

Chapter 6.12

SOLID WASTE

Sections:

6.12.010	Purpose.
6.12.020	Intent.
6.12.030	Definitions.
6.12.040	General – Prohibited accumulation and disposal.
6.12.050	Transportation of solid waste.
6.12.060	Obligation of solid waste collection service.
6.12.070	Commercial generator requirements.
6.12.090	Waivers.
6.12.100	Self-haul requirements.
6.12.110	Commercial edible food generator requirements.
6.12.120	Food Recovery Organization and food recovery services requirements.
6.12.130	Unauthorized removal of recyclable materials and organic materials-- ownership of recyclable materials and organic materials.
6.12.140	Right to divert recyclable materials and organic materials.
6.12.150	Storage.
6.12.160	Collection container placement.
6.12.170	Tampering and dumping prohibited.
6.12.180	Disposal intervals.
6.12.190	Contract.
6.12.200	Exclusive right.
6.12.210	Authorized collector requirements.
6.12.220	Inspections.
6.12.230	Violations and penalties.

*Editor's note: Prior Chapter 6.12 repealed by Ord. 711 (2021).*

6.12.010 Purpose. The purpose of this chapter is to prevent actual or potential public health hazards and nuisance within the town of Ross, Marin County, California, by regulating the accumulation, collection and disposal of solid waste, and to provide for the licensing and responsibilities of persons engaged therein. It is declared to be in the public interest that the accumulation, storage, and disposal of all such materials be handled in such a manner as to prohibit the harboring and breeding of rodents and insects, to reduce pollution of the air caused by burning, fermentation or putrefaction of such materials, to prevent the spread of disease, to reduce the hazards of fire, and to prevent unsightliness resulting in the depreciation of property values and the comfortable enjoyment of life. Nothing in this chapter shall prevent generators from self-hauling to an authorized solid waste facility as expressly permitted under this chapter, from utilizing a temporary debris box service, or from utilizing an employee or independent contractor to

occasionally haul construction and/or demolition debris or for other occasional clean-up purposes consistent with section 6.12.250. (Ord. 711 (part), 2021; Ord. 526 §1(part), 1994).

6.12.020 Intent. It is further the intention of the town by this chapter to provide for the reduction, recycling, and resource recovery of solid waste generated within the town to the maximum extent feasible and as required by state law. Therefore, this chapter establishes and includes an approved solid waste collection service program for all persons in the town for the purpose of providing for the orderly and regular collection of solid waste. (Ord. 711 (part), 2021; Ord. 526 §1(part), 1994).

6.12.030 Definitions. As used in this chapter:

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

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

“Bulky waste” means large items of solid waste such as appliances (white goods), e-waste (except for universal waste), furniture, tires, carpets, mattresses and similar large items, large auto parts, trees, branches, stumps, and other oversize wastes whose large size precludes or complicates their handling by normal collection, processing, or disposal methods. It does not include abandoned vehicles or household hazardous waste.

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

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

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

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

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

"Compost" means a mixture that consists largely of decayed organic matter and is used for fertilizing and conditioning land.

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

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

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

"Curbside program" means a recycling program which meets all of the following criteria:

- (1) The program picks up recyclable materials from individual residences.
- (2) The program is operated by, or pursuant to a contract with a town, county, or other public agency.
- (3) The program accepts empty beverage containers from consumers with the intent to recycle them but does not pay the redemption value or redemption bonus.

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

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

"Disposal" means the final disposition of solid waste at a solid waste facility permitted for disposal.

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

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

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

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

"Food recovery organization" means an entity that engages in the collection or receipt of edible food from commercial edible food generators and distributes that edible food to the public for food recovery either directly or through other entities or as otherwise defined in 14 CCR section 18982(a)(25), including, but not limited to: a food bank as defined in Section 113783 of the Health and Safety Code; a nonprofit charitable organization as defined in Section 113841 of

the Health and Safety code; and, a nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

“Food recovery service” means a person or entity that collects and transports edible food from a commercial edible food generator to a food recovery organization or other entities for food recovery, or as otherwise defined in 14 CCR section 18982(a)(26). A food recovery service is not a commercial edible food generator for the purposes of this chapter.

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

“Garbage” means all non-recyclable packaging and putrescible waste generated on any premises within the town. Garbage does not include recyclable materials, organic materials, debris from construction and demolition, large items, e-waste, universal waste, hazardous waste, household hazardous waste or exempt waste.

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

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

“Organic material” or “organic waste” means solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food waste, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR section 18982(a)(46). “Organic material processing facility” means any facility selected by the authorized collector that is approved by the town, or specifically designated by the town, operated and legally permitted for the purpose of receiving and processing organic materials.

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

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

“Prohibited container contaminants” means (1) discarded materials placed in the designated Recyclables container that are not identified as acceptable source separated recyclables for the authorized collector’s designated recyclables collection container; (2) discarded materials placed in the designated organic materials collection container that are not identified as acceptable source separated organic materials for the authorized collector’s designated organic materials collection container; and (3) discarded materials placed in the garbage container that are acceptable source separated recyclables and/or source separated organic materials to be placed in authorized

collector's designated organic materials collection container and/or designated recyclables collection container and, and (4) excluded waste placed in any container.

"Recyclable (source separated) materials" means any material designated to be separated from the waste stream for purposes of recycling, as designated by the authorized collector. "Recycling" means the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become garbage and returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the marketplace. Recycling does not include transformation as defined in Public Resources Code section 40201. "Residential" means, for the purposes of this chapter, any premise consisting of between one (1) and four (4) dwelling units, and onsite domestic uses accessory to these dwelling units. A multi-family dwelling that consists of fewer than (5) dwelling units is residential, for the purposes of this chapter.

"Resource recovery" means the reclamation or salvage of wastes for reuse, conversion to energy or recycling .

"Self-haul" means a person who hauls solid waste, organic waste or recovered material they have generated to another person. A self-hauler also includes a person who back-hauls waste as defined in 14 CCR section 18982(a)(66).

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

"Solid waste collection service" means a business enterprise in any form that obtains or receives solid waste from a commercial generator, residential generator, or other non-residential establishment for the primary purpose of removal, or hauling such material for ultimate disposal or recycling.

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

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

"Source reduction" means any action which causes a net reduction in the generation of solid waste. Source reduction includes, but is not limited to, reducing the use of nonrecyclable materials, replacing disposable materials and products with reusable materials and products, reducing packaging, reducing the amount of yard wastes generated, establishing garbage rate structures with incentives to reduce the amount of wastes that generator produce, and increasing

the efficiency of the use of paper, cardboard, glass, metal, plastic, and other materials. Source reduction does not include steps taken after the material becomes solid waste or actions which would impact air or water resources in lieu of land, including, but not limited to, transformation.

“Tier one commercial edible food generator” means a commercial edible food generator that is one of the following as defined in 14 CCR Section 18982(a): supermarket with gross annual sales of \$2,000,000 or more; grocery store with a total facility size equal to or greater than 10,000 square feet; food service provider, which means an entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations; wholesale food vendor, which means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination; or food distributor, which means a company that distributes food to entities including, but not limited to, supermarkets and grocery stores.

“Tier two commercial edible food generator” means a commercial edible food generator that is one of the following: restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet; hotel with an on-site food facility and 200 or more rooms; health facility with an on-site food facility and 100 or more beds; or large venue, which means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this chapter, 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, 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.

“Town manager” means the town manager of the town of Ross, or the town manager’s designee. (Ord. 711 (part), 2021; Ord. 526 §1(part), 1994).

#### 6.12.040 General--Prohibited accumulation and disposal.

A. It is unlawful for any person to keep, deposit, bury, burn, or dispose of any solid waste, except as in this chapter is provided, in or upon any private property, public street, alley, sidewalk, gutter, park or upon the banks of or within any stream or creek in said town, or in or upon any of the waters thereof.

B. It is unlawful for any person to place or caused to be placed in any public receptacle owned or rented by the town and located upon public streets or in public places, any solid waste originating within or from any private property.

C. No person shall dump, place or bury in any lot, land or street or alley within the town any solid waste, except for at a solid waste facility properly permitted under the Act. This section shall not be construed to prohibit individuals from composting organic matter provided the composting is not conducted in a manner constituting a nuisance.

D. No person owning or occupying any building, lot or premises within the town shall allow any solid waste to accumulate or remain in or upon said building, lot or premises, except in accord with the provisions of this chapter. Accumulations of solid waste shall not be permitted to constitute a public nuisance. The owner, occupant, or manager of any premises, business establishment, industry, or other property, vacant or occupied, shall be responsible for the safe and sanitary storage of all solid waste accumulated on the property. The owner, occupant, or manager

of any premises shall ensure that collection containers shall be filled in a manner that prevents the contents from overflowing and allows the cover to fit securely. The owner, occupant, or manager of any premises shall ensure that collection containers for solid waste are available on the premises that are of an adequate size and of sufficient numbers to contain, without overflowing, all the solid waste that a premise generates between periods of collection or disposal. It shall be the responsibility of the owner of any building, lot, or premises to notify the authorized collector promptly when necessary to increase solid waste collection service in order to prevent solid waste from overflowing existing containers. If the town manager determines that inadequate service causes a public nuisance or health problem any premises, the town manager may require the owner, occupant or manager of the premises to increase collection service from the authorized collector immediately upon notice.

E. No person shall burn solid waste within the town. (Ord. 711 (part), 2021; Ord. 526 §1(part), 1994).

6.12.050 Transportation of solid waste. No person shall move, convey or transport or cause or permit to be moved, conveyed or transported any solid wastes upon or along any public street or alley or other public place in the town except the authorized collector; provided, however, the provisions of this section shall not apply to any person conveying solid waste collected outside the town nor to any person employed by the town who shall be assigned to the work of solid waste removal while acting within the scope of their employment or to any person or entity with whom the town has contracted or may hereafter contract for the collection, removal, or disposal of solid waste or to any employee of such contractor during such time as such contract shall be in force. Nor shall this section be deemed to prohibit an individual from exercising their rights to self-haul solid waste to solid waste facilities and other locations pursuant to this chapter, and nor the right to divert recyclable material or organic materials so long as the diversion otherwise complies with this chapter. (Ord. 711 (part), 2021; Ord. 526 §1(part), 1994).

6.12.060 Obligation of solid waste collection service.

A. Except as otherwise provided by this chapter, each property owner, occupant or tenant of any premises shall subscribe for solid waste collection service with the authorized collector. The owner, tenant or occupant of each premises shall ensure that such premises is subscribed for solid waste disposal services from the authorized collector within 7 days of the occupancy of the premises, or apply for a self-haul permit pursuant to this chapter.

B. Subscribers, including residential and commercial subscribers, shall arrange from the authorized collector for a size, quantity and collection frequency of collection containers to adequately store all solid waste generated in connection with the premise between the times designated for collection service. The town shall have the right to review the number and size of such collection containers to evaluate the adequacy of capacity provided for each type of collection service and to review the separation and containment of materials. Generators shall adjust service levels for their collection services as requested by the town manager in order to meet the standards set forth in this chapter.

C. Each owner, occupant or tenant of a premises subscribed to collection services shall place source separated organic materials, including food waste, in the organic materials collection container; place source separated recyclable materials in the recyclable material collection container; and place garbage in the approved garbage collection container. Generators shall not

place prohibited container contaminants into the garbage collection container, organic materials collection container or recyclable material collection container. A mandatory obligation is imposed on each person occupying any premises to separate and recycle all recyclable material and organic materials from the garbage generated on the premises.

D. The authorized collector shall give written notice to the town of the address of any occupied premises within the town which is not subscribing to the collection and disposal service provided by the authorized collector. (Ord. 711 (part), 2021; Ord. 526 §1(part), 1994).

6.12.070 Commercial generator requirements.

A. Each owner, operator, or manager of a commercial premises shall ensure the proper separation of solid waste generated on such premises, as required by the authorized collector, by placing each type of material in designated collection containers, and ensure that employees, contractors, volunteers, customers, visitors, and other persons on-site follow source separation requirements related to solid waste as required by the authorized collector. Each owner, operator, or manager of a commercial business, except for multifamily dwellings, shall prohibit employees from placing materials in a container not designated for those materials, and shall periodically inspect containers for organic waste and inform employees of requirements to ensure such containers are only used for organic waste.

B. Each owner, operator, or manager of a commercial premises shall supply an adequate number, size, and location of collection containers with sufficient labels or colors designating the appropriate material for deposit in accordance with source separation requirements of the authorized collector for the employees, contractors, tenants, and customers of the commercial premises.

C. Each owner, operator, or manager of a commercial premises shall annually provide information to employees, contractors, tenants, and customers about organic materials recovery requirements and about proper sorting of solid waste.

D. Each owner, operator, or manager of a commercial premises shall provide educational information within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep source separated organic materials and source separated recyclable materials separate from garbage and the location of collection containers and the rules governing their use at each property.

E. Each owner, operator, or manager of a commercial premises shall cooperate with the authorized collector's monitoring program for inspection of the contents of containers for prohibited container contaminants, to evaluate generator's compliance.

F. Each owner, operator, or manager of a commercial business, except for multifamily dwellings, shall provide containers meeting the requirements of 14 CCR section 18984.9 for the collection of source separated organic materials and source separated recyclable materials in all indoor and outdoor areas where garbage disposal containers are provided for customers, for materials generated onsite. Such containers do not need to be provided in restrooms. If a commercial generator does not generate any of the materials that would be collected in one type of collection container, then it is not required to provide that type of container in all areas where disposal collection containers are provided for customers.

G. Commercial generators that are commercial edible food generators, as defined in Section 6.12.030, shall comply with commercial edible food generator requirements, pursuant to Section 6.12.110.



H. If a commercial generator self-hauls, the commercial generator shall meet the self-haul requirements in Section 6.12.100 of this chapter. (Ord. 711 (part), 2021).

6.12.090 Waivers.

A. The town manager may grant waivers of organics collection requirements under this chapter to a commercial businesses based on physical space limitations and/or de minimis volume generated at such commercial business. Commercial businesses seeking a waiver shall submit their request in a form specified by the town manager. After reviewing the waiver request, and after an on-site review, if applicable, the town manger may either approve or deny the following waiver requests. Anyone granted a waiver shall provide written verification of eligibility for a waiver at least every five years, and shall notify the town if circumstances change such that they are no longer eligible for such waiver, in which case waiver will be rescinded.

B. De Minimis Waivers: The town manager may waive a commercial business' obligation to comply with some or all the requirements of Section 6.12.070 if the commercial business meets the following requirements:

1. Submit an application, with any application fee which established by resolution of the City Council, specifying the type of waiver requested and provide documentation as described below.
2. Provide documentation that either:
  - a. The commercial business receives two or more cubic yards of weekly solid waste collection service (including garbage, recyclable material and organic materials) and organic materials subject to collection comprises less than 20 gallons per week of the business' total weekly solid waste volume; or
  - b. The commercial business receives less than two cubic yards of weekly solid waste collection service (including garbage, recyclable material and organic materials) and organic materials subject to collection comprises less than 10 gallons per week of the business' total weekly solid waste volume.
  - c. For the purposes of subsections (i) ad (ii) above, weekly solid waste collection shall be the sum of weekly garbage collection container volume, recyclable material collection container volume and organic materials collection container volume, measured in cubic yards.

C. Physical Space Waivers: The town manager may waive a commercial business' obligations (including multi-family dwellings) to comply with some or all of the recyclable materials and/or organic materials collection service requirements if the town has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the collection service requirements. A commercial business or property owner may request a physical space waiver through the following process:

1. Submit an application form, with any application fee which established by resolution of the City Council, specifying the type(s) of collection services for which they are requesting a waiver from mandatory collection service.

2. Provide documentation that the premises lacks adequate space for the approved recyclable materials collection containers and approved organic materials collection containers including documentation from its authorized collector, licensed architect, or licensed engineer. (Ord. 711 (part), 2021).

6.12.100 Self-haul requirements.

A. No person, except for a person engaged in back-haul, shall self-haul solid waste, organic waste, or recyclable materials, except for under a permit issued by the town. Applications for a self-haul permit shall be submitted on an application, on a form approved by the town manager with all required information supplied. The town manager may issue the permit only if the person requesting a self-haul permit satisfies all of the following requirements and the conditions set forth in sections B-D below:

1. Produces for inspection the vehicle that such person owns or leases and intends to use for hauling solid waste, and which is capable of safely hauling solid waste and organic waste in a safe and sanitary manner so that it is covered and so that such matter will not spill, leak, drip, blow, scatter or fall from the vehicle;
2. Produces evidence that such person has a valid California driver's license to operate the vehicle produced for inspection, that the vehicle is currently registered in the State of California, and a certificate of automobile insurance for the vehicle;
3. Provides proof that the applicant has containers for the storage of solid waste on the applicant's property before the materials are self-hauled to a disposal facility; and
4. Pays the fee for a self-hauling permit authorized by resolution of the town council.

B. Permitted self-haulers shall source separate all recyclable materials and organic waste that would otherwise need to be source separated if they were instead deposited for collection in the authorized collector's recyclable materials and organic materials collection service, from any solid waste that is generated on-site in a manner consistent with requirements under 14 CCR sections 18984.1 and 18984.2, and (1) shall haul such material to a permitted solid waste disposal, processing or composting facility, and/or (2) shall haul organic waste to a permitted high diversion organic waste processing facility as specified in 14 CCR section 18984.3. Permitted Self-Haulers shall store materials on their premises prior to disposal in containers sufficient to contain such waste and in compliance with other requirements of this chapter.

C. Any permitted self-haulers that do not obtain collection services from the authorized collector must dispose of solid waste at least weekly and shall retain weekly receipts from any licensed or permitted landfill or other licensed or permitted or processing facility, and comply with any reporting requirements as may be imposed by CalRecycle.

D. Permitted self-haulers that are self-hauling any materials generated on the premises of a commercial business (including a multifamily dwelling) keep a record of the amount of organic materials delivered to each permitted solid waste facility, that processes or recovers

organic materials; this record shall be subject to inspection by the town. The records shall include the following information:

1. Delivery receipts and weight tickets from the entity accepting the waste. If the material is transported to an entity that does not have scales on-site or employs scales incapable of weighing the self-hauler's vehicle in a manner that allows it to determine the weight of materials received, the self-hauler is not required to record the weight of material but shall keep a record of the entities that received the organic materials.
2. The amount of material in cubic yards or tons transported by the generator to each entity.
3. Complete and retain on-site a self-hauling form certifying that all self-hauling activities will be completed in accordance with this chapter or any other applicable law or regulation. A copy of such form shall be completed and remitted annually to the town. (Ord. 711 (part), 2021; Ord. 526 §1(part), 1994).

6.12.110 Commercial edible food generator requirements.

A. Tier one commercial edible food generators must comply with the requirements of this section January 1, 2022, and tier two commercial edible food generators shall comply commencing January 1, 2024.

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

C. Commercial edible food generators shall comply with the following requirements:

1. Arrange to recover the maximum amount of edible food that would otherwise be disposed.
2. Contract with or enter into a written agreement with food recovery Organizations or food recovery services for: (a) the collection of edible food for food recovery; or (b) acceptance of the edible food that the commercial edible food generator self-hauls to the food recovery organization for food recovery.
3. Shall not intentionally spoil edible food that is capable of being recovered by a food recovery organization or a food recovery service.
4. Allow the town's enforcement officer to access the premises and review records pursuant to 14 CCR Section 18991.4.
5. Keep records that include the following information as required by 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:
  - i. The name, address and contact information of the food recovery service or food recovery organization.
  - ii. The types of food that will be collected by or self-hauled to the food recovery service or food recovery organization.
  - iii. The established frequency that food will be collected or self-hauled.
  - iv. The quantity of food, measured in pounds recovered per month, collected or self-hauled to a food recovery service or food recovery organization.

D. Nothing in this chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 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). (Ord. 711 (part), 2021).

6.12.120 Food Recovery Organization and Food Recovery Services requirements.

A. Food recovery services collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR section 18991.5(a)(1):

- 1. The name, address, and contact information for each commercial edible food generator from which the service collects edible food.
- 2. The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
- 3. The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
- 4. The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.

B. Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

- 1. The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
- 2. The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.

3. The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.

C. Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the 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 annually report to the town it is located in the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than April 1.

D. In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the County, town, special district that provides solid waste collection services, or its designated entity, Food Recovery Services and Food Recovery Organizations operating in the town shall provide information and consultation to the town, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the town and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the town shall respond to such request for information within 60 days unless a shorter timeframe is otherwise specified by the town. (Ord. 711 (part), 2021).

6.12.130 Unauthorized removal of recyclable materials and organic materials--  
Ownership of recyclable materials and organic materials.

A. All recyclable materials and organic materials, upon being placed by the generator into a collection container and placed at a designated collection location, shall become the property of the authorized collector owning the collection container, unless otherwise provided in a contract, license, or franchise agreement.

B. No person, other than the authorized collector or town shall remove recyclable material or organic materials from a collection container placed at the designated collection location. (Ord. 711 (part), 2021).

6.12.140 Right to divert recyclable materials and organic materials.

A. Nothing in this chapter limits the right of any person to donate, sell, or otherwise dispose of his or her recyclable materials.

B. Organic materials may be fed to animals on the premises where such organic materials is produced, provided that the premises are always kept in a sanitary condition to the satisfaction of the town manager; and provided further that the keeping and feeding of such animals shall at all times conform to the applicable regulations of those entities governing the same now in force or which thereafter may be enacted or promulgated.

C. Nothing in this chapter prohibits a generator from preventing or reducing waste generation, or managing organic waste on site, provided that such conforms to the applicable regulations of those entities governing the same now in force or which thereafter may be enacted or promulgated. (Ord. 711 (part), 2021).

6.12.150 Storage. It shall be the duty of every property owner and occupant of any premises within the town to ensure that solid waste generated at such premises is source separated and stored, except material set aside for composting, in a durable containers during such periods between collection by the authorized collector or self-hauling. Such source separated materials shall be stored in containers constructed of metal or durable plastic material which shall be water tight, nonabsorbent, vector resistant, durable, easily cleanable, equipped with handles, and having tight-fitting covers such that said containers hold said solid waste without spillage and leakage, escape of odors or access of flies to the contents thereof. Except for organic material set aside for composting, it is unlawful to place, or permit to remain, any solid waste subject to decay except in a suitable covered container, and each property owner or occupant of a premises shall require it to be stored or handled in such manner so as not to promote the propagation, harborage or attraction of vectors or the creation of nuisance. Each person who has a solid waste collection container shall keep the area where the collection container is located in a clean, safe and sanitary condition. (Ord. 711 (part) 2021; Ord. 526 §1(part), 1994).

6.12.160 Collection container placement.

A. No collection containers other than those owned or rented by the town or authorized collector shall be placed or kept in or on any public street, sidewalk, footpath, or any public place whatsoever, but shall be maintained on the premises, out of public view, except as may be provided for removing and emptying by the authorized collector on the day(s) and in the location designated for collection.

B. Collection containers are permitted to be placed in public view and on a public street, sidewalk or footpath only during the forty-eight-hour period commencing at 12:01 a.m. on the day preceding the day of scheduled pick-up and terminating at 12:01 a.m. on the day following such pick-up.

C. For curbside collection service, the designated collection location shall be the street curb line adjacent to such premises and collection containers shall be placed in the location by the occupant of such premises for collection by the authorized collector. (Ord. 711 (part), 2021; Ord. 526 §1(part), 1994).

6.12.170 Tampering and dumping prohibited. No person shall tamper with, modify, dump, remove from or deposit solid waste in any container which has not been provided for their use, without the permission of the container owner. Nor shall any person tamper with any collection container or any recyclable materials on any premises, or collect, remove or dispose of the same, other than in the manner specified in this chapter. (Ord. 711 (part), 2021; Ord. 526 §1(part), 1994).

6.12.180 Disposal intervals. An owner or occupant of a premises shall ensure that all solid waste accumulated at such premises shall be collected by the authorized collector or self-hauled for proper disposal at regular intervals of at least once each week, except that from any place which has solid waste from which foul odors arise, or which is a menace to public health, such solid waste shall be collected at such intervals as necessary for proper sanitation. For the purpose of this chapter, any dwelling unit which is occupied more than four days per month, shall be considered to produce solid waste. Nothing in this chapter shall be deemed to prohibit the removal and hauling by any person of materials ordered by any town official to be removed upon the ground that the same constitute a health menace, fire hazard, or public nuisance. Solid waste shall be collected as

provided by this chapter at regular intervals on a schedule established by the authorized collector. (Ord. 711 (part), 2021; Ord. 526 §1(part), 1994).

6.12.190 Contract. The town may, after a duly noticed public hearing, with or without having invited bids therefor, enter into a contract with any responsible person, firm or corporation for the collection, removal, or disposal of solid waste accumulated within the town, on such terms as deemed appropriate by the town. Where such a contract has heretofore been or hereafter is entered into between town and a contractor for the collection, removal and disposal of solid waste, and said contractor shall have satisfactorily performed such contract, town may, after a duly noticed public hearing, without inviting bids or proposals therefor, either prior to or after the expiration of such contract, extend or renew the same for such a period and on such terms and conditions as the town shall deem appropriate. (Ord. 711 (part), 2021; Ord. 526 §1(part), 1994).

6.12.200 Exclusive right. An award of such contract shall confer upon the person or entity to whom the contract is awarded the exclusive right as authorized collector hereunder, during the term of the contract, to collect, transport and dispose of all solid waste collected within the town. All provisions of this chapter applicable to the authorized collector shall constitute and be a part of any contract awarded hereunder; provided, however, that such exclusive right shall not mean that independent hauling service for occasional construction and temporary cleanup purposes cannot be provided by persons other than the designated authorized collector. (Ord. 711 (part), 2021; Ord. 526 §1(part), 1994).

6.12.210 Authorized Collector Requirements.

A. As a condition of approval of a contract with the town, the authorized collector shall:

1. Through written notice to the town annually on or before January 1, 2022, identify the facilities to which they will transport organic materials including facilities for source separated recyclable materials and source separated organic materials.
2. Transport source separated recyclable materials and source separated organic materials to a facility, operation, activity, or property that recovers organic materials as defined in 14 CCR, Division 7, Chapter 12, Article 2 and provide service in compliance with Article 3.
3. Obtain approval from the town to haul organic materials, unless it is transporting source separated organic materials to a community composting site or lawfully transporting construction and demolition debris in a manner that complies with 14 CCR Section 18989.1.

B. The authorized collector shall provide collection containers to residential and commercial generators in conformance with the color and labeling requirements set forth in CCR Section 18784.7 and Section 18784.8 or as otherwise specified in the collection contract.

C. The town shall be entitled to impose a franchise fee payable by the authorized collector to the town, which shall be included in the contract.

D. The contract shall provide for the authorized contractor's indemnity of the town to the fullest extent permitted by law, and provide for insurance and bonding as determined appropriate by the town. (Ord. 711 (part), 2021; Ord. 526 §1(part), 1994).

6.12.220 Inspections. The town manager is authorized to conduct any inspections, remote monitoring, or other investigations as reasonably necessary to further the goals of this chapter, subject to applicable laws. This may include inspections and investigations, at random or otherwise, of any collection container, collection vehicle load, or transfer, processing, or disposal facility to confirm compliance with this chapter, subject to applicable laws. (Ord. 711 (part), 2021).

6.12.230 Violations and penalties.

A. A violation of any provision of this chapter shall constitute an infraction and shall be subject to penalty in accordance with chapter 1.04, and shall be deemed a nuisance subject to abatement pursuant to any of the remedies specified in chapter 9.04. In addition, violations shall be subject to administrative penalty as provided under chapter 9.70. A violation may be punishable by:

1. A fine not exceeding one hundred dollars for a first violation;
2. A fine not exceeding two hundred dollars for a second violation of the same provision of this code within any twelve consecutive month period;
3. A fine not exceeding five hundred dollars for each additional violation of the same provision of this code within any twelve consecutive-month period.

B. Nothing in this section shall be deemed to be a limitation on any remedy that may be available to the town to correct a violation. (Ord. 711 (part), 2021; Ord. 526 §1(part), 1994).