

(b) All recycling bins or containers shall have affixed, in a highly visible location, a current and valid City of Santa Fe Springs container decal. Said container decals are available to permitted recyclable dealers only.

(4) Any holder of a recyclable dealer permit that collects, conveys, transports or hauls any material other than recyclable material that they are permitted to handle, shall be subject to all fine and penalties in accordance with § 50.030, § 10.97 and the current rate/fee schedule, as well as suspension and/or revocation of any and all permits currently being held by permittee.

(5) Certain generators, utilizing generator owned vehicles, bins, and drivers, may apply for a recyclable dealers permit to haul recyclables to a permitted recycling and diversion facility. Generator shall pay all applicable fees and report all weights and commodities as required by this chapter and the current rate/fee schedule.

(6) Each permittee shall have a local or toll-free telephone number and a customer service call center within the Southern California region.

(7) Hauling - purchase of recyclables. A recyclable dealer permittee is only authorized for the collection of recyclable material as identified in their permit application to purchase and haul recyclable and/or redeemable materials, as defined in this chapter, from any property within the city, provided that not less than 90% of the material removed is source-separated and is recycled, reused and/or taken to a certified recycling center. On July 1, 2019, the applicable fee(s) as set forth in § 50.022 and the current rate/fee schedule shall apply.

(8) Hauling fee for service. Permitted recyclable materials dealers shall be allowed to charge a generator/customer a fee to haul any recyclable material (that said permittee is permitted to haul), from any business located within the city, provided that 90% of the material removed is source separated, and no more than 10% of each commodity is contaminated with other material, except in the case of construction debris, where the requirement shall be 75% diverted. The fee-for-service permittee as set forth herein shall remain in effect until June 30, 2019, upon which fee-for-service permits shall expire and are not renewable.

§ 50.026 COMPLIANCE WITH DIVERSION REQUIREMENTS.

(A) Pursuant to the requirements of The Act, AB341, AB1826 and SB1383 each California municipality is mandated to implement certain recycling and diversion program, having been identified in the City's Source Reduction and Recycling Element (SRRE), to meet the state minimum diversion rate requirements.

(1) Under no circumstance shall a recyclable dealer permittee collect, convey, or transport loads containing more than 10% residue for source-separated recyclable and/or redeemable material from any property within the city.

(2) Each holder of Solid Waste Franchise is required to implement by means of a submitted and approved "recycling and diversion plan," including but not limited residential, commercial, industrial and construction demolition debris sectors, prescribed programs, activities and practices in order to meet CalRecycle's mandated minimum diversion and recycling requirements. Each approved Recycling and Diversion Plan shall be reviewed for compliance every six months. Additionally, city is, by way of this chapter, requiring a minimum diversion rate of 75% for each construction and demolition project. Franchisee's failure to implement said plan may be subject to suspension and or revocation of franchise privileges by the City Council, City Manager or his/her designee. Each Franchisee hereby agree to and shall Indemnify and hold harmless the city, it's elected and appointed boards, commissions, officers, employees, and agents (collectively the indemnitees) from and against any and all loss, liability, penalty, claim, demand, action, proceeding or fines associated with the Act, in the event that franchisee fails to meet the diversion target(s) set forth in said recycling and diversion plan. In addition, with regard to said franchisee, the following procedures shall be enforced to remedy the diversion short-fall:

(a) Franchisee shall be given a 30-day notice of correction to remedy diversion deficiencies. Franchisee shall submit a revised recycling and diversion plan within 30-days of a correction notice.

(b) Should franchisee fail to remedy aforementioned diversion deficiency and/or fail to submit a plan of remedy after 60-days from the correction notice, Franchisee may be given a six months' notice to cease all or certain collection operations. City Council, City Manager or his/her designee may choose to not impose a permit suspension if good cause is shown.

(B) Franchise hauler(s) may take into account each generator's recycling and diversion activities in their diversion quantification. Should a franchise hauler decide to incorporate a generator's recycling and diversion activities in order to meet state mandated diversion requirements, hauler shall include documentation and evidence of the materials and weights being utilized in determining the diversion rate calculation.

(C) City is aware that certain recyclable material markets may/are under duress and could negatively impact franchisee's ability to meet the requirements of the Act. Should CalRecycle regulators relax certain policies and/or adjust recycling requirement mandates, city and solid waste franchisees shall jointly prescribe to said remedies.

50.026.01 ORGANIC RECYCLING WAIVERS.

Jurisdiction may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this chapter if the Commercial Business provides documentation that the business

generates below a certain amount of Organic Waste material. Commercial Businesses requesting an organic recycling waiver shall:

1. Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted below:
2. Provide documentation that either:
 - a. The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,
 - b. The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.
3. Notify Jurisdiction if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.
4. Provide written verification of eligibility for de minimis waiver every 5 years, if Jurisdiction has approved de minimis waiver.

Jurisdiction may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the Jurisdiction has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements. A Commercial Business or property owner may request a physical space waiver through the following process:

1. Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
2. Provide documentation that the premises lacks adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer
3. Provide written verification to Jurisdiction that it is still eligible for physical space waiver every five years, if Jurisdiction has approved application for a physical space waiver.

§ 50.027 COOPERATION WITH CITY.

Each franchisee, permittee and generator shall cooperate with city and/or designated consultants in solid waste disposal characterization studies and waste stream audits and shall implement measures adequate to achieve the city's source reduction, recycling and waste stream diversion goals for the solid waste stream. Each franchisee and permittee, at its own expense shall submit to the city information and reports necessary for the city to meet its reporting obligations imposed by the act and/or other legislation, and the regulations implementing the act and/or subsequent legislation including AB341, AB1826, SB1383

§ 50.028 EDUCATIONAL MATERIALS AND PUBLIC AWARENESS PROGRAMS.

It shall be the responsibility of each permittee to develop and distribute materials and information sufficient to:

- (A) Educate its customers as to the recycling services including organics recycling, provided by the permittee;
- (B) Allow the city to meet recycling educational needs of the city, as may be required by local, state or federal authorities during the period of the collector's permit.

§ 50.029 COST RECOVERY SPECIAL FUND.

- (A) Upon determination of the City Council, each permittee shall be required to pay a fee for purposes of establishing a "cost recovery special fund" pursuant to the act in an amount to be established from time to time by the City Manager.
- (B) Funds deposited into the cost recovery special fund shall be used and applied to pay for costs associated with the preparation, adoption, and implementation of the city's source reduction and recycling element (SRRE).
- (C) Any and all such fees shall be paid concurrently with the regular submission of the monthly/quarterly weight report.

§ 50.030 RECYCLABLE DEALERS TONNAGE REPORTS, FEES, PENALTY FOR LATE PAYMENT, AND RECORD RETENTION.

- (A) On a monthly basis, at their sole expense, all permitted recyclable dealers shall furnish monthly tonnage reports to the city, on a form provided by, or acceptable to the city manager and/or his/her designee of the permittee's total collected tonnage for the reporting period as set forth herein.
- (B) The aforementioned tonnage report shall include, at a minimum, the following:
 - (1) Total number of tons collected;

- (2) Total number of tons recycled
- (3) The number of tons per commodity collected;
- (4) Number of tons of residue and where the residue was disposed of during the previous month;
- (5) The name, address, and telephone number of each solid waste disposal and/or recycling facility used by the permittee during the reporting period;
- (6) The generator of the recyclable material and or permit number; and
- (5) Each report shall be signed by an officer of permittee.

(C) Each tonnage report shall be submitted with payment to the city no later than 30 days following the last calendar reporting month to the City Manager or his/her designee by 5:00 p.m.

(D) At the time the tonnage report is filed, the full amount of all fees due, as set forth herein, shall be remitted to the city. The City Manager or his/her designee may establish shorter reporting periods for any permittee if it is deemed necessary in order to insure remittance of the permit fee. The City Manager or his/her designee may require additional information from the permittee in order to verify the permit/tonnage fee payment. A final filing and payment are due immediately upon cessation of business by permittee for any reason (including the sale of company and/or assets).

(1) Each holder of a recyclable dealer permit ("Hauling - Purchase-of-Recyclables," see § 50.025) shall pay a quarterly/monthly per ton fee. The fee shall be determined from time to time by resolution of the City Council.

(2) Each holder of a recyclable dealer permit ("Hauling - Fee- for-Service," see § 50.025) shall pay a monthly permit fee. The fee shall be determined from time to time by resolution of the City Council. NOTE: All recyclable dealer permits ("Hauling - Fee-for-service ") shall expire on June 30, 2019 at midnight. This type of permit cannot be renewed.

(E) The penalty for late payment of any permit fee or due, shall be 50% of the amount payable. The City Manager or his/her designee may excuse the payment of any such penalty upon good cause being shown for such late payment.

(F) The city shall have the right, upon reasonable advance notice, to inspect, audit and copy all records relating to the permit subject to applicable laws. In the absence of extraordinary circumstances, five business day notice shall be considered reasonable. Such records should be made available to the city at the permittee's regular place of business, but in no event outside the County of Los Angeles. The city reserves the right to employ third party consultant to examine the permittee's records as necessary to obtain data relating to the permit and permit fees.

(1) If the examination discloses a 3% or greater material deviation with respect to the gross receipts reported by the permittee or the examination discloses the permittee is charging or billing below or above the collection and disposal rates approved by the City Council, the cost of the audit (including attorney fees, etc.) shall be borne entirely by the permittee.

(2) If the examination discloses permit fees that are due, these permit fees are considered delinquent and subject to the 50% late payment penalty outlined in this section.

(G) Additionally, a material deviation with respect to the gross receipts reported by the permittee or the examination discloses the permittee is charging or billing below or above the City Council approved rates, the collection permit will be subject to revocation as set forth in §§ 50.036, 50.037 and 50.038, and all other applicable remedies permitted by law. The City Manager or his/her designee may immediately suspend any and/or all permits that the permittee may hold.

(H) It shall be the duty of every permittee liable for the collection and payment to the city of any fee imposed by this chapter to keep and preserve for a period of five-years, all records as may be necessary to determine the amount of such permit fee.

(I) It shall be the duty of every permittee, to keep invoices and any other relevant records, for the purpose of determining fees owed by permittee for a period of five years. Permittee shall provide any relevant records to city upon request within five business days. Permittee must keep and preserve for a period of five-years, all records as may be necessary to determine the amount of such permit fee that permittee owes to city.

§ 50.031 COMMERCIAL AND RESIDENTIAL COLLECTION AND DISPOSAL RATES.

The rates charged by the holder of a residential permit and/or commercial permit for collecting and disposing of solid waste shall be established by City Council resolution.

§ 50.032 COMMERCIAL AND RESIDENTIAL FRANCHISE QUARTERLY REPORTS, PENALTY FOR LATE PAYMENT, AND RECORD RETENTION.

(A) On not less than quarterly basis, the holder of commercial and/or residential franchise at their sole expense shall furnish collection, disposal and diversion reports to the city, on a form provided by, or acceptable to, the City Manager or his/her designee the information required in this section.

(B) If the franchisee has more than one collection franchise, franchisee shall submit a separate tonnage report for each franchise.

(C) The quarterly tonnage reports shall include, at a minimum, the following:

- (1) Total number of tons collected;
- (2) Total number of tons recycled; and
- (3) The number of tons per commodity collected, i.e. solid waste, recyclables and/or organics;
- (4) The number of residue tons and where the residue was disposed of during the reporting period;
- (5) The name, address, and telephone number of each solid waste disposal and/or recycling facility used by the franchisee during the reporting period;
- (6) The generator of the recyclable material; and
- (7) Each report shall be signed by an officer of the entity reporting.

(D) Each quarterly tonnage report and payment shall be submitted to the city no later than 30 days following the reporting period to the City Manager or his/her designee by 5:00 p.m. At the time the report is filed, the full amount of the Permit Fee shall be remitted to the city. The City Manager or his/her designee may establish shorter reporting periods for any franchisee if it is deemed necessary by the City Manager in order to insure remittance of the franchise fee. The City Manager or his/her designee may require additional information from the franchisee in order to verify the franchise fee payment. A final filing and payment are due immediately upon cessation of business by franchisee for any reason.

(E) The penalty for late payment of any fee shall be 50% of the amount payable. The City Manager or his/her designee may excuse the payment of any such penalty upon good cause being shown for such late payment.

(F) The city shall have the right, upon reasonable advance notice, to inspect, audit and copy all records relating to the franchise as authorized by law. In the absence of extraordinary circumstances, five business day notice shall be considered reasonable. Such records should be made available to the city at the franchisee's regular place of business, but in no event outside the County of Los Angeles. The city reserves the right to employ a third-party consultant to examine the franchisee's records as necessary to obtain data relating to the franchise fees.

(1) If the examination discloses a 3% or greater material deviation with respect to the gross receipts reported by the permittee or the examination discloses the permittee is charging or billing below or above the collection and disposal rates approved by the City Council, the cost of the audit shall be borne entirely by the permittee.

(2) If the examination discloses franchise or permit fees that are due, these fees are considered delinquent and subject to the 50% late payment penalty outlined in this chapter.

(G) Additionally, a material 3% or greater deviation with respect to the gross receipts reported by the permittee or the examination discloses the franchisee is charging or billing below or above the City Council approved rates, the franchise will be subject to revocation. The City Manager or his/her designee may immediately suspend any and/or all permits that the franchisee may hold.

(H) It shall be the duty of every franchisee liable for the collection and payment to the city of any fee imposed by this chapter to keep and preserve for a period of five years all records as may be necessary to determine the amount of said franchise and or permit fee.

§ 50.033 DURATION OF RESIDENTIAL AND/OR COMMERCIAL FRANCHISE.

Any franchise which is in effect on the date of the ordinance enacting this chapter shall remain in full force and effect through the duration of the respective franchise term. A franchisee shall comply with the provisions of this chapter so long as the requirements set forth for compliance do not conflict with any current franchise agreement or the constitutionally protected rights provided for under any existing franchise agreement. The provisions of this chapter in no way confirm, modify or extend existing contractual agreements.

§ 50.034 DURATION OF RECYCLABLE DEALER PERMIT.

Recyclable dealer permits shall renew annually so long as permittee is in full compliance with this chapter and pays the renewal fee prior to its expiration of June 30 of each fiscal year. "Fee-for-Service Recyclable Dealer Permittee" shall expire on June 30, 2019.

§ 50.035 TRANSFERABILITY.

No permit granted pursuant to the provisions of this chapter shall be assigned or transferred by the permittee.

§ 50.036 SUSPENSION OF PERMIT BY CITY MANAGER.

Based upon prima facie evidence of a violation of the provisions of this chapter, a residential franchise, commercial franchise, and/or recyclable dealer permit may be suspended by the City Manager by providing written notice of suspension of the franchise/permit that includes information regarding the violation, specifies the length of time the permit is suspended and specifies requirements for removal of the suspension.

§ 50.037 REVOCATION.

If after notice has been given to a franchisee or permittee that the right to collect has been suspended by the City Manager or his/her designee, franchisee/permittee shall have the opportunity to appeal that decision to City Council. City Council shall have the sole authority to permanently revoke franchise(s)/permit(s) or shall remove suspension. If the right to collect has been revoked, no right to collect shall thereafter be granted to said franchisee/permittee. City Council revocation is not subject to cause and the franchisee/permittee will be given six-months to cease operations for any permanent services provided, and one-week notice for any temporary bin/construction and demolition project(s). The decision of the City Council shall be final.

§ 50.038 APPEAL TO CITY COUNCIL.

The City Manager's decision to suspend or revoke a permit as set forth in § 50.036 may be appealed to the City Council. Such appeal shall be in writing and filed with the City Clerk within seven calendar days from the date of the notice of suspension/revocation. The appeal shall set forth in summary, the position of the appellant with respect to the alleged violation specified by the City Manager as the grounds of suspension. The City Council shall hear the appeal within 60-days of the filing of the notice of appeal with the City Clerk and the Clerk shall provide the appellant at least ten days prior written notice of the date and time of hearing. At such hearing, the appellant shall be entitled to be present, to be represented by an attorney and to present witnesses and testimony on behalf of his appeal. Following completion of the hearing, if the City Council finds that the appellant violated the provisions of this chapter, the City Council may uphold or overturn the City Manager's decision, permanently revoke the permit, or take such lesser punitive action as in its discretion it may deem proper under the circumstances. The decision of the City Council shall be final.

(Ord. 1101, passed 3-28-19)

MEANS OF COLLECTION AND DISPOSAL

§ 50.050 RESIDENTIAL FRANCHISE - FREQUENCY AND ROUTES OF COLLECTION.

The city shall provide for the collection and disposal of solid waste from all premises in the city at least once each calendar week. The City Manager or his/her designee shall have charge and supervision of such collection and removal and shall have prior approval of all routes and days for the collection and removal of solid waste from all residential areas of the city so as to conform to the provisions of this chapter. When such routes or days of collection are established or changed, the City Manager or his/her designee shall give notice thereof in such manner as is deemed best by the City Manager or his/her designee.

§ 50.051 COMMERCIAL FRANCHISE - FREQUENCY AND ROUTES OF COLLECTION.

The city shall provide for the collection and disposal of solid waste from all premises in the city at least once each calendar week. The City Manager or his/her designee shall have charge and supervision of such collection and removal and shall have prior approval of all routes and days for the collection and removal of solid waste from all non-residential areas of the city so as to conform to the provisions of this chapter. When such routes or days of collection are established or changed, the City Manager or his/her designee shall give notice thereof in such manner as is deemed best by the City Manager or his/her designee.

§ 50.052 INTERFERENCE WITH THE COLLECTION.

No person, except a franchisee/permittee possessing a valid franchise/permit for the collection of solid waste, recyclable material, or demolition and construction debris shall collect, remove, dispose of, or interfere in any manner with any container or receptacle, or the contents thereof.

§ 50.053 FLOW CONTROL.

The city reserves whatever, if any, right it may receive from local, state or Federal authorities to exercise "flow control," i.e., the right to select disposal facilities and materials recovery facilities to which the solid waste collected, pursuant to the franchise, is taken. In the event that the city directs collector to transport solid waste to a particular disposal facility or materials recovery facility, city and collector agree to use their best efforts to obtain indemnification against CERCLA superfund and related claims from the operator of the disposal facility or materials recovery facility to which solid waste collected, pursuant to the franchise, is taken for disposal or materials recovery. In the event that the city requires collector to utilize a disposal facility or materials recovery facility not owned or operated by collector or an affiliate of collector pursuant to this provision, the city shall indemnify and hold harmless collector for delivering solid waste to the designated disposal facility or materials recovery facility. In the event that the city selects a transfer or disposal facility pursuant to this provision, collector shall be entitled to a rate adjustment to offset for any substantiated increase in expenses resulting from the city's exercise of "flow control."

§ 50.054 MAINTENANCE OF EQUIPMENT; VEHICLES TO HAVE NAME OF COLLECTOR ON SIDES.

(A) Each franchisee/permittee shall provide an adequate number of vehicles and equipment for the collection, transportation, recycling, and disposal services for which it is responsible under this chapter. All equipment used in the collection of solid waste and recyclable materials shall conform to the highest industry standards, shall be maintained in a clean and efficient condition, and shall comply with all measures and procedures

promulgated by all agencies with jurisdiction including but not limited to Air Quality Management District (AQMD) California Department of Transportation (CALTRANS) and the Highway Patrol.

(B) All vehicles used by a collector shall be maintained in compliance with all applicable state and local laws, and shall include by the following:

(1) The name of the collection firm, together with the phone number of the collector, shall be printed or painted in legible letters, not less than four inches in height, on both sides of all trucks and conveyances used to collect or transport collected materials within the city;

(2) Each vehicle shall be constructed and used so that no material will blow, fall, or leak out of the vehicle. Any material dropped or spilled in collection or transfer shall immediately be cleaned up by the operator. A broom, shovel, and spill kit shall be carried at all times on each vehicle for this purpose; and

(3) Should the City Manager, or designee, at any time give notification in writing to a collector that any vehicle does not comply with the standards set forth herein, the vehicle shall immediately be removed from service in the city and shall not be used again until approved in writing by the City Manager, or designee.

(C) All equipment used to collect materials, including vehicles and containers, shall be kept free of graffiti.

§ 50.055 RECEPTACLES REQUIRED FOR RESIDENTIAL PROPERTY; SPECIFICATIONS.

Every holder of a valid residential franchise shall provide containers for automated collection as specified by the City Manager and/or this chapter.

§ 50.056 PLACEMENT OF RESIDENTIAL AND COMMERCIAL BINS.

All solid waste to be collected shall be set out or placed by the owner or occupant of a residential or commercial property as follows:

(A) Residential property.

(1) Where a residential property is contiguous to a paved alley, all articles for collection shall be set out or placed at one and the same location at the alley or property line;

(2) Where the residential property is not contiguous to a paved alley, all articles for collection shall be set out or placed at one and the same location in the public parkway or at the curb line;

(3) No solid waste shall be set out for collection except that which is accumulated on the residential premises from which the collection is made, by the owners or occupants of said premises in the use of the premises;

(4) All waste and recycling containers shall be removed from the curb or alley within 24-hours of the scheduled collection day by the service recipient.

(B) Commercial property.

(1) Each owner or occupant of a commercial property shall place all solid waste originating from such property in bins provided by the collector(s). Such bins shall be placed at the rear of such properties, or if the premises are so situated that the collector is unable to collect at such location, then at the sides of such properties if space is available at such location.

(2) Solid waste shall not be compacted in bins furnished by the collector by any mechanical means without permission of the collector.

(3) The owner or occupant of commercial or industrial property shall arrange with the collector for as many collections per week as shall be necessary, but in no case less than one time per week to remove all such solid waste from said property as frequently as the bin becomes filled.

§ 50.057 METHOD OF KEEPING CONTAINERS FOR COLLECTION.

Every person occupying or having charge or control of any premises in the city shall keep all solid waste and recyclable material, except baled recyclables, in such containers and receptacles as are required by this chapter, in accordance with stormwater best management practices as established by NPDES.

§ 50.058 TIME OF PLACING FOR RESIDENTIAL COLLECTION.

(A) Receptacles shall be placed along the street curb in front of the premises from which the solid waste and recyclable material are to be removed or along the property line of the alley in the rear or at the side thereof, according to the route prescribed by the City Manager along such street or such alley, before 7:00 a.m. on the days prescribed by the City Manager for the collection on such route.

(B) No person shall place, or permit any collection receptacle to be, on the curb, parkway, street, alley or any other area near any residence earlier than 6:00 p.m. on the day preceding regular collection, and no person shall leave or permit any solid waste receptacle to remain on the curb, parkway, street, alley or any other area near any residence after 6:00 a.m. on the day following collection.

§ 50.059 FREQUENCY OF COLLECTION.

Every person occupying or having charge or control of any property within the city shall cause the containers or receptacles for solid waste to be emptied and all solid waste material removed from the premises and disposed of in a lawful manner. Such removal and disposal shall be accomplished at least once each calendar week, except as provided in § 50.050(A).

§ 50.060 SIZE OF BRANCHES OF TREES, HEDGES, AND THE LIKE.

Branches of trees, hedges, and the like, shall be cut in lengths of not over four feet and placed in containers or tied in bundles and weigh no more than 75 pounds when placed out for collection.

§ 50.061 HEAVY OBJECTS; REMOVAL AND ARRANGEMENTS FOR COLLECTION.

(A) Every person occupying or having charge or control of any property shall, at least once in each calendar month, collect and dispose of all such heavy objects, such as discarded automobile bodies and similar heavy or bulky objects, and all materials not included in the term SOLID WASTE which may have accumulated on the premises. However, building or construction waste and debris need be removed only upon completion of construction operations.

(B) Heavy articles will not be picked up at the date and time set forth in § 50.058, unless previous arrangements have been scheduled. Arrangements may be made by every person occupying or having charge or control of any property with the holder of a residential permit and/or franchised permittee for collecting this material and an extra charge will be assessed depending on the amount of time required.

§ 50.062 DISPOSAL OF SOLID WASTE BY FRANCHISEE; METHOD OF DESIGNATING THE MEANS OF DISPOSAL OF NON-RESIDENTIAL WASTE.

Franchisee shall dispose of accumulated solid waste by hauling the solid waste to any CalRecycle permitted solid waste disposal facility. In order to fulfill the waste reduction requirements imposed by AB 939, AB1826, SB1383 and subsequent legislation, the City Council has mandated that any franchisee(s) for residential and/or commercial collection shall meet and maintain a minimum of 50% diversion for residential/commercial waste and 75% for construction and demolition debris. Due to this mandate, the following standards shall also apply:

(A) All non-residential solid waste generated in the City of Santa Fe Springs and hauled by Franchisee shall meet the mandatory diversion and recycling requirements administered by CalRecycle. Franchisee shall demonstrate and achieve a minimum 50% diversion rate for commercial and residential generated waste, and 75% for construction and demolition debris generated waste, by implementing a combination of the following

procedures, in order to ensure adequate diversion rates and the implementation of legislative mandated recycling including organics.

(1) Process waste at a materials recovery facility (MRF) and/or High Diversion Facility that is permitted by CalRecycle. Such facility shall provide diversion documentation identifying the City of Santa Fe Springs as the recipient of said diversion.

(2) Establish on-site source separated recycling services pursuant to AB 341 and this chapter.

(3) Identify and document any quantifiable third-party AB 341 recycling services for each generator serviced by franchisee and this chapter.

(4) Deliver residual waste, after recyclables have been removed, to a CalRecycle permitted transformation facility. Pursuant to SB 1016, jurisdictions can claim no more than 10% of the average calculated per capita generation tonnage (in most cases, years 2003 through 2006).

(5) Establish on-site organics recycling pursuant to AB 1826, SB1383 and subsequent legislation.

(6) Offer information on Food Recovery Organizations to all commercial businesses that generate Edible Food that could be recovered.

(B) Materials hauled by a permitted recyclable dealer that contain only source-separated recyclable materials, may be taken directly to a CalRecycle permitted recycling facility or permitted transfer station.

§ 50.063 ILLEGAL TRASH CONTAINERS; BIN IMPOUNDMENT; FEES AND PENALTIES.

(A) No person other than an authorized franchisee/permittee may place a bin or container for the collection of any solid waste/recyclable material within the city.

(B) Any bin or container ("container") placed in violation of this section is hereby declared to be a nuisance and is subject to abatement pursuant to applicable provisions of this code. Should the city become aware of any container which does not belong to any one of the city's established collectors, located on private property in the city, the city may cause removal of such container.

(C) The city shall post a notice in a conspicuous place on any unauthorized container directing it to be removed within 24 hours and provide the notice, to the generator

(business or resident), either posted on the container, by hand delivery to occupant or by certified mail.

(D) The notice pursuant to division (C) shall state that:

- (1) The container is illegal and the nature of the violation;
- (2) The container must be removed within 24 hours of the posting or delivery;
- (3) The time the notice was posted or delivered;

(4) The name and phone number of a person designated by the City Manager to hear any appeal or challenge to the requirement that the container be removed and that any appeal of the order for removal must occur within 24 hours of the posting of the notice;

(5) If the container is not removed within 24 hours of posting the notice, the city will have the bin impounded (to a stated location);

(a) If the city has the bin impounded, the unpermitted collector/hauler and the generator (business owner and/or occupant of the property) will be joint and severally liable for all fees and fines charged as described below:

(b) In order to recover the costs of disposing of the contents of any such container caused to be removed by the city, including both the costs incurred by the collector/hauler performing such removal and the city's administrative costs, the city shall charge an amount equal to twice the city's maximum authorized daily service rate charged for the subject size container, plus any disposal charges and storage fees incurred by the permittee; and

(c) If the city impounds or causes the container to be impounded, the owner of the container may retrieve such container from the city by providing to the city proof of ownership and by paying to the city an impound charge equal to the city's maximum authorized daily service rate for a ten-yard roll-off bin, with an additional 20% of total cost added on for each additional ten-yard (e.g. 20-yard bin = 10-yard bin cost + 20% (10-yard bin cost); 30-yard bin = 20-yard bin + 20% (20-yard bin cost); 40-yard bin = 30-yard bin + 20% (30-yard bin); and

(d) If any impounded container is not retrieved within 90 days after its removal, the container will be deemed abandoned and the city may dispose (by auction or direct sale) of such container and is authorized to retain funds collected in disposing of the container.

(E) The posting of the notice to remove on the container shall constitute constructive notice to the owner of the container and the generator of the requirement to remove the unauthorized container, and a copy of the notice shall be provided to the owner of the unauthorized container once said owner's identity is ascertained by city, and if not provided sooner, a copy of the notice shall be provided at such time as the owner of the unauthorized container seeks to retrieve any such container removed hereunder.

(F) Between the date following the date upon which any unauthorized container is removed by the city, and the date which is five business days following its retrieval from city, the owner of the unauthorized container may request a hearing to appeal the city's determination that the container is an unauthorized container subject to removal by city

as set forth herein. The City Manager or his/her designee shall establish a procedure for such a hearing and the method for requesting such a hearing shall be included on the notice to remove. If the appeal is granted, any payments due to city shall be forgiven and any amounts paid reimbursed.

RECYCLING AND DISPOSAL OF CONSTRUCTION, DEMOLITION AND RENOVATION DEBRIS

§ 50.075 WASTE MANAGEMENT PLAN REQUIREMENT.

(A) **Covered projects.** Prior to beginning any construction or demolition activities, the applicant shall submit a Waste Management Plan to the WMP Compliance Official and shall be subject to all applicable provisions of this chapter. Failure to comply with any of the terms of this section shall subject the project applicant to the full range of enforcement mechanisms set forth in this chapter.

(B) **Compliance as a condition of approval.** Compliance with the provisions of this chapter shall be listed as a condition of approval on any building or demolition permit issued for a covered project.

§ 50.076 SUBMISSION OF WASTE MANAGEMENT PLAN.

(A) **WMP forms.** Applicants for building or demolition permits involving any covered project shall complete and submit a Waste Management Plan ("WMP"), on a city-approved WMP form, as part of the application packet for the building or demolition permit. The completed WMP shall indicate all of the following:

(1) The estimated volume or weight of project construction and demolition debris to be generated, sorted by type of material;

(2) The residential or commercial franchisee that the applicant proposes to use to collect and receive the material;

(3) The estimated volume or weight of construction and demolition materials that will be landfilled; and

(4) Any special or specific activities that the applicant will use to comply with the provisions of this chapter.

(B) **Deposit:** Upon submittal of a waste management plan, the applicant must submit a deposit based upon project valuation as established by resolution of the City Council.

(a) Exception to deposit submittal. Minor residential equipment installations or renovations with a total project value of less than \$10,000. To be determined on a case by case basis by the City Manager or his/her designee.

§ 50.077 REVIEW OF WASTE MANAGEMENT PLAN.

(A) **Approval.** Notwithstanding any other provision of this code, no building or demolition permit shall be issued for any covered project unless and until the WMP Compliance Official has approved applicants WMP. Approval shall not be required, however, where the Building Official determines that an emergency demolition is required to protect public health or safety.

(1) The WMP Compliance Official shall only approve a WMP, if he or she first determines that all of the following conditions have been met:

(a) The WMP provides all of the information set forth in § 50.076; and

(b) The WMP indicates that at least 75% of all construction and demolition debris generated by the project will be diverted.

(c) The deposit has been submitted along with the WMP application.

(2) If the WMP Compliance Official determines that these conditions have been met, he or she shall mark the WMP "Approved," return a copy of the WMP to the applicant and notify the Building Official that the WMP has been approved.

(B) **Denial.** If the WMP Compliance Official determines that the WMP is incomplete or fails to indicate that at least 75% of all construction and demolition debris generated by the project will be reused or recycled, the WMP Compliance Official shall either:

(1) Return the WMP to the applicant marked "Denied," including a statement of reasons, and so notify the building official, who shall then immediately stop processing the building or demolition permit application; or

(2) Return the WMP to the applicant marked "further information required."

§ 50.078 COMPLIANCE WITH WASTE MANAGEMENT PLAN.

(A) **Documentation.** Prior to the completion of any covered project, the applicant shall submit to the WMP Compliance Official documentation that the diversion requirement has been met. The diversion requirement shall be that the applicant has diverted at least 75% of the total construction and demolition debris generated by the project via reuse or recycling. This documentation shall include all of the following:

(1) Receipts from the vendor and facility that collected and received each type of material, showing its actual weight or volume;

(2) A copy of the previously approved WMP for the project adding the actual volume or weight of each type of material diverted and landfilled;

(3) Any additional information the applicant believes is relevant to determining his efforts to comply in good faith with the approved WMP for the project.

(B) **Weighing of wastes.** Applicants shall make reasonable efforts to ensure that, whether diverted or landfilled, all construction and demolition debris is measured and recorded, using the most accurate method of measurement available. To the extent practical, all construction and demolition debris shall be weighed by way of certified scales. In instances which, due to small size or other considerations, weighing construction and demolition debris is not practical, a volumetric measurement shall be used. To convert volumetric measurements to weight, the applicant shall use the standardized conversion rate approved by the city for this purpose.

(C) **Determination of compliance and release of building permit.** The WMP Compliance Official (as appointed by the City Manager or his/her designee) shall review the information submitted under this chapter and determine which of the following standards best describes the extent the applicant has complied with the diversion requirement.

(1) **Full compliance.** If the WMP Compliance Official determines that the applicant has fully complied with the diversion requirement, he or she shall cause the building permit to be released to the applicant.

(2) **Good faith effort to comply.** If the WMP Compliance Official determines that the diversion requirement has not been achieved, he or she shall determine, on a case-by-case basis, whether the applicant has made a good faith effort to comply with the diversion requirement. In making this determination, the WMP Compliance Official shall consider: the availability of markets for the construction and demolition debris landfilled, the size of the project, and the documented efforts of the applicant to divert construction and demolition debris. If the WMP Compliance Official determines that the applicant has made a good faith effort to comply with the diversion requirement, he or she shall release the building permit to the applicant.

(3) **Non-compliance.** If the WMP Compliance Official determines that the applicant has not made a good faith effort to comply with the diversion requirement, or if the applicant fails to submit the documentation required by this chapter within the required time period, then the WMP Compliance Official shall so notify the applicant and the Building Official. The Building Official shall not release the building permit until the applicant has complied with this chapter and/or has paid the penalty fees and/or the deposit submitted during application submittal was kept and deposited by the city.

§ 50.079 NON-COMPLIANCE OF WASTE MANAGEMENT PLAN.

(A) Violation of meeting the requirements and/or following a submitted and approved WMP means that the WMP applicant shall lose the deposit that was submitted to the planning/building permit during permit issuance.

(B) Additionally, City Manager or his/her designee may choose to prohibit applicant and/or contractor/ generator from continuing business and/or doing future business in the city. Violation of this chapter shall also be subject to all fees and penalties identified in this chapter.

MISCELLANEOUS PROVISIONS

§ 50.080 COMMERCIAL EDIBLE FOOD GENERATORS AND FOOD RECOVERY ORGANIZATIONS AND SERVICES

A. Requirements for Tier One and Tier Two Commercial Edible Food Generators.

Tier One Commercial Edible Food Generators must comply with the requirements of this section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.

B. Requirements for Large Venue or Large Event Edible Food Generators.

Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this section, commencing January 1, 2024.

C. Requirements for Commercial Edible Food Generators.

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:

The collection of Edible Food for Food Recovery; or, 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 Jurisdiction'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:

a. A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).

b. A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).

c. A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:

(1) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.

(2) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.

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

(4) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.

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

D. Requirements for Food Recovery Organizations.

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)(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 name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.

E. Requirements for Food Recovery Services.

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.

F. Requirements for Food Recovery Organizations and Services within the City.

Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the Jurisdiction and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the Jurisdiction 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 March 31st of each calendar year.

§ 50.081 PROCUREMENT

Recovered organic waste product and recycled-content paper procurement.

A. Jurisdiction departments, and direct service providers to the Jurisdiction, as applicable, must comply with the Jurisdiction's Recovered Organic Waste Product procurement policy adopted on December 7, 2021, and Recycled-Content Paper procurement policy adopted on December 7, 2021.

B. All vendors providing Paper Products and Printing and Writing Paper shall:

(1) If fitness and quality are equal, provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber instead of non-recycled products whenever recycled Paper Products and Printing and Writing Paper are available at the same or lesser total cost than non-recycled items

(2) Provide Paper Products and Printing and Writing Paper that meet Federal Trade Commission recyclability standard as defined in 16 Code of Federal Regulations (CFR) Section 260.12.

(3) Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the Jurisdiction. This certification requirement may be waived if the percentage of

postconsumer material in the Paper Products, Printing and Writing Paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.

(4) Certify in writing, on invoices or receipts provided, that the Paper Products and Printing and Writing Paper offered or sold to the Jurisdiction is eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations (CFR) Section 260.12 (2013).

(5) Provide records to the Jurisdiction's Recovered Organic Waste Product procurement recordkeeping Designee, in accordance with the Jurisdiction's Recycled-Content Paper procurement policy(ies) of all Paper Products and Printing and Writing Paper purchases within thirty (30) days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by any division or department or employee of the Jurisdiction. Records shall include a copy (electronic or paper) of the invoice or other documentation of purchase, written certifications as required in this chapter for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-recycled content Paper Products or Printing and Writing Papers are provided, include a description of why Recycled-Content Paper Products or Printing and Writing Papers were not provided.