

Public Comment

Ramirez, Angelica

From: C. Dave G <cdg55@earthlink.net>
Sent: Friday, February 11, 2022 12:56 PM
To: sbcob
Cc: Dave G
Subject: Please Pull and Further Amend, prior to Adoption, Agenda Item A-13, File # 22-00033
 RE: Consider the adoption (Second Reading) of an Ordinance amending Chapter 17 of the Santa Barbara County Code, Solid Waste Services, meeting date February 15, 2022.
Attachments: Please Pull Agenda Item A-13, Public Works Department, File # 22-00033 meeting date 2 15 22.pdf



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Please distribute to the Board of Supervisors my attached written response requesting that Agenda Item A-13 (File # 22-00033) be **Pulled from the Calendar and Further Amended** prior to its adoption. Agenda Item A-13 is the Second Reading to Consider recommendations regarding an amendment of Chapter 17 of the County Code to Comply with State Law SB 1383 Regarding the Diversion and Recycling of Organic Waste, meeting date February 15, 2022.

My name is C. Dave Gaughen, email address of cdg55@earthlink.net, and phone number of (805) 275-6457.

Thank you,

C. Dave Gaughen

C. DAVE GAUGHEN
c/o BARBARA GAUGHEN-MULLER
437 Via Roma
Santa Barbara, CA 93110
Telephone: (805) 275 – 6457
Email: cdg55@earthlink.net

February 11, 2022

To: The Board of Supervisors
105 E. Anapamu St.
Santa Barbara, CA 93101

Subj: **Please Pull and Further Amend**, prior to Adoption, Agenda Item **A-13**, File # 22-00033 RE:
Consider the adoption (Second Reading) of an Ordinance amending Chapter 17 of the Santa
Barbara County Code, Solid Waste Services, meeting February 15, 2022.

- ATCH. (1) C. Dave Gaughen’s written Public Comment dated January 31, 2022 Subj: Concerns
Regarding Agenda Item 2, Public Works Department, File # 22-00033, Title “HEARING –
Consider recommendations regarding an amendment of Chapter 17 of the County Code to
Comply with State Law SB 1383 Regarding the Diversion and Recycling of Organic
Waste,” meeting date February 01, 2022 (3 pages).
- (2) City of Santa Barbara Ordinance NO. 6050 Regarding the Diversion and Recycling of
Organic Waste (15 pages).
- (3) City of Goleta Ordinance NO. 22-01 Regarding the Diversion and Recycling of Organic
Waste (33 pages).

Dear Board of Supervisors:

RECOMMENDATIONS

Please Pull Agenda Item A- 13 from the Consent Agenda to be read separately on the Administrative
Agenda and subsequently pulled from the calendar to further amend prior to its adoption.

Recommended additions are presented as follows:

1) Please add the sentence presented in ***bold italics***, or an equivalent sentence, to Sec. 17-31. “Civil action
by authorized recycling contractor” to read as follows:

“Nothing in this chapter shall be deemed to limit the right of an Authorized Recycling Contractor to bring
a civil action against any person who violates Section 17-29 of this Code, nor shall a conviction for such
violation exempt any person from a civil action brought by an Authorized Recycling Contractor. ***Under
no circumstance shall an authorized recycling contractor and/or its designated entity bring civil action
against the Responsible Party of a Single-Family Residential, Solid Waste generator that subscribes to
the County’s Regular Solid Waste Handling Services for all Solid Waste generated.***”

2) Please add the sentence presented in ***bold italics***, or an equivalent sentence, to Sec. 17-91.
“Requirements for Single-Family Generators” to read as follows:

“Single-Family Organic Waste Generators shall comply with the following requirements except Single-
Family generators that meet the Self-Hauler requirements in 17-94(d) of this ordinance:

(a) Shall subscribe to County's Organic Waste collection services for all Organic Waste generated. County shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Single-Family generators shall adjust their service level for their collection services as requested by the County. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c). ***Under no circumstance, pursuant to articles II, VI and VII of this chapter, shall the County and/or its designated entity bring civil or criminal action against the Responsible Party of a Single-Family Residential, Organic Waste Generator that subscribes to the County's Organic Waste collection services for all Organic Waste generated.***

3) Please add the words presented in ***bold italics***, or equivalent words, to Sec. 17-10. "Unlawful acts" subsection (i) to read as follows:

(i) Place, or allowed to be placed, animal carcass in a Container ***excluding mice, rats, and other small animals and varmint of a similar size;***

BACKGROUND AND DISCUSSION

On January 31, 2022, I submitted my written public comments to the Board of Supervisors as presented in Attachment 1.

On January 11, 2022, the City of Santa Barbara adopted a "bare minimum" Organics Ordinance, Ordinance Number 6050 as presented in Attachment 2.

On January 18, 2022, the City of Goleta adopted a moderately punitive Organics Ordinance, Ordinance Number 22-01 as presented in Attachment 3.

Additionally, I have been in contact with the Collection and Materials Manager, Santa Barbara County Resource Recovery & Waste Management Division, and have expressed my concerns including suggested recommendations for further amending the County of Santa Barbara's draft amendments to Chapter 17 of the Santa Barbara County Code, Solid Waste Services. In short, she has assured me that residents who subscribe to regular trash collection service will not be subject to any fines. However, I would feel considerably more comfortable if these words, as suggested in Recommendations 1 – 3 above, were included in the adopted Ordinance.

Respondent's Bio – Infrastructure Work & Testing of Environmentally Preferred Materials

16 years Civil Service, Research Chemist, Naval Facilities Engineering Service Center (NFESC) with more than 35 Navy Publications covering topics from "Survey of the Use of Ozone Depleting Substances (ODS) on the San Diego Naval Station (TM-2000-ENV), "Environmentally sound Alternatives to Hazardous Waste Disposal of Expired Shelf Life Paints (TM-2243-ENV), and others, with proposals and projects funded by such organizations as the Office of the Secretary of Defense and the Environmental Security Technology Certification Program (i.e., DoD's environmental technology demonstration and validation program).

Thank you for your time and consideration.

Respectfully, C. Dave Gaughen

ATTACHMENT 1

ATTACHMENT 1

C. DAVE GAUGHEN
c/o BARBARA GAUGHEN-MULLER
437 Via Roma
Santa Barbara, CA 93110
Telephone: (805) 275 – 6457
Email: cdg55@earthlink.net

January 31, 2022

To: The Board of Supervisors
105 E. Anapamu St.
Santa Barbara, CA 93101

Subj: Concerns Regarding Agenda Item 2, Public Works Department, File # 22-00033, Title
“HEARING - Consider recommendations regarding an amendment of Chapter 17 of the County
Code to Comply with State Law SB 1383 Regarding the Diversion and Recycling of Organic
Waste,” meeting date February 01, 2022 (hereinafter “Agenda Item 2”).

Ref. (1) Attachment A, Agenda Item 2, Chapter 17 Main Body With SB 1383 Ordinance Clean Copy
of “ORDINANCE NO. ___ AN ORDINANCE AMENDING CHAPTER 17, SOLID WASTE
SERVICES, OF THE SANTA BARBARA COUNTY CODE.”

Dear Board of Supervisors:

RECOMMENDATION

Please amend the subject ordinance to be significantly less punitive for residential customers.

BACKGROUND AND DISCUSSION

Privacy & Security Concerns – Unannounced Inspections of Exterior Refuse Containers on Private Property

Reference 1, Page 48 reads in relevant part,

“Sec. 17-95. Inspections and investigations by County.

(a) County representatives and/or its designated entity, including Designees are authorized to conduct Inspections and investigations, at random or otherwise, of any Collection Container, Collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow the County to enter the interior of a private Residential property for Inspection. Regulated entity shall provide or arrange for access during all Inspections (with the exception of Residential property interiors) and shall cooperate with the County’s employee or its designated entity/Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this ordinance described herein. Failure to provide or arrange for: (i) access to an entity’s premises or (ii) access to records for any Inspection or investigation is a violation of this ordinance and may result in penalties described.”

In short, this section is problematic especially for: 1) Single and Multi-Family Residential Dwellings that keep their exterior refuse containers on private property behind fenced areas with locked gates (i.e., in an attempt to prevent theft of tangible personal property and vandalism – plus, don't forget about pet owners with pets such as large dogs behind locked gates), and 2) Failure to provide or arrange for: (i) access to an entity's premises or is a violation of this ordinance and may result in penalties described.

Furthermore, most Marborg residential customers have no desire to authorize any County representative and/or its designated entity to randomly show up at their residential dwelling, trespass onto their private property, and inspect their refuse containers for the incorrect sorting of banana peels and other forms of organic waste. As such, scheduled inspections are preferred over at-random inspections, and curbside inspections on the day of refuse pick-up are even more preferable for residential customs amidst the highly likely event that County-wide compliance (i.e., 75 % reduction of 2014 levels by 2025) may in fact occur simply by voluntary participation by residential customers.

Residential Organic Waste Recycling should be Fun and Voluntary and Not a Civil or Criminal Offense:
Article VI. Enforcement and Penalties

Reference 1, Page 12 presents the following two definitions.

“Organic Waste Generator” means 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).

"Person" means every natural person, firm, partnership, association or corporation.

Reference 1, Page 35 reads in relevant part.

“Sec. 17-81. Civil remedies and penalties.

(a) Any person, whether acting as principal, agent, employee, or otherwise who willfully violates any provision of this chapter, shall be liable for civil penalties **not to exceed twenty-five thousand dollars for each day the violation continues to exist.**

(b) Any person, whether as principal agent, employee, or otherwise, who willfully violates any provision of this chapter, shall further be liable to the County of Santa Barbara for the cost incurred and the damages suffered by the County, its agents and agencies as a result of such violations.

(c) In determining the amount of the civil penalties to impose, the court shall consider all relevant circumstances, including but not limited to revenue or other monetary expenses or losses suffered by the County, the extent of the harm caused by the conduct constituting a violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the assets, liabilities, and the net worth of the violator, whether corporate or individual, and any corrective action taken by the defendant.”

Reference 1, Page 36 reads in relevant part as follows:

“Sec. 17-82. Criminal actions and penalties.

(a) Any person, firm or corporation, whether as principal, agent, employee or otherwise, who violates any provision of this chapter, shall be guilty of an infraction and upon conviction thereof, **shall be punished 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 within one year; and (3) a fine not exceeding five hundred dollars for each additional violation of the same provision within one year.**

(b) Any such infraction may, at the discretion of the district attorney, be filed as a misdemeanor if the defendant has been convicted of two or more violations of any of the provisions of this chapter within the twelvemonth period immediately preceding the commission of the offense, or has been convicted of three or more violations of any of the provisions of this chapter within the twenty-four-month period immediately preceding the commission of the offense. **Upon conviction of a misdemeanor, the punishment shall be a fine of not less than five hundred dollars, nor more than twenty-five thousand dollars, or imprisonment in the County jail for a period not to exceed sixty days, or by both such fine and imprisonment,** except that where such prior convictions are alleged in the accusatory pleading, and either admitted by the defendant in open court, or found to be true by the jury trying the issue of guilt, or by the court where guilt is established by pleas of guilty, or nolo contendere, or by trial by the court sitting without a jury, the punishment shall be a fine of no less than one thousand dollars, nor more than twenty-five thousand dollars, or by imprisonment in the County jail for a period not to exceed six months, or by both such fine and imprisonment.”

In short, the above penalties and fines defy all forms of common sense and appear to apply to residential customers. As a minimum regarding residential customers, compliance should begin and continue as “voluntary” without fines or penalties until the County has determine if it has met the organic waste diverted requirements of SB 1383 which are “75 % reduction of 2014 levels by 2025.”

Thresholds for Residential Non-Compliance

Due to time constraints, I was unable to determine if a weight percent threshold (or a minimum weight) was established and presented in Reference 1 for residential customers. For example, a minimum residential threshold for non-compliance could simply be the weight of a ten pound bag of potatoes. As such, the ordinance could read “residential compliance occurs when less than ten pounds of organic wastes is improperly sorted.”

Respondent’s Bio – Infrastructure Work & Testing of Environmentally Preferred Materials

16 years Civil Service, Research Chemist, Naval Facilities Engineering Service Center (NFESC) with more than 35 Navy Publications covering topics from “Survey of the Use of Ozone Depleting Substances (ODS) on the San Diego Naval Station (TM-2000-ENV), “Environmentally sound Alternatives to Hazardous Waste Disposal of Expired Shelf Life Paints (TM-2243-ENV), and others, with proposals and projects funded by such organizations as the Office of the Secretary of Defense and the Environmental Security Technology Certification Program (i.e., DoD’s environmental technology demonstration and validation program).

Thank you for your time and consideration.

Respectfully, C. Dave Gaughen

ATTACHMENT 2

ATTACHMENT 2

ORDINANCE NO. 6050

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA AMENDING THE MUNICIPAL CODE
BY ADDING A NEW CHAPTER 7.16 PERTAINING TO
SOLID WASTE MANAGEMENT AND BY REPEALING
CHAPTER 7.16 GARBAGE AND REFUSE COLLECTION

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS
FOLLOWS:

SECTION 1. Title 7 of the Santa Barbara Municipal Code is amended by adding
a new Chapter 7.16, which reads as follows:

Chapter 7.16 Solid Waste Management

7.16.010 Purpose and Findings

7.16.020 Definitions

7.16.030 Mandatory Use of City Waste Management and Resource Recovery System

7.16.040 General Provisions and Prohibitions Relating to Containers

7.16.050 Miscellaneous Unlawful Activities

7.16.060 Single-Family Residential Requirements

7.16.070 Multi-Family Residential Requirements

7.16.080 Commercial Business Requirements

7.16.090 Commercial Edible Food Generator Requirements

7.16.100 Food Recovery Organization and Service Requirements

7.16.110 Hauler and Facility Operator Requirements

7.16.120 Sustainable Purchasing and Procurement Policy

7.16.130 Waivers

7.16.140 Enforcement and Inspections

7.16.010 Purpose and Findings.

A. The storage, accumulation, collection, and disposal of solid waste is a matter of great public concern. Improper control of solid waste leads to air pollution, fire hazards, illegal dumping, insect breeding, rat infestation, and other public nuisances affecting the health, welfare and safety of the residents of the City of Santa Barbara.

B. Mandatory periodic collection of solid waste, including garbage, rubbish and other refuse, recyclable materials, and organic materials from all residences and places of business in the City benefits all owners and occupants of property within the City. Waste stream reduction through diversion of recyclable and organic materials is an essential component of the City's Solid Waste Management Program.

C. This Chapter is adopted pursuant to the Santa Barbara City Charter, California Constitution Article XI, Sections 5 and 7, and Division 30 of the California Public Resources Code.

D. This Chapter is also intended to implement State laws governing solid waste disposal, reduction, and recycling in a manner appropriate to the local conditions and circumstances of the City and the region. The laws implemented by this Chapter include:

1. The California Integrated Waste Management Act of 1989 (California Public Resources Code Division 30, Sections 40000, et seq.), requires cities and counties to reduce, reuse, and recycle (including composting) solid waste generated within their jurisdictions to the maximum extent feasible before any incineration or landfill disposal, to conserve water, energy, and other natural resources, and to protect the environment.

2. Assembly Bill 341 of 2011 (2011 Statutes, Chapter 476) amended the Integrated Waste Management Act to place requirements on businesses and multi-family property owners that generate a specified threshold amount of solid waste to arrange for recycling services, and requires cities and counties to implement a mandatory commercial recycling program.

3. Assembly Bill 1826 of 2014 (2014 Statutes, Chapter 727) amended the Integrated Waste Management Act to require businesses and multi-family property owners that generate specified threshold amounts of solid waste, recycling, and organic waste to arrange for recycling services, and requires cities and counties to implement a mandatory commercial organics recycling program.

4. SB 1383 of 2016 (2016 Statutes, Chapter 395) required issuance of regulations to reduce organics in landfills, achieve organic waste reduction targets, encourage organic waste recycling, and reduce food insecurity by requiring commercial edible food generators to arrange to have the maximum amount of their edible food, that would otherwise be disposed of, be recovered for human consumption.

7.16.020 Definitions.

A. The definitions in California Code of Regulations Title 14, Section 18982, as amended from time to time, govern the interpretation of this Chapter. The term "jurisdiction" as used in those definitions means the City for the purposes of this Chapter.

B. In addition to Subsection A, the following definitions govern the interpretation of this Chapter:

1. **BROWN CONTAINER.** Includes brown or black containers for the collection of mixed solid waste.

2. **CALRECYCLE.** The California Department of Resources Recycling and Recovery.

3. **COMMERCIAL BIN.** A large capacity container designed to provide service to a commercial business or multi-family residential dwelling. Commercial bins are commonly referred to as dumpsters or roll-offs.

4. **COMPOSTABLE PLASTIC.** Plastic material that meets the ASTM D6400 standard for compostability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).

5. **C&D.** Construction and demolition debris.

6. **DESIGNATED HAULER.** A person that the City has authorized to collect, haul, and dispose of solid waste within the City under a franchise or other contract and to whom the City delegates responsibilities under this Chapter as authorized in

California Code of Regulations Title 14, Section 18981.2. Designated hauler is a designee as defined in California Code of Regulations, Title 14, Section 18982.

7. DEPARTMENT. The City's Sustainability and Resilience Department.

8. DIRECTOR. The Sustainability and Resilience Director or any employee of the Department to whom the Director has delegated responsibility for administration of this Chapter.

9. ENFORCEMENT ACTION. Action undertaken by the City to address non-compliance with this Chapter including, but not limited to, actions undertaken pursuant to Chapters 1.25 and 1.28 of this Code.

10. ENFORCEMENT OFFICIAL. The Sustainability and Resilience Director or any employee of the Sustainability and Resilience Department to whom the Director has delegated responsibility for enforcement of this Chapter. An enforcement official is a code enforcement officer as described in California Penal Code Section 829.5.

11. EXCLUDED WASTE. Hazardous substances, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that a facility operator receiving materials from the City or a designated hauler, reasonably believes would, as a result of acceptance, transfer, processing, or disposal, be a violation of local, state, or federal law, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that would present a significant risk to human health or the environment, cause a public nuisance, or otherwise expose the facility operator to potential liability; but excluding de minimis volumes or concentrations of waste of a type and amount normally found in single-family or multi-family solid waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code.

12. FOOD SCRAPS. All food and food products that are spoiled, left over, or otherwise set aside for purposes of later disposal, excluding fats, oils, and grease when such materials are source separated from other food scraps.

13. FOOD-SOILED PAPER. Items made of compostable paper that have come in contact with food or liquid.

14. FOOD WASTE. Food scraps, food-soiled paper, and compostable plastics.

15. FRANCHISE WASTE HAULER. A person having a valid franchise for solid waste collection service issued under Article XIV of the City Charter and Section 7.16.030, Subsection C of this Chapter.

16. MIXED WASTE ORGANIC COLLECTION STREAM OR MIXED WASTE. Organic waste collected in a container that is required by California Code of Regulations, Title 14, Sections 18984.1, 18984.2 or 18984.3 to be taken to a high diversion organic waste processing facility or as otherwise defined in California Code of Regulations, Title 14, Section 17402(a)(11.5).

17. MULTI-FAMILY RESIDENTIAL DWELLING OR MULTI-FAMILY. Of, from, or pertaining to residential premises with five or more dwelling units. Multi-Family

premises do not include commercial businesses such as hotels, motels, or other transient occupancy facilities.

18. OWNER. Owner includes an owners' association for a common interest development.

19. PERSON. An individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

20. PROHIBITED CONTAINER CONTAMINANTS. In addition to the definition under Subsection A, any of the following:

a. Discarded materials placed in a blue container that are not source separated recyclable material;

b. Discarded materials placed in a green container that are not source separated green container organic waste;

c. Discarded materials placed in a brown container that are acceptable for placement in a blue container or a green container;

d. Excluded waste placed in any container.

21. REGIONAL AGENCY. A regional agency as defined in California Public Resources Code Section 40181.

22. REMOTE MONITORING. The use of electronic devices to visualize the contents of containers for purposes of identifying the nature or quantity of materials, including the presence of prohibited container contaminants.

23. SINGLE-FAMILY. Of, from, or pertaining to any residential premises with fewer than five dwelling units.

24. SOLID WASTE, As defined in State Public Resources Code Section 40191.

25. SOURCE SEPARATED. Materials, including commingled recyclable materials, that have been separated or kept separate from the solid waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in California Code of Regulations, Title 14, Section 17402.5(b)(4). Source separated includes separation of materials by the generator, property owner, property manager, tenant, or employee of a generator, owner, manager, or tenant into different containers for the purpose of collection such that source separated materials are separated from mixed waste or other solid waste for the purposes of collection and processing.

7.16.030 Mandatory Use of City Waste Management and Resource Recovery System.

A. Collection of solid waste, organic waste, and source separated recyclable materials by a franchised waste hauler is mandatory for all parcels and business premises within the City. The owner of an occupied parcel or business premises, or parcel on which solid waste, organic waste, or recyclable materials is created, accumulated, or generated shall subscribe to and maintain adequate collection service by a franchised waste hauler. The minimum service level is one service pickup per week, provided, however that the

Director may determine that a more frequent level of service is required for a parcel or business premises.

B. The City Council may establish fees for solid waste collection and services and may provide for payment and collection of the fees through a unified billing system that includes fees imposed for City water and sewer service.

C. The City Council has the exclusive power and authority to award, grant, or issue any franchise under this Chapter. Franchises may be exclusive or semi-exclusive as determined by the City Council. Franchises may be issued with or without competitive bidding upon terms and conditions determined by the City Council. The City Council may issue separate franchises for excluded waste.

D. The City Council may issue exclusive or semi-exclusive permits for special collection services that are not provided by a franchise waste hauler, including but not limited to collection of excluded waste and edible food.

E. A franchise waste hauler shall provide, replace, and maintain sufficient and appropriately sized containers for solid waste, source separated organic waste, and source separated recyclable materials, to each parcel or business premises served as part of the franchisee's service according to the requirements established Chapter for each waste generator classification. The required containers are:

1. A blue container for storage and collection of source separated recyclable materials;
2. A green container for storage and collection of source separated green container organic waste;
3. A brown or black container for the storage and collection of mixed waste;
4. A yellow container for storage and collection of source separated food waste.

F. An owner of a parcel or business premises may assign responsibility under Subsection A of this Section to a tenant during the term of a tenancy pursuant to a written rental agreement. Also, an owner by written agreement may assign responsibility under Subsection A to a person or entity providing property management or similar services with respect to a parcel or business premises.

G. It is unlawful for any person to self-haul, engage in the business of hauling, or enter into any agreement for the collection of solid waste, organic waste, or recyclable material with any person who is not a franchise waste hauler, except as follows:

1. The collection and removal of grass clippings and shrubbery by individual residents and by individuals doing business as professional landscapers, when the collection is directly related to work done on the property from which the clippings and shrubbery are collected or removed.
2. The collection and disposal of liquid and industrial waste in accordance with Title 16 of this Code.
3. Any unscheduled collection regulated pursuant to Chapter 7.18 of this Code.
4. The collection and disposal of excluded waste by a person issued a permit under Subsection D of this Section.

5. The collection of edible food by a food recovery service or food recovery organization.

6. The use of garbage disposal devices authorized by the Uniform Plumbing Code.

7. Periodic transport and disposal at an authorized landfill or transfer station of solid waste generated on or in connection with use of a parcel by an owner or tenant of the parcel.

8. Periodic transport to an authorized recyclable material collection or composting facility of recyclable or organic materials generated on or in connection with the use of a parcel by an owner or tenant of the parcel.

9. Community clean-up events, trash removal from public places or places open to the public, or clean-up or code enforcement work performed by City employees or contractors on public or private property.

7.16.040 General Provisions and Prohibitions Relating to Containers.

A. The owner or occupant of a parcel is responsible for placing collection containers provided by the franchise waste hauler at the curb or in the parkway no sooner than 24 hours prior to the normal collection time established according to the schedule set by the Franchise Waste Hauler. This provision does not apply to parcels for which collection is provided through commercial bins.

B. Containers must not be placed in a manner that impedes normal vehicular or pedestrian traffic, public transportation, or access for persons with disabilities.

C. Containers must be relocated to a lawful storage location on the parcel within 12 hours after collection.

D. The occupant of a parcel served by one or more commercial bins shall make the bins accessible to Franchise Waste Hauler on designated collection days established according to the schedule set by the Franchise Waste Hauler.

Storage locations on all parcels must comply with the Trash and Recycle Enclosure Design Guides adopted pursuant to Section 30.140.240 of this Code.

E. Containers and commercial bins must:

1. Be equipped with a lid that completely covers the opening and must be kept tightly closed so as to keep out insects and rodents.

2. Contain all solid waste and recyclable and organic material within the appropriate container or commercial bin.

3. Be used solely for the temporary placement of solid waste or recyclable or organic material for regular collection by the Franchise Waste Hauler.

F. Containers and commercial bins shall be maintained by the owner or occupant of the parcel or premises, in a safe, clean, working, and sanitary condition, and kept free of graffiti or other markings (except markings designating the property address associated with the container or commercial bin) and with all labels clearly visible and legible.

G. All containers or commercial bins for each account shall be plainly marked on the front with either unit identification number/letter, business name, address, or otherwise to clearly identify the authorized user. The Franchise Waste Hauler has primary responsibility for marking each container or bin.

H. It is unlawful for a person to place solid waste in any container other than in the container designated for collection for the particular type of solid waste under this Chapter.

I. It is unlawful for any person to place hazardous waste, medical waste, or other prohibited items in a container designated for solid waste or recyclable or organic material.

J. A Franchise Waste Hauler shall assist and cooperate with the City in the development and implementation of a remote monitoring program for inspection of the contents of containers for prohibited container contaminants. If a remote monitoring program is established, the Franchise Waste Hauler is responsible for providing containers that meet program requirements.

7.16.050 Miscellaneous Unlawful Activities.

A. It is unlawful to engage in the business of collecting, transporting, disposing, storing, transferring, sorting, or recycling of solid waste, organic waste, or recyclable material except pursuant to a franchise or other permit issued by the City Council under this Chapter, except for unscheduled collections in accordance with a permit issued under Chapter 7.18 of this Code.

B. It is unlawful for any person to deposit, dump, discard, leave or otherwise dispose of solid waste, organic waste, excluded waste, or recyclable material upon any public sidewalk, parkway, street, alley, park, creek, beach, or other public property within the City, except within a receptacle designed and designated for such purpose.

C. It is unlawful for an owner or occupant of any parcel to accumulate or allow accumulation of solid waste, organic waste, excluded waste, or recyclable material on a park strip or sidewalk along any side or frontage of the parcel.

D. It is unlawful for any person or entity to place solid waste, organic waste, excluded waste, or recyclable material generated from a parcel or business of that person or entity in, on, or next to any public containers placed on any public sidewalk, public right-of-way, open space, beach, park, or other public place.

E. It is unlawful for any person to dump, bury, burn, incinerate or otherwise dispose of, store, or accumulate any solid waste, organic waste, excluded waste, or recyclable material on a parcel except as provided in this Chapter. Nothing in this Subsection prohibits composting of organic material in accordance with state and local laws and regulations governing composting.

F. It is unlawful for any person to interfere with the performance of waste collection services by an employee or independent contractor of a Franchise Waste Hauler.

G. It is unlawful for any person, other than the owner or tenant, or an agent or employee of an owner or tenant of the parcel or business premises, or a person operating under a franchise or permit issued pursuant to this Chapter, to:

1. Tamper or meddle with, or remove the contents from any container or commercial bin for the collection of solid waste, organic waste, or recyclable material located on a parcel that the person does not own or lawfully possess.

2. Remove, or tamper or meddle with any solid waste, organic waste, or recyclable material from any container or commercial bin that the person does not own

or lawfully possess set out on any sidewalk, street, parkway, or other public right-of-way for collection of solid waste or recyclable or organic material by a Franchise Waste Hauler.

3. Remove, dump, damage, or interfere with any container placed for collection.

H. It is unlawful for any person other than a City employee or contractor to destroy, damage, move, tamper with, or remove the contents from any container installed on any City sidewalk, parkway, plaza, paseo, or other City property for the collection of solid waste or recyclable material.

7.16.060 Single-Family Residential Requirements.

A. Single-family waste generators must subscribe to the collection services provided by a Franchise Waste Hauler for solid waste, source separated organic waste, and source separated recycled material as provided in Section 7.16.030.

B. The number and size of a generator's containers for a parcel shall be adequate to accommodate the solid waste, organic waste, and recyclable material generated at the parcel, but not less than the minimum size and number provided by the Franchise Waste Hauler. The Director may evaluate the adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials and may require a single-family waste generator to adjust the service level for the parcel.

C. Single-family waste generators may also manage their organic waste by preventing, reducing, or managing organic waste on site, including composting on site or at a community composting site pursuant to California Code of Regulations Title 14, Section 18984.9(c).

D. Single-family waste generators shall place source separated green container organic waste, except food waste, in the green container; source separated recyclable materials in the blue container; and mixed waste, including food waste, in the brown container. Materials designated for green or blue containers are prohibited in brown containers.

7.16.070 Multi-Family Residential Requirements.

A. Multi-family residential waste generators must subscribe to the collection services provided by a Franchise Waste Hauler for solid waste, source separated organic waste, and source separated recycled material as provided in Section 7.16.030.

B. The number and size of containers for a multi-family residential parcel shall be adequate to accommodate the solid waste, organic waste, and recyclable material generated at the parcel, but not less than the minimum size and number provided by the Franchise Waste Hauler. The City may evaluate the adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials and may require a multi-family waste generator to adjust the service level for the parcel.

C. Multi-family residential waste generators shall place source separated green container organic waste, except food waste, in the green container; source separated recyclable materials in the blue container; and mixed waste, including food

waste, in the brown container. Materials designated for green or blue containers are prohibited in brown containers.

D. The owner of a multi-family residential premises is required to provide educational information to new residential occupants before or within 14 days of occupancy of the premises that describes requirements to keep source separated green container organic waste and source separated recyclable materials separate from mixed waste and the location of containers and the rules governing their use. The owner is required to post signs on or adjacent to containers used in common by residents of the premises describing the permitted and prohibited material for each container under this Chapter. The owner shall provide records of compliance with this Subsection upon demand of the Enforcement Official.

E. An owner of a multi-family residential premises shall provide reasonable access to the Enforcement Official for inspection of containers and the container storage area.

F. Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing organic waste on site, or using a community composting site pursuant to California Code of Regulations Title 14, Section 18984.9(c).

7.16.080 Commercial Business Requirements.

A. Commercial businesses must subscribe to the collection services provided by a Franchise Waste Hauler for solid waste, source separated organic waste, and source separated recycled material, and when applicable, source separated food waste, as provided in Section 7.16.030. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators, shall also comply with Food Recovery requirements under Section 7.16.090. The provisions of this Section are not applicable to Multi-Family Residential Premises, which are subject to the requirements under Section 7.16.080.

B. The number and size of containers for a commercial business shall be adequate to accommodate the solid waste, organic waste, recyclable material, and food waste generated at the parcel, but not less than the minimum size and number provided by the Franchise Waste Hauler. The Director may evaluate the adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials and may require a commercial business to adjust the service level for the business premises.

C. Commercial businesses shall place source separated green container organic waste, except food waste, in the green container; source separated recyclable materials in the blue container; source separated food waste in the yellow container; and mixed waste, including incidental food waste, in the brown container. Materials designated for green, blue, or yellow containers are prohibited in brown containers.

D. Commercial business owners shall provide and allow convenient access to an adequate number of appropriately sized and located blue, green, yellow, and brown containers appropriate for the business activities conducted on the premises for use of employees, tenants, customers, and business invitees. Blue, green, or yellow containers need not be provided in restrooms. If a commercial business does not generate any of the materials that would be collected in one type of container, then the business is not

required to provide that particular container in all areas where disposal containers are provided for customers or business invitees.

E. Containers provided by a commercial business shall have either:

1. A body or lid that conforms with the container colors provided through the collection service provided by jurisdiction, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements; or

2. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container.

A commercial business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the Subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

F. Commercial businesses shall:

1. Prohibit their employees from placing organic waste in a container not designated to receive organic waste as set forth in Sections 18984.1(a)(5) and 18984.2(c) of the California Code of Regulations, Title 14.

2. Periodically inspect organic waste containers for contamination and inform employees if containers are contaminated and of the requirement to only use those containers for organic waste.

3. Post signs on or adjacent to containers used by employees, customers, and business invitees describing the permitted and prohibited material for each container under this Chapter. The owner shall provide records of compliance with this Subsection upon demand of the Enforcement Official.

4. Provide educational information before or within 14 days of occupancy of the premises to new occupants that describes requirements of this Section and the location of containers and the rules governing their use at each property.

5. Provide reasonable access to the Enforcement Official during business hours for inspections of containers, the container storage area, and required postings.

G. Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing organic waste on site, or using a community composting site pursuant to California Code of Regulations Title 14, Section 18984.9(c).

7.16.090 Commercial Edible Food Generator Requirements.

A. Tier One commercial edible food generators must comply with the requirements of this Section commencing January 1, 2022. Tier Two commercial edible food generators must comply with the requirements of this Section commencing January 1, 2024.

B. Large venue or large event operators not providing food services, but allowing for food to be provided by others, must 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 must comply with each of the following requirements:

1. Establish written operational procedures to recover the maximum amount of edible food that would otherwise be disposed. The procedures must prohibit intentional spoiling or disposal of edible food that is capable of recovery by a food recovery organization or food recovery service.

2. Arrange with one or more food recovery organizations or food recovery services, through a binding written agreement, for:

a. The collection of edible food for food recovery; or

b. Acceptance of the edible food that is self-hauled to the organization or service for food recovery.

3. Provide reasonable access to the Enforcement Official during business hours for inspections and review records.

4. Keep records as follows or as otherwise required by California Code of Regulations, Title 14, Section 18991.4:

a. A list of each food recovery organization or food recovery service used by the generator for recovery of eligible food including:

(1) The name, address and contact information of each organization or service.

(2) The types of edible food that will be collected by or self-hauled to each organization or service.

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

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

b. A copy of all written agreements established under paragraph 2 of this Subsection.

5. File an annual report with the Enforcement Official containing the information required by paragraph 4.a. of this Subsection. The report must be filed no later than July 1, 2022 for Tier One commercial edible food generators and July 1, 2024 for Tier Two commercial edible food generators, and each July 1 thereafter. The Enforcement Official may establish a form for the report required by this paragraph.

D. Nothing in this Section is intended 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 under Article 13 [commencing with Section 49580] of Chapter 9 of Part 27 of Division 4 of Title 2 of the California Education Code or Section 114079 of the California Health and Safety Code, relating to food safety, as amended from time to time.

7.16.100 Food Recovery Organization and Service Requirements.

A. A food recovery service collecting or receiving edible food under written agreement with a commercial edible food generator shall maintain the following records:

1. The name, address, and contact information for each commercial edible food generator.

2. The monthly quantity in pounds, of edible food collected from each commercial edible food generator.

3. The monthly quantity in pounds, of edible food delivered by the food recovery service to each food recovery organization.

4. The name, address, and contact information for each food recovery organization that receives edible food from the food recovery service.

5. Other information required by California Code of Regulations, Title 14, Section 18991.5(a)(1).

B. A food recovery organization collecting or receiving edible food under written agreement with a commercial edible food generator shall maintain the following records:

1. The name, address, and contact information for each commercial edible food generator.

2. The monthly quantity in pounds, of edible food received from each commercial edible food generator.

3. Other information required by California Code of Regulations, Title 14, Section 18991.5(a)(2).

C. A food recovery organization shall maintain a record of the name, address, and contact information for each food recovery service that delivers edible food to the organization.

D. Food recovery organizations and food recovery services shall inform generators about California and Federal Good Samaritan Food Donation Act protection in written communications, such as in their contract or agreement established under Title 14 California Code of Regulations Section 18991.3(b).

E. Food recovery organizations and food recovery services shall file an annual written report on or before July 1, 2022 of the total pounds of edible food recovered in the previous calendar year from the Tier One and Tier Two commercial edible food generators within the City. The first report shall be filed on or before July 1, 2022.

F. Within 60 days of a written request by the Department, food recovery organizations and food recovery organizations operating in the City shall provide information regarding existing, or proposed new or expanded, food recovery capacity.

7.16.110 Hauler and Facility Operator Requirements.

A. Within 60 days of a written request by the Department, owners of facilities, operations, and activities that recover organic waste, including, but not limited to, compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes.

B. Within 60 days of a written request by the Department, community composting operators shall provide information to support the City's organic waste capacity planning, including, but not limited to, an estimate of the amount of organic waste anticipated to be handled at the community composting operation.

7.16.120 Sustainable Purchasing and Procurement Policy.

City departments and direct service providers shall comply with the City's Sustainable Purchasing and Procurement Policy as adopted from time-to-time by City Council resolution.

7.16.130 Waivers.

A. The Enforcement Official may waive some or all of the requirements of Section 7.16.070 or 7.16.080 relating to source separation of organic waste as follows:

1. An application for a waiver has been submitted on a form approved by the Enforcement Official and an application processing fee in an amount established by City Council resolution has been paid.

2. The Enforcement Official determines, based on substantial evidence, that the organic waste generated from the commercial business or multi-family residence meets one of the following requirements:

a. The total solid waste collection service is two cubic yards or more per week and the organic waste subject to collection in a blue container or green container has a volume less than 20 gallons per week per applicable container.

b. The total solid waste collection service is less than two cubic yards per week and the organic waste subject to collection in a blue container or green container has a volume less than 10 gallons per week per applicable container.

3. The applicant shall agree to notify the Enforcement Official of any change in circumstances and to permit the Enforcement Official to conduct periodic inspections to determine whether the facts justifying the waiver continue to exist.

4. The waiver may be issued for a term not to exceed 5 years, subject to renewal upon submission of a new application. The Enforcement Official shall revoke a waiver upon a determination that the premises no longer meets the requirements for issuance of a waiver.

B. The Enforcement Official may waive some or all of the requirements of Sections 7.16.070 or 7.16.080, a determination based on evidence from Department 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 person subject to Section 7.16.070 or Section 7.16.080 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, yellow containers, and/or green containers including documentation from its hauler, licensed architect, or licensed engineer.

3. Provide written verification to the Department every five years that the property meets the eligibility requirements for a physical space waiver.

7.16.140 Enforcement and Inspections.

A. The Enforcement Official is responsible for enforcement and administration of this Chapter and any franchise approved by the City Council.

B. Violations of this Chapter are punishable as provided in Chapters 1.25 and 1.28 of this Code.

C. The Enforcement Official is authorized to conduct inspections, issue citations, and to obtain inspection warrants for enforcement of this Chapter.

SECTION 2. Title 7 of the Santa Barbara Municipal Code is amended by repealing current Chapter 7.16 – Garbage and Refuse Collection.

SECTION 3. Nothing in this Ordinance is intended to affect any enforcement action commenced under Chapter 7.16 before the effective date of this Ordinance. Any franchise, permit, or contract issued under Chapter 7.16 as it existed before the effective date of this Ordinance will continue in effect according to its terms, provided however, that the provision of Chapter 7.16 as adopted by this Ordinance shall apply to the full extent authorized by law.

ORDINANCE NO. 6050

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing ordinance was introduced on December 14, 2021 and adopted by the Council of the City of Santa Barbara at a meeting held on January 11, 2022, by the following roll call vote:

- AYES: Councilmembers Eric Friedman, Alejandra Gutierrez, Oscar Gutierrez, Meagan Harmon, Mike Jordan, Kristen W. Sneddon, Mayor Randy Rowse
- NOES: None
- ABSENT: None
- ABSTENTIONS: None

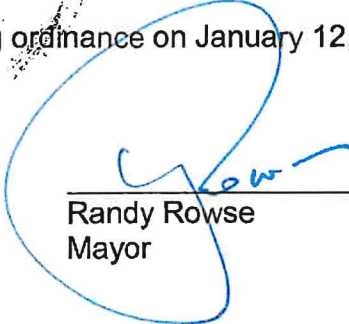
IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on January 12, 2022.





Sarah P. Gorman, MMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing ordinance on January 12, 2021.



Randy Rowse
Mayor

ATTACHMENT 3

ATTACHMENT 3

ORDINANCE NO. 22-01

AN ORDINANCE ADDING ARTICLE V. MANDATORY ORGANIC WASTE DISPOSAL REDUCTION ORDINANCE, SECTIONS 8.10.810 to 8.10.890 TO CHAPTER 8.10 OF THE GOLETA MUNICIPAL CODE AND AMENDING CERTAIN SECTIONS OF CHAPTER 8.10 REGARDING INTEGRATED WASTE MANAGEMENT FOR CONSISTENCY.

The City Council of the City of Goleta does ordain as follows:

SECTION 1: The City Council finds and declares as follows:

- A. State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) solid waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.
- B. State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and multifamily property owners that generate a specified threshold amount of solid waste to arrange for recycling services and requires the City to implement a mandatory commercial recycling program.
- C. State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and multifamily property owners that generate a specified threshold amount of solid waste, recycling, and organic waste per week to arrange for recycling services for that waste, requires the City to implement a recycling program to divert organic waste from businesses subject to the law, and requires the City to implement a mandatory commercial organics recycling

program.

- D. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including the City, residential households, commercial businesses and business owners, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services to support achievement of statewide organic waste disposal reduction targets.
- E. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires the City to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This Ordinance will also help reduce food insecurity by requiring commercial edible food generators to arrange to have the maximum amount of their edible food, that would otherwise be disposed, be recovered for human consumption.
- F. The requirements in this Ordinance are consistent with other adopted goals and policies of the City, such as trash pollution reduction goals referenced in the City's Creek and Watershed Management Plan, climate pollutant reduction and renewable energy goals outlined in the City's Strategic Energy plan.

SECTION 2: Article V, Mandatory Organics Waste Disposal Reduction Ordinance, Sections 8.10.810 to 8.10.890 are hereby added to Chapter 8.10 ("Integrated Waste Management") of the Goleta Municipal Code and shall read as follows:

"Article V. Mandatory Organics Waste Disposal Reduction Ordinance

8.10.810 Requirements for Single-Family Generators.

Single-family organic waste generators shall comply with the following requirements except for single-family generators that meet the self-hauler requirements in Section 8.10.870:

A. Generators shall subscribe to the City's organic waste collection services for all organic waste generated as described below in Subsection B. The City shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, a generator shall adjust its service level for its collection services as requested by the City. Generators may additionally manage their organic waste by preventing or reducing their organic waste, managing organic waste on site, and/or using a community composting site pursuant to 14 CCR Section 18984.9(c).

B. Generators shall participate in the City's organic waste collection services by placing designated materials in designated containers as follows:

1. Generators shall place source separated green container organic waste, except food waste, in the green container; source separated recyclable materials in the blue container; and mixed waste, including food waste, in the gray container. Generator shall not place materials designated for the green containers or blue containers in the gray containers.

2. Generators shall not place prohibited container contaminants in collection containers.

8.10.820 Requirements for Commercial Businesses.

Generators that are commercial businesses, including multifamily residential dwellings with five (5) or more dwelling units ("multifamily residential dwellings"), shall:

A. Subscribe to the City's three-container collection services and comply with requirements of those services as described below in Subsection B, except commercial businesses that meet the self-hauler requirements in Section 8.10.870. The City shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, commercial businesses shall adjust their service level for their collection services as requested by the City.

B. Except commercial businesses that meet the self-hauler requirements in Section 8.10.870, participate in the City organic waste collection services by placing designated materials in designated containers as follows:

1. Generator shall place source separated green container organic waste, except food waste, in the green container; source separated recyclable materials in the blue container; and mixed waste, including food waste, in the gray container.

2. Generator shall not place materials designated for the green containers or blue containers in the gray containers.

C. Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming with Subsections D.1 and D.2 below) for employees, contractors, tenants, and customers, consistent with the City's blue container, green container, and gray container collection service or, if self-hauling, per the commercial businesses' instructions to support its compliance with its self-haul program, in accordance with Section 8.10.870.

D. Excluding multifamily residential dwellings, provide containers for the collection of source separated green container organic waste and source

separated recyclable materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a commercial business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:

1. A body or lid that conforms with the container colors provided through the collection service provided by the City, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A commercial business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

2. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.

E. Multifamily residential dwellings are not required to comply with container placement requirements or labeling requirement in Subsection D, above, pursuant to 14 CCR Section 18984.9(b).

F. To the extent practical through education, training, inspection, and/or other measures, excluding multi-family residential dwellings, prohibit employees from placing materials in a container not designated for those materials per the City's blue container, green container, and gray container collection service or, if self-hauling, per the commercial businesses' instructions to support its compliance with its self-haul program, in accordance with Section 8.10.870.

G. Excluding multifamily residential dwellings, periodically inspect blue containers, green containers, and gray containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).

H. Annually provide information to employees, contractors, tenants, and customers about organic waste recovery requirements and about proper sorting of source separated green container organic waste and source separated recyclable materials.

I. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep source separated green container organic waste and source separated recyclable materials separate from mixed waste (when applicable) and the location of containers and the rules governing their use at each property.

J. Provide or arrange access for the City or its agent to their properties during all inspections conducted in accordance with Section 8.10.880 to confirm compliance with the requirements of this article.

K. Accommodate and cooperate with the City's remote monitoring program for inspection of the contents of containers for prohibited container contaminants, which may be implemented at a later date by resolution, to evaluate generator's compliance with Subsection B, above. If implemented by the City, the remote monitoring program shall involve installation of remote monitoring equipment on or in the blue containers, green containers, and gray containers.

L. At commercial business's option and subject to any approval required from the City, implement a remote monitoring program for inspection of the contents of its blue containers, green containers, and gray containers for the purpose of monitoring the contents of containers to determine appropriate levels of service and to identify prohibited container contaminants. Generators may install remote monitoring devices on or in the blue containers, green containers, and gray containers subject to written notification to or approval by the City or its designee.

M. If a commercial business wants to self haul, it must meet the self-hauler requirements in Section 8.10.870.

N. Nothing in this section prohibits a generator from preventing or reducing waste generation, managing organic waste on site, or using a community composting site pursuant to 14 CCR Section 18984.9(c).

O. Commercial businesses that are tier one or tier two commercial edible food generators shall comply with food recovery requirements, pursuant to Section 8.10.840.

8.10.830 Waivers for Generators.

A. De Minimis Waivers. The City may waive a commercial business' obligation (including multifamily residential dwellings with five (5) or more dwelling units) to comply with some or all of the organic waste requirements of this article if the commercial business provides documentation that the business generates below a certain amount of organic waste material as described in Subsection A.2 below. Commercial businesses requesting a de minimis waiver shall:

1. Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in Subsection A.2 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 the City 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 the City has approved a de minimis waiver.

B. Physical Space Waivers. The City may waive a commercial business' or property owner's obligations (including multifamily residential dwellings with five (5) or more dwelling units) to comply with some or all of the recyclable materials and/or organic waste collection service requirements of this article if the City has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the organic waste collection requirements of Section 8.10.820.

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 the City that it is still eligible for physical space waiver every five years, if the City has approved an application for a physical space waiver.

C. Collection Frequency Waiver. The City, at its discretion and in accordance with 14 CCR Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to the City's three-container organic waste collection service to arrange for the collection of their blue container, gray container, or both once every fourteen days, rather than once per week.

8.10.840 Requirements for Commercial Edible Food Generators.

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

B. Large venue or large event operators not providing food services, but allowing for food to be provided by others, shall require food facilities operating at 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: (i) the collection of edible food for food recovery; or, (ii) acceptance of the edible food that the commercial edible food generator self-hauls to the food recovery organization for food recovery.

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

4. Allow the City'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:

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 for food recovery.

6. No later than June 30th of each year commencing no later than January 1, 2022, for tier one commercial edible food generators and January 1, 2024, for tier two commercial edible food generators, provide an annual food recovery report to the City that includes: a summary of the records and information listed above (in 8.10.840 Section C1 through C5), a summary of food recovery activities, copies of contracts or written agreements with food recovery organizations.

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).

8.10.850 Requirements for Food Recovery Organizations and Services.

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 shall inform generators about California and Federal Good Samaritan Food Donation Act protection in written communications, such as in their contract or agreement established under 14 CCR Section 18991.3(b).

D. Food recovery organizations and food recovery services that have their primary address physically located in the City 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 City 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 June 30th of each year and upon the City's request.

E. Food Recovery Capacity Planning. In order to support edible food recovery capacity planning assessments or other studies conducted by the County, City, special district that provides solid waste collection services, or its designated entity, food recovery services and food recovery organizations operating in the City shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, food recovery capacity that could be accessed by the City and its commercial edible food generators. A food recovery service or food recovery organization contacted by the City shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the City.

8.10.860 Requirements for Haulers and Facility Operators.

A. Requirements for Haulers.

1. Franchised, permitted, or licensed haulers providing residential, commercial, or industrial organic waste collection services to generators within the City's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the City to collect organic waste:

a. Through written notice to the City on or before June 30, 2022 and each subsequent year identify the facilities to which they will transport organic waste including facilities for source separated recyclable materials, source separated green container organic waste, and mixed waste. In the event another

facility will be used at a future date, 30 days advanced written notice must be provided to the City.

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

c. Obtain approval from the City to haul organic waste, unless it is transporting source separated organic waste to a community composting site or lawfully transporting construction and demolition debris in a manner that complies with 14 CCR Section 18989.1 and the City's construction and demolition waste requirements in Article IV of this chapter.

2. Franchised, permitted, or licensed hauler's authorization to collect organic waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement, permit, license, or other agreement entered into with the City.

B. Requirements for Facility Operators and Community Composting Operations.

1. Owners of facilities, operations, and activities that recover organic waste, including, but not limited to, compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon the City's request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the City shall respond within 60 days.

2. Community composting operators, upon the City's request, shall provide information to the City to support organic waste capacity planning, including, but not limited to, an estimate of the amount of organic waste anticipated to be handled at the community composting operation. Entities contacted by the City shall respond within 60 days.

8.10.870 Self-Haulers of Organic Waste.

Self-haulers shall source separate all organic waste generated onsite in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul organic waste to a high diversion organic waste processing facility as specified in 14 CCR Section 18984.3.

A. Self-haulers shall haul source separated organic waste to a solid waste facility operation, activity, or property that processes or recovers source separated organic waste.

B. Self-haulers shall keep a record of the amount of organic waste delivered to each solid waste facility, operation, activity, or property that processes or recovers organic waste. Such records shall be subject to inspection by the City and shall be included as part of the report required by the Director, if any. The records shall include the following information:

1. Delivery receipts and weight tickets from the entity accepting the waste.

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

3. 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 waste.

8.10.880 Inspections and Investigations.

A. The City representatives and/or its designated entity, including designees are authorized to conduct inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or source separated materials to confirm compliance with this article by organic waste generators, commercial businesses (including multi-family residential dwellings with five (5) or more dwelling units), property owners, commercial edible food generators, haulers, self-haulers, food recovery services, and food recovery organizations, subject to applicable laws. This section does not allow the City to enter the interior of a private residential property for inspection. For the purposes of inspecting commercial business containers for compliance with Section 8.10.820, Subsection B, the City may conduct container inspections for prohibited container contaminants using remote monitoring, and commercial businesses shall accommodate and cooperate with the remote monitoring pursuant to Section 8.10.820, Subsection K.

B. Regulated entity shall provide or arrange for access during all inspections (with the exception of residential property interiors) and shall cooperate with the City's employee or its designated entity/designee during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, edible food recovery activities, records, or any other requirement of this article described herein. Failure to provide or arrange for: (i) access to an entity's premises; (ii) installation and operation of remote monitoring equipment; or (iii) access to records for any inspection or investigation is a violation of this article and may result in penalties described.

C. Any records obtained by the City during its inspections, remote monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.

D. City representatives, its designated entity, and/or designee are authorized to conduct any inspections, remote monitoring, or other investigations as reasonably necessary to further the goals, subject to applicable laws.

E. The City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

8.10.890 Enforcement.

A. Violation of any provision of this article shall constitute grounds for issuance of a notice of violation and assessment of a fine by a City enforcement official or representative. Enforcement actions under this article are issuance of an administrative citation and assessment of a fine, enforced by the City Code Enforcement officers. The City's procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this article and any rule or regulation adopted pursuant to this article, except as otherwise indicated in this article. This article shall only apply to those entities subject to the City's regulatory jurisdiction.

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

C. **Responsible Entity for Enforcement.** Enforcement pursuant to this article may be undertaken by a City enforcement official, which may be the City Manager or their designated entity, Code Enforcement staff, legal counsel, or combination thereof. City enforcement officials will interpret this article; determine the applicability of waivers, if violation(s) have occurred; implement enforcement actions; and, determine if compliance standards are met. The City's enforcement officials may issue notices of violation(s).

D. Process for Enforcement.

1. The City enforcement officials and/or their designee will monitor compliance with this article randomly and through compliance reviews, route reviews, investigation of complaints, and an inspection program (that may include

remote monitoring). Section 8.10.880 establishes the City's right to conduct inspections and investigations.

2. The City may issue an official notification to notify a regulated entity of its obligations under this article.

3. Contamination Processing Fee. For incidences of prohibited container contaminants found in containers, the City will issue a notice of violation to any generator found to have prohibited container contaminants in a container. Such notice will be provided via a cart tag or other communication immediately upon identification of the prohibited container contaminants or within 60 days after determining that a violation has occurred. If the City observes prohibited container contaminants in a generator's containers on more than three (3) consecutive occasion(s), the City may assess contamination processing fees or contamination penalties on the generator.

4. With the exception of violations of generator contamination of container contents addressed under Subsection D.3, above, the City shall issue a notice of violation requiring compliance within 60 days of issuance of the notice.

5. Absent compliance by the respondent within the deadline set forth in the notice of violation, the City shall commence an action to impose penalties, via an administrative citation and fine, pursuant to the procedures set forth in Chapter 1.02 of Goleta Municipal Code. Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the City or if no such address is available, to the owner at the address of the dwelling or commercial property or to the party responsible for paying for the collection services, depending upon available information.

E. Penalty Amounts for Types of Violations. The penalty levels are as follows:

1. For a first violation, the amount of the base penalty shall be \$100 to \$200 per violation.

2. For a second violation, the amount of the base penalty shall be \$200 to \$300 per violation.

3. For a third or subsequent violation, the amount of the base penalty shall be \$300 to \$1,000 per violation.

F. Factors Considered in Determining Penalty Amount. The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty amount range:

1. The nature, circumstances, and severity of the violation(s).

2. The violator's ability to pay.

3. The willfulness of the violator's misconduct.
4. Whether the violator took measures to avoid or mitigate violations of this chapter.
5. Evidence of any economic benefit resulting from the violation(s).
6. The deterrent effect of the penalty on the violator.
7. Whether the violation(s) were due to conditions outside the control of the violator.

G. Compliance Deadline Extension Considerations. The City may extend the compliance deadlines set forth in a notice of violation issued in accordance with this section if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

1. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
2. Delays in obtaining discretionary permits or other government agency approvals; or,
3. Deficiencies in organic waste recycling infrastructure or edible food recovery capacity and the City is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

H. Appeals Process. Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with City's procedures in Chapter 1.02 of the Goleta Municipal Code. Evidence may be presented at the hearing. The City will appoint a hearing officer who shall conduct the hearing and issue a final written order.

I. Education Period for Non-Compliance. Beginning January 1, 2022 and through December 31, 2023, the City will conduct inspections, may conduct remote monitoring, route reviews or waste evaluations, and compliance reviews, depending upon the type of regulated entity, to determine compliance, and if the City determines that organic waste generator, self-hauler, hauler, tier one commercial edible food generator, food recovery organization, food recovery service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this article and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

J. Civil Penalties for Non-Compliance. Beginning January 1, 2024, if the City determines that an organic waste generator, self-hauler, hauler, tier one

or tier two commercial edible food generator, food recovery organization, food recovery service, or other entity is not in compliance with this article, it shall document the noncompliance or violation, issue a notice of violation, and take enforcement action pursuant to this Section 8.10.890, as needed.

8.10.900 Procurement requirements for city departments, direct service providers, and vendors.

A. City Departments and direct service providers of landscaping maintenance, renovation, and construction, must:

1. Use Compost and SB 1383 Eligible Mulch, as practicable, produced from recovered Organic Waste, for all landscaping renovations, construction, or maintenance performed for the City, whenever available, and capable of meeting quality standards and criteria specified. SB 1383 Eligible Mulch used for land application must comply with 14 CCR Section 18993.1 and following, and must meet or exceed the physical contamination, maximum metal concentration and pathogen density standards specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).

2. Keep and provide records of Procurement of Recovered Organic Waste Products (either through purchase or acquisition) to City, upon completion of projects. Information to be provided must include:

a. General description of how and where the product was used and if applicable, applied;

b. Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;

c. Type of product;

d. Quantity of each product; and,

e. Invoice or other record demonstrating purchase or procurement.

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

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 City. 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 City is eligible to be labeled with an unqualified recyclable label as defined in 16 CFR Section 260.12.

5. Provide records to the City's procurement recordkeeping Designee, in accordance with this section within 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 City. Records will include a copy (electronic or paper) of the invoice or other documentation of purchase, written certifications as required in Sections 8.10.900.B.3 and 8.10.900.B.4 of 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.

SECTION 3: Section 8.10.010 ("Definitions") of Chapter 8.10, Title 8 of the Goleta Municipal Code is hereby amended to read in full as follows:

"8.10.010 Definitions.

For the purposes of this section the following words or phrases are defined as follows, unless a different meaning is expressly stated or clear from the context:

"Act" means the California Integrated Waste Management Act of 1989, California Public Resources Code Section 40000 et seq., as currently in force and as it may hereafter be amended from time to time and as implemented by the regulations of CalRecycle.

"Adequate service" means the combination of the number of collections, the number of containers, and the size of the containers necessary so as not to cause the accumulation of solid waste outside containers or in excess of level full.

"Blue Container" has the same meaning as in 14 CCR Section 18982(a)(5) and shall be used for the purpose of storage and collection of source separated recyclable materials or source separated blue container organic waste.

"Bulky items" means large solid waste or other discarded waste that cannot or would not typically be accommodated within a cart including, but not limited to,

Ordinance No. 22-01 Adding Article V. Mandatory Organic Waste Disposal Reduction Ordinance, Sections 8.10.810 to 8.10.890 to Chapter 8.10 of the Goleta Municipal Code and Amending Certain Sections of Chapter 8.10 Regarding Integrated Waste Management for Consistency

furniture (including chairs, sofas, mattresses, and rugs); white goods as they are traditionally recognized in the solid waste industry (including refrigerators, ranges, washers, dryers, water heaters, dishwashers, plumbing and small household appliances); e-waste (including stereos, televisions, laptop computers, computers and computer monitors, video cassette recorders and microwaves); fluorescent bulbs; household batteries; and clothing. Bulky items do not include abandoned automobiles, construction and demolition waste or items requiring more than two persons to remove.

“CalRecycle” means the California Department of Resources, Recycling and Recovery, or any successor agency.

“California Code of Regulations” or “CCR” means the State of 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).

“CERCLA” means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9601 et seq., as may be amended and regulations promulgated thereunder.

“City” means the City of Goleta, California, a municipal corporation, and all of the territory lying within the municipal boundaries of the City as may be adjusted.

“City solid waste and recycling receptacle” means any mixed waste or recyclables can, cart, container, bin, or roll-off located at a City owned facility for the purpose of serving that facility, or any mixed waste or recyclables can, cart, or container placed within the public right-of-way for the purpose of providing incidental solid waste disposal or recycling options for residents, or tourists.

“Collection” means to take physical possession, transport and remove solid waste, at or near the place of solid waste generation or accumulation, by a solid waste service provider that has made arrangements with the person in charge of day-to-day operations of the premises for the collection of solid waste.

“Commercial business” means, for purposes of implementing Article V of this chapter, a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling with five (5) or more dwelling units, or as otherwise defined in 14 CCR Section 18982(a)(6).

“Commercial edible food generator” includes a tier one or a tier two commercial edible food generator as defined in this section 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 premises” means all premises in the City, other than residential premises, where solid waste is generated or accumulated. The term includes, but is not limited to, stores, offices, Federal, State, County and local governmental buildings and lots, including, but not limited to, schools, school districts, special districts and water districts, restaurants, rooming houses, hotels,

motels, offices, manufacturing, processing, or assembling shops or plants, hospitals, clinics, nursing homes, convalescent centers, dormitories, barracks, and card rooms.

“Commercial solid waste” means all types of solid waste, including mixed waste, green waste and recyclables, generated or accumulated at commercial premises and placed in commercial bins for accumulation and collection. “Commercial solid waste” does not include residential solid waste, green waste or recyclables.

“Commercial solid waste container” means a solid waste container provided by a solid waste service provider, typically a can or cart with a capacity of 32 to 96 gallons, or a bin with a capacity of one and one-half to four cubic yards, designed for the deposit of solid waste, or recyclable materials placed at commercial premises for the collection of commercial solid waste and charged at commercial rates. “Commercial solid waste container” does not include construction and demolition bins, roll-offs or low-boys placed at residential premises.

“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).

“Compliance review” means a review of records by the City to determine compliance with Article V of this Chapter.

“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 or as otherwise defined in 14 CCR Section 17896.2(a)(4).

“Construction and demolition waste,” which may also be referred to as “construction demolition debris” or “construction and demolition material,” means discarded building materials, recyclable construction and demolition materials, wood, packaging, plaster, rock or brick, soil, drywall, cement and rubble resulting from construction, remodeling, repair and demolition operations.

“Container” means any receptacle used for temporary storage of residential or commercial solid waste, recyclables, green waste and other materials to be collected, including, but not limited to, carts, bins, tubs and roll-off boxes.

“Container contamination” or “contaminated container” means a container, regardless of color, that contains prohibited container contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).

“Covered project” shall have the meaning set forth in Section 8.10.590(A).

“Designee” includes, for purposes of Article V of this Chapter, an entity that the City contracts with or otherwise arranges to carry out any of the City’s responsibilities of Article V as authorized in 14 CCR Section 18981.2. A designee may be a government entity, a hauler, a private entity, or a combination of those entities.

“Director” means the Director of the City’s Public Works Department, or designee.

“Edible food” means 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” means “covered electronic wastes” as defined in the Act, California Public Resources Code Section 42463, in addition to waste that is powered by batteries or electricity, including electronic equipment such as, but not limited to, television sets, computer monitors, central processing units (CPUs), laptop computers, and other peripherals.

“Enforcement action” means an action taken by the City to address non-compliance with this Article V of this Chapter including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

“Excluded waste” means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operators, which receive materials from the City and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in City’s, or its designee’s reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the City, or its designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in single-family or multi-family solid waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code.

“Food distributor” means 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” means 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” 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:

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

“Food scraps” means 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” 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, or as otherwise defined in 14 CCR Section 18982(a)(27).

“Food-soiled paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.

“Food waste” means food scraps and food-soiled paper.

“Franchise” or “solid waste franchise” means the right and privilege granted by the City in the form of a franchise agreement, permit, license, or other document that authorizes a solid waste service provider:

1. To make arrangements for the collection of, and to collect, solid waste;

2. To transport to transfer and processing facilities, landfills, compostable materials handling facility or a green material composting facility, as defined in 14 CCR Section 17852, or other permitted solid waste management facilities; and/or

3. To collect recyclable materials generated with the City for processing.

Any solid waste franchise granted by the City shall be in writing,

granted by the City Council, by resolution, specifically identifying the solid waste service provider, and shall be subject to all of the rights, if any, held by any other solid waste service provider pursuant to Public Resources Code Section 49520 et seq. A business license and permit issued pursuant to this municipal code, or any “business license law” of the City of Goleta is not a solid waste franchise and confers no continuation rights under Public Resources Code Section 49520 et seq., or any other law.

“Generator” means any person or other entity that produces solid waste, recyclables or green waste, or whose act first causes solid waste to become subject to regulation.

“Gray Container” has the same meaning as in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of mixed waste

“Green container” has the same meaning as in 14 CCR Section 18982(a)(29) and shall be used for the purpose of storage and collection of source separated green container organic waste.

“Grocery Store” means 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 revenues” means any and all revenue or compensation in any form derived directly or indirectly by a solid waste service provider which holds a solid waste franchise, its affiliates, subsidiaries, parents and any person or entity in which a solid waste service provider has a financial interest, from the collection, transportation, processing, disposal and other services with respect to solid waste, including recyclables and green waste, collected within the City of Goleta, in accordance with generally accepted accounting principles, pursuant to a solid waste franchise, permit, or license. “Gross revenues” include, but are not limited to, monthly customer fees for collection of solid waste, including recyclables, special pickup fees, commercial bin and drop box rental and collection fees, fees for redelivery of commercial bins and drop boxes and revenue from the sale of recyclables, without subtracting Franchise Fees or any other cost of doing business.

“Hauler route” means the designated itinerary or sequence of stops for each segment of the City’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

“Hazardous waste” means a material or mixture of materials which by reason of its quality, concentration, composition or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious illness or pose a substantial threat or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise mismanaged, or any waste which is regulated as a hazardous waste, toxic waste, hazardous chemical substance or mixture, or asbestos under applicable law, including, but not limited to:

1. "Hazardous waste" pursuant to Section 40141 of the California Public Resources Code, regulated under Chapter 7.6 (commencing with Section 25800) of Division 20 of the California Health and Safety Code, all substances defined as hazardous waste, acutely hazardous waste, or extremely hazardous waste by Sections 25110.2, 25115, and 25117 of the California Health and Safety Code (the California Hazardous Waste Control Act), California Health and Safety Code Section 25100 et seq., and future amendments to or recodification of said statutes or regulations promulgated thereunder, including Title 23 of the California Code of Regulations Sections 2521 and 2522;

2. Materials regulated under the RCRA;

3. Materials regulated under the Toxic Substance Control Act;

4. Materials regulated under CERCLA;

5. Materials regulated under any future amended, additional or substitute federal, state, or local laws and regulations pertaining to the identification, transportation, treatment, storage or disposal of toxic substances or hazardous waste; and

6. Household hazardous waste.

Where there is a conflict in the definitions employed by two or more agencies having jurisdiction over hazardous waste, the term "hazardous waste" shall be construed to have the broader, more encompassing definition.

"High diversion organic waste processing facility" means 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" means a site visit where the City reviews, without limitation, records, containers, and an entity's collection, handling, recycling, or landfill disposal of organic waste or edible food handling or conducts such other actions as necessary to determine if the entity is complying with requirements set forth in this chapter.

"Large event" means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. 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" 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 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.

“Level full” means that amount of solid waste deposited in a commercial solid waste container so that it shall not exceed the lowest top edge thereof and still allow the lid thereof to be completely closed.

“Local education agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to solid waste, or as otherwise defined in 14 CCR Section 18982(a)(40).

“Materials recovery facility” or “MRF” means a permitted facility where solid waste, recyclables, green waste, and other materials are processed, sorted or separated for the purposes of recovering reusable or recyclable materials. The MRF is the designated transfer and processing facility.

“Mixed waste organic collection stream” or “mixed waste” means 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 or as otherwise defined in 14 CCR Section 17402(a)(11.5).

“Multifamily residential dwelling” or “multifamily” means 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-compostable paper” includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).

“Non-compostable paper” includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).

“Non-organic recyclables” means 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).

“Notice of violation (NOV)” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

“Organic waste” means 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” means 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” include, 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).

“Person” means any individual, firm, agency, company, limited liability company, cooperative, association, organization, partnership, limited partnership, public or private corporation, consortium, trust, joint venture, commercial entity, regulatory authority, governmental entity, including the United States, the State, counties, towns, cities, or special purpose districts, or any other legal entity.

“Printing and writing papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).

“Prohibited container contaminants” means the following: (i) discarded materials placed in the blue container that are not identified as acceptable source separated recyclable materials for the City’s blue container; (ii) discarded materials placed in the green container that are not identified as acceptable source separated green container organic waste for the City’s green container; (iii) 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 City’s green container and/or blue container; and, (iv) excluded waste placed in any container.

“RCRA” means the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as may be amended and related Federal, State and local laws and regulations.

“Recovery” means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

“Recyclable material(s)” means material that can be salvaged or recovered for reuse, or which has some potential economic value, and which is therefore set aside, handled, packaged, or offered for collection in a manner different from other solid waste.

“Remote monitoring” means the use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of blue containers, green containers, and gray containers for purposes of identifying the quantity of materials

in containers (level of fill) and/or presence of prohibited container contaminants.

“Residential” or “residential premises” means of, from or pertaining to single-family residences and multifamily dwellings, including apartments and condominiums (in which each unit has separate cooking and bathing facilities). The terms “residential” or “residential premises” does not include hotels, motels, rooming houses, hospitals, nursing homes, convalescent centers, dormitories or barracks or other group living places using commercial bins for the temporary accumulation and collection of solid waste. “Residential” or “residential premises” is a reference to location, and not to ownership or to an interest in property.

“Residential solid waste container” means a container provided by a service recipient or a solid waste service provider with a residential solid waste franchise granted by the City, used for the accumulation and collection of residential solid waste. The term “residential solid waste containers” does not include commercial bins placed at multifamily units, or those commercial bins used by commercial solid waste service recipients.

“Restaurant” means 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).

“Roll-off box(es)” means a container with a capacity from 10 to 40 cubic yards, which is typically pulled onto a roll-off vehicle used to transport solid waste. A roll-off box may be open topped or enclosed with or without a compaction unit (compactor).

“Route review” means a visual inspection of containers along a hauler route for the purpose of determining container contamination, and may include mechanical inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

“Salvage” means the controlled removal of construction and demolition waste from a permitted building, construction, or demolition site for the purpose of recycling, reuse, or storage for later recycling or reuse.

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

“SB 1383 Regulations” means or refers to, for the purposes of this chapter, 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.

“Scavenging” means the unauthorized removal of recyclables, as prohibited by Public Resources Code Section 41950.

“Self-hauler” means any person disposing of solid waste, organic waste, or

recyclables which they, or any person controlling the day-to-day activities on a property, have generated. This includes persons who perform gardening and landscaping maintenance services at a location where the gardening and landscaping services are rendered; provided, that they use only labor employed and equipment owned by the service provider. Self-hauler also includes a person who back-hauls waste. Back-haul means generating and transporting organic waste to a destination owned and operated by the generator using the generator's own employees and equipment. If the definition of self-hauler in 14 CCR Section 18982(a)(66) is broader than this definition, the definition in 14 CCR Section 18982(a)(66)(A) shall apply to this chapter.

"Single-family" means of, from, or pertaining to any residential premises with fewer than five (5) units.

"Solid waste" has the same meaning as defined in State Public Resources Code Section 40191, which defines solid waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid 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 this chapter or as defined in the State Public Resources Code Section 40141, if such definition is broader than this definition.

(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 State Health and Safety Code).

(3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a solid waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be solid waste shall be regulated pursuant to Division 30 of the State Public Resources Code.

"Solid waste service provider" means any person or entity engaged in the collection of solid waste or the placement of containers for the accumulation of solid waste in the City, and is authorized by the City to provide solid waste collection services through an approved franchise agreement, permit or other approved mechanism.

"Source separated" means materials, including commingled recyclable materials, that have been separated or kept separate from the solid waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet

the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of this chapter, source separated shall include separation of materials by the generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that source separated materials are separated from mixed waste or other solid waste for the purposes of collection and processing.

"Source separated blue container organic waste" means source separated organic wastes that can be placed in a blue container, such as cardboard and paper products. that is limited to the collection of those organic wastes and non-organic recyclables as defined in Section 18982(a)(43), or as otherwise defined by Section 17402(a)(18.7).

"Source separated green container organic waste" or "green waste" means source separated organic waste that can be placed in a green container that is specifically intended for the separate collection of organic waste by the generator, excluding source separated blue container organic waste, carpets, non-compostable paper, and textiles. Green waste includes untreated and unpainted wood, leaves, grass clippings, weeds, pruning, brush, branches, dead plants, tree trimmings, dead trees and other organic wastes generated from landscapes and/or gardens. Green waste does not include materials not normally produced from gardens or landscape areas, such as brick, rock, gravel, large quantities of dirt, concrete, sod, non-organic waste, oil, and painted or treated wood.

"Source separated recyclable materials" or "recyclables" means source separated non-organic recyclables and source separated blue container organic waste.

"State" means the State of California.

"Supermarket" means 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" means 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" means 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. "Waste management plan" means a completed waste management plan (WMP) form, approved by the City for the purpose of compliance with this chapter, submitted by an applicant for any covered or exempt project that produces construction and demolition waste.

"Wholesale Food Vendor" 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 as otherwise defined in 14 CCR Section 18982(a)(76)."

SECTION 4: Section 8.10.040 ("Collection Arrangements Required for Residential and Commercial Premises") of Chapter 8.10, Title 8 of the Goleta Municipal Code is hereby amended to read in full as follows:

"8.10.040 Collection Arrangements Required for Residential and Commercial Premises.

A. Collection Required. The owner, occupant, or other person responsible for the day-to-day operation of any developed residential, commercial or industrial property in the City shall make arrangements with a solid waste service provider for the collection of solid waste, including mixed waste, recyclables and/or green waste as set forth in this chapter. No resident or commercial business owner shall enter into an agreement for solid waste collection services with any person, firm, or corporation other than a solid waste service provider authorized by the City to perform such services unless otherwise provided in this chapter.

B. Exemptions and Exclusions.

1. Self-Haul Exemption. Any Self-Hauler may haul generated, solid waste, including mixed waste, green waste, and recyclables, to a permitted solid waste facility; provided, that before collecting or transporting self-haul solid waste, including green waste, any self-hauler shall: (i) obtain self-haul permit or

documentation from the City; and (ii) comply with the minimum standards of health, sanitation, and disposal as set forth in this chapter including without limitation the requirements for Self-Haulers of organic waste in Section 8.10.870.

a. Issuance and Reporting. A self-haul permit, for a term determined by the Director, may be issued in lieu of the requirement in Subsection A to subscribe to franchise collection services; provided, that solid waste, including green waste, is source separated and transported to an appropriate, permitted transfer station, processing, or disposal facility in accordance with SB 1383 Regulations. The City retains the right to charge an administrative fee for the issuance of any self-haul permit. Each approved self-hauler shall submit quarterly disposal reports to the City, as determined by the Director, reporting the type, quantity, volume, weight and destination of solid waste, including mixed waste, green waste, and recyclables, collected in the City and transported from the City, and shall present to the Director gate tickets or receipts to substantiate its disposal reports. Failure to submit required reports to the City shall be a basis for revocation of a "self-haul" permit. Any self-haul permit shall be address specific and nontransferable.

2. Residential Temporary Nonoccupancy Exemption. When a single-family residence will be unoccupied for at least 60 consecutive days in a calendar year, upon application by the responsible party, the Director may, in his or her sole discretion, exempt such residential premises from the collection requirements of this chapter for the period of time during which such residential premises are unoccupied. The Director may prescribe the method by which the responsible party may apply for an exemption under this subsection.

3. Residential Household and Commercial Solid Waste Exclusions. An owner or occupant may collect and haul nonputrescible solid waste generated in or on their own residential or commercial premises on an occasional non-regular basis to a permanent site where disposal or processing thereof is pursuant to applicable laws; provided, however, that such person complies with the minimum standards of health, sanitation, and disposal as set forth in this chapter, and no person (other than a solid waste service provider as defined in this chapter) providing a hauling service for a fee, charge, or other consideration, and who disposes of such material at a transfer station or landfill shall be involved.

4. Residential Household Exclusion. No person, except a solid waste service provider, shall collect recyclable materials from any residential premises in the City. However, no provision of this chapter shall prevent a residential household from donating or selling recyclable materials generated in or on the residential premises.

5. Commercial Exclusion. No business shall employ or use any person other than a solid waste service provider to collect recyclable materials for a fee, charge, or other consideration. However, no provisions of this chapter shall prevent a business from selling or donating to a recyclable collector any source separated recyclable materials generated in or on the premises of the commercial entity.

6. Gardener and Landscaper Exclusion. No provision of this chapter shall prevent a gardener, tree trimmer, landscape maintenance firm, or person engaged

in a related trade from acting as a Self-Hauler as set forth in this chapter..

7. Contractor's Exclusion. Licensed primary contractors may transport demolition of construction debris only when the material is generated by their own business at their place of business, or when employed under contract by the owner of a lot or parcel, from said lot or parcel, for demolition or construction services. However, if the licensed primary contractor subcontracts the transporting of demolition or construction debris, such transportation shall be provided by a solid waste service provider. However, no provision of this chapter shall prevent a business from selling or donating a source separated recyclable material generated at the work site."

SECTION 5: Section 8.10.110 ("Collection of Recyclables") of Chapter 8.10, Title 8 of the Goleta Municipal Code is hereby amended to read in full as follows:

"8.10.110 Collection of Recyclables.

A. Ownership of Recyclables Placed for Collection. Upon placement of recyclables at a designated recycling collection location, or placement of recyclables in a container provided by a solid waste service provider for collection of recyclables, the recyclables become the property of the solid waste service provider. The recycling or disposal of any recyclables which has become part of the solid waste stream by having been discarded shall be in accordance with the provisions of this chapter.

B. Recyclable Material.

1. Except as provided below, nothing in this chapter shall limit the right of any person, organization, or other entity to sell recyclable material owned by that person, organization or other entity or to donate recyclable material to a charity or any other entity other than a solid waste service provider.

2. Recyclable material which is source separated into a blue container for collection by a solid waste service provider shall be considered to have been discarded and to have become source separated recyclable materials.

3. If the seller or donor of recyclables pays the buyer or the donee any consideration for collecting, processing, recycling, transporting or disposing of the recyclables, or providing consultation services which exceed the selling price of the recyclables, the transaction shall not be regarded as a sale or donation of recyclables, but as an arrangement for the disposal of solid waste and shall be subject to this chapter.

4. A person who receives a discount or reduction in the collection, disposal and/or recycling service rates for unsegregated or segregated solid waste shall not be deemed to be selling or donating recyclables and does not fall within this "donate or sell" exception."

SECTION 6: Subsection A of Section 8.10.390 ("Nonexclusive Permit for

Unscheduled Solid Waste Handling Services”) of Chapter 8.10, Title 8 of the Goleta Municipal Code is hereby amended to read in full as follows:

“A. All unscheduled residential and commercial solid waste handling services shall be provided by a solid waste service provider pursuant to a nonexclusive permit issued by the City that is consistent with the terms and conditions of this chapter and any applicable Federal, State, and local laws and regulations, and any rules, regulations and resolutions of the City.”

SECTION 7: Subsection A of Section 8.10.400 (“Unscheduled Solid Waste Handling Services”) of Chapter 8.10, Title 8 of the Goleta Municipal Code is hereby amended to read in full as follows:

“A. Unscheduled solid waste handling services may not be used for the collection of putrescible solid waste; provided, however, that nothing in this section shall preclude a solid waste service provider pursuant to this chapter from providing unscheduled service for the collection of green waste where that service is provided in strict compliance with Title 14 of the California Code of Regulations Section 17331 (or its successor statute), pertaining to state minimum standards governing the frequency of removal of putrescible solid waste from residential or commercial premises and any applicable SB 1383 Regulations, including without limitation the collection, handling, transfer, processing, storage or disposal of organic waste. It is the responsibility of the solid waste service provider to insure that the requirements of this subsection are adhered to by a responsible party.

SECTION 8: CEQA. The City Council hereby finds that under Section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment. It also finds the Ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources.


SECTION 9: Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 10: Effective Date. This Ordinance shall take effect thirty (30) days after its passage and adoption pursuant to California Government Code section 36937.

SECTION 11: Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City’s book of original ordinances; make a note of the passage and adoption in the records of this

meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED, APPROVED AND ADOPTED this 18th day of January, 2022.



PAULA PEROTTE
MAYOR

ATTEST:

APPROVED AS TO FORM:



DEBORAH S. LOPEZ
CITY CLERK



MEGAN GARIBALDI
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA)
CITY OF GOLETA) ss.

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Ordinance No. 22-01 was introduced on the 21st of December, and adopted at a regular meeting of the City Council of the City of Goleta, California, held on the 18th day of January, by the following roll-call vote, to wit:

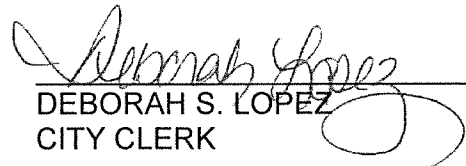
AYES: MAYOR PEROTTE, MAYOR PRO TEMPORE KASDIN,
 COUNCILMEMBERS ACEVES, KYRIACO AND RICHARDS

NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

(SEAL)


DEBORAH S. LOPEZ
CITY CLERK