



May 5, 2022

TO: LOCSO Board of Directors

FROM: Ron Munds, General Manager

SUBJECT: Agenda Item 2A – 05/05/2022 Board Meeting
Second Reading by Title Only of an Ordinance Amending and Restating Title 3 of the District Code.

DESCRIPTION

President
Matthew D. Fourcroy

Vice President
Charles L. Cesena

Directors
Troy C. Gatchell
Marshall E. Ochylski
Christine M. Womack

General Manager
Ron Munds

District Accountant
Robert Stilts, CPA

Unit Chief
Eddy Moore

Battalion Chief
Paul Provence

With the assignment of the Solid Waste Franchise Agreement from the County to the District, the District will be responsible to update Title 3 (Solid Waste) of the District code to be consistent with the requirements of SB1383. This report summarizes those responsibilities and the associated amendments to Title 3 needed to be in compliance with SB 1383.

STAFF RECOMMENDATION

Motion:

I move that the Board adopt, on second reading by title only, Ordinance 2022-01 amending and restating Title 3 of the District Code.

DISCUSSION

Background

In September 2016, Governor Brown signed into law SB 1383 that established methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants (SLCP) in various sectors of California’s economy, including waste disposal. This law is the most comprehensive solid waste legislation adopted in California in the last 30 years and requires all jurisdictions to implement a mandatory organic recycling ordinance by January 1, 2022.

In addition, the law requires the state to increase edible food recovery by 20% by 2025. From 2016 to 2020, the California Department of Resources, Recycling and Recovery (CalRecycle) worked to develop regulations to achieve the goals set in SB 1383. The new regulations were finalized by CalRecycle in November 2020. SB 1383 took effect January 1, 2022, with full compliance from organic waste generators and enforcement for those that have not complied commencing January 1, 2024. This progressive approach is intended to provide ample time for notification to generators what is required of them and achieve compliance before penalties are required to be issued by the District or its designee. The adoption of Ordinance 2022-01 will meet the requirements of SB 1383 and provide necessary rules and regulations for the disposal and collection of waste materials within the District.

SB 1383 regulations apply to all persons and entities that generate organic materials such as food scraps and plant trimmings. These generators are required to divert their organic materials from the garbage while certain entities that provide food will be required to donate their excess food to food banks or other organizations to feed people. Generators include:

Mailing Address:
P.O. Box 6064
Los Osos, CA 93412

Offices:
2122 9th Street, Suite 110
Los Osos, CA 93402

Phone: 805/528-9370
FAX: 805/528-9377

www.losososcsl.org

- Residents – includes those living in single family or multi-family premises (di minimis exemptions available for multi-family complexes).
- Commercial Entities – includes for-profit and non-profit organizations, government offices and agencies, and industrial facilities (di minimis exemptions available for commercial).
- Non-Local Entities – includes special districts, state/federal facilities, and prisons.
- Education Agencies – includes schools, community colleges, and universities.

SB 1383 allows the District to assign certain items in the regulation to a designee for implementation and program management. Since the District is a signatory to the San Luis Obispo Integrated Waste Management Authority (IWMA) Memorandum of Agreement, after careful consideration and to meet the State's deadline for designation, the General Manager, acting on behalf of the District, elected to assign to the IWMA several key areas for implementation and program management on behalf of the District as it relates to edible food recovery, contamination monitoring, education and outreach, and recordkeeping and reporting to the state.

FINANCIAL IMPACT

Though the District will be relying on the IWMA for SB 1383 implementation and program management, the District is ultimately responsible for compliance. Staff is recommending that the Administrative Services Manager, with support from the General Manager, be responsible for the coordination with the IWMA and other outside agencies. The salary and other fiscal impacts associated with all solid waste activities will be paid for by the franchise fee revenue collected by the District from the franchisee, Waste Connections Inc. Payment for the services provided by the IWMA to the District will be paid for by the solid waste rates with direct payments being paid by Waste Connections to the IWMA.

Attachments

Ordinance Number 2022-01 & Exhibit A to the Ordinance
Strikeout Version Existing Title 3

**LOS OSOS COMMUNITY SERVICES DISTRICT
ORDINANCE NO. 2022-01**

**AN INTRODUCTION OF AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE LOS OSOS COMMUNITY SERVICES DISTRICT (DISTRICT)
AMENDING AND RESTATING TITLE 3 OF THE DISTRICT CODE AND ADOPT MANDATORY
SOLID WASTE, ORGANIC WASTE, AND RECYCLING MATERIALS RULES AND REGULATIONS
AND MAKING A DETERMINATION UNDER CEQA**

WHEREAS, the Los Osos Community Services District (“District”) is a community services district duly formed under Government Code Section 61000 et seq. to provide community services within the District’s service area; and

WHEREAS, Government Code Section 61600(c) authorizes Community Services Districts to provide the collection and disposal of solid waste; and

WHEREAS, 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 jurisdictions to reduce, reuse, and recycle (including composting) Solid Waste generated 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; and

WHEREAS, Assembly Bill 341 of 2011 places requirements on Commercial Businesses and Multi-Family Premises that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires jurisdictions to implement a mandatory Commercial recycling program; and

WHEREAS, Assembly Bill 1826 of 2014 requires Commercial Businesses and Multi-Family Premises that generate a specified threshold amount of Solid Waste, Recyclable Materials, and Organic Materials per week to arrange for recycling services for that waste, requires jurisdictions to implement a recycling program to divert Organic Materials from Commercial Businesses and Multi-Family Premises subject to the law, and requires jurisdictions to implement a mandatory Commercial Organic Materials recycling program; and

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce Organic Waste in landfills as a source of methane. The regulations place requirements on multiple entities including jurisdictions, residential households, Multi-Family Premises, Commercial Businesses, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of the SB 1383 statewide Organic Waste disposal reduction targets; and

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations; and

WHEREAS, this Ordinance implements rules, regulations, and the requirements of AB 341, AB 1826, and SB 1383.

NOW, THEREFORE BE IT RESOLVED, THE BOARD OF DIRECTORS OF THE LOS OSOS COMMUNITY SERVICES DISTRICT HEREBY ORDAINS AS FOLLOWS:

Section 1. Authority

This Ordinance is enacted pursuant to the California Government Code § 6100.

Section 2. Amendment and Restatement of Title 3

Title 3 of the District Code is hereby amended and restated as provided in Exhibit A, attached hereto and incorporated herein by reference.

Section 3. Environmental Review

The District finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Sections 15061(b)(3) and 15308 on the grounds that it can be seen with certainty that the enhanced waste disposal regulations, as provided for in this Ordinance will not have a significant effect on the environment and that the new requirements, which strengthen requirements for the handling of waste materials, represent actions by a regulatory agency for the protection of the environment.

Section 4. Findings

The Board of Directors hereby finds and determines as follows:

- a. The proposed changes in the District Code are necessary to comply with State mandatory requirements for solid waste, organic waste and recyclable materials collection and recovery.

Section 5. Repeal of Prior Ordinances and Resolutions

All Ordinances, sections of Ordinances and Resolutions that are inconsistent with Section 2 of this Ordinance are **hereby repealed**.

Section 6. Incorporations of Recitals

The Recitals are true and correct and incorporated here by this reference.

Section 7. Severance Clause

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Board of the District hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

Section 8. Effect of Headings in Ordinance

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this Ordinance.

Section 9. Effective Date

This Ordinance shall take effect thirty (30) days from date of its passage hereof. Before the expiration of fifteen (15) days after the adoption of this Ordinance, Exhibit A shall be published once with the names of the members of the Board of Directors voting for and against the Ordinance in a newspaper of general circulation within the District.

Introduced at its regular meeting of the Board of Directors held on April 7, 2022, and passed and adopted by the Board of Directors of the Los Osos Community Services District on the 5th day of May 2022, by the following roll call vote, to wit:

Upon motion of Director _____, seconded by Director _____ and on the following roll call vote, to wit:

AYES: _____
NOES: _____
ABSENT: _____
ABSTAIN: _____

Matthew D. Fourcroy
President of the Board of Directors
Los Osos Community Services District

ATTEST:

APPROVED AS TO FORM:

Ron Munds
General Manager and Secretary to the Board

Jeffrey A. Minnery
District Legal Counsel

Title 3 (Amended 5/5/2022)

Chapter 3.01 General Rules and Regulations Regarding Solid Waste Services

3.01.01 Purpose and Scope

The Purpose of the Ordinance is to assure the continuance of a collection and disposal of Solid Waste, Recyclable Materials, and Organic Waste for the benefit all citizens of the District. It is necessary that rules, regulations, and procedures be established for the health and safety of all residents and guests of the community. Procedures related to the disposal and collection of Solid Waste, Organic Waste, and Recyclable Materials and are established by the Franchisee and all parties subject to this Ordinance are directed to the Franchisee to access general information and to start, change, or verify service.

3.01.02 Definitions

The following words, terms, phrases, and their derivations have the meanings given herein. When consistent with the context, words used in the present tense include the future tense, and words in the singular number include the plural number.

- (a) "Alternative Daily Cover (ADC)" has the same meaning as in Section 20690 of Title 27 of the California Code of Regulations.
- (b) "Alternative Intermediate Cover (AIC)" has the same meaning as in Section 20700 of Title 27 of the California Code of Regulations.
- (c) "Bulky Item" means discarded appliances (including refrigerators), furniture, tires, carpets, mattresses, Yard Trimmings and/or wood waste, and similar large items which can be handled by two (2) people, weigh no more than two hundred (200) pounds, and require special collection due to their size or nature, but can be collected without the assistance of special loading equipment (such as forklifts or cranes) and without violating vehicle load limits. Bulky Items must be generated by the customer and at the service address wherein the Bulky Items are collected. Bulky Items do not include abandoned automobiles, large auto parts, trees, construction and demolition debris, or items herein defined as Excluded Waste.
- (d) "CalRecycle" means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on jurisdictions (and others).
- (e) "California Code of Regulations" or "CCR" means the State of California Code of Regulations. CCR references in this Ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).

Exhibit A

- (f) “Cast Offs” means discarded mattresses, couches, chairs, and other household furniture, but does not include rubble or Solid Waste.
- (g) “District Enforcement Official” means the District General Manager, authorized person(s), or the District Designee(s) who is/are partially or whole responsible for enforcing the Ordinance.
- (h) “Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, or industrial facility.
- (i) “Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in this Section 3 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).
- (j) “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).
- (k) “Compliance Review” means a review of records by the District to determine compliance with this Ordinance.
- (l) “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), (or any variation thereof) includes a controlled biological decomposition of Organic Materials yielding a safe and nuisance free Compost product.
- (m) “Contractor” means franchisee, organized and operating under the laws of the State and its officers, directors, employees, agents, companies, related-parties, affiliates, subsidiaries, and subcontractors.
- (n) “County Enforcement Official” means a county agency enforcement official, if so if designated for enforcing the Ordinance in conjunction or consultation with District Enforcement Official.
- (o) “Customer” means the Person whom Contractor submits its billing invoice to and collects payment from for Collection services provided to a Premises. The Customer may be either the Occupant or Owner of the Premises.
- (p) “C&D” means construction and demolition debris.
- (q) “County” means the County of San Luis Obispo, a political subdivision of the State of California.

Exhibit A

- (r) “Designated Waste” means non-Hazardous Waste which may pose special Disposal problems because of its potential to contaminate the environment, and which may be Disposed of only in Class II Disposal sites or Class III Disposal sites pursuant to a variance issued by the California Department of Health Services. Designated Waste consists of those substances classified as Designated Waste by the State, in California Code of Regulations Title 23, Section 2522 as may be amended from time to time.
- (s) “Designee” means a person or entity that the District contracts with or otherwise agrees and arranges to carry out any of the District’s responsibilities of this Ordinance as authorized in 14 CCR Section 18981.2. A Designee may be an individual person, a government entity, a hauler, a private entity, or a combination of those entities.
- (t) “Discarded Materials” means Recyclable Materials, Organic Materials, and Solid Waste placed by a Generator in a collection container and/or at a location for the purposes of collection excluding Excluded Waste.
- (u) “District” means the Los Osos Community Services District, which is a California Special District, a form of local government created by a local community to meet a specific need or needs, and all the territory lying within its boundaries as presently existing or as such boundaries may be modified from time to time.
- (v) “Edible Food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid Waste if it is recovered and not discarded. Nothing in this Ordinance 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 Health and Safety Code, including the California Retail Food Code.
- (w) “Enforcement Action” means an action of District or its Designee to address non-compliance with this Ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- (x) “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 operator(s), which receive materials from the District 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 District, 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 District, or its Designee, to potential liability; but

Exhibit A

- 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.
- (y) “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).
- (z) “Food Facility” has the same meaning as in Section 113789 of the Health and Safety Code.
- (aa) “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).
- (bb) “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 Ordinance 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 Ordinance.
- (cc) “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 Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

Exhibit A

- (dd) “Food Scraps” means those Discarded Materials that will decompose and/or putrefy including: (i) all kitchen and table Food Waste; (ii) animal or vegetable waste that is generated during or results from the storage, preparation, cooking or handling of food stuffs; (iii) fruit waste, grain waste, dairy waste, meat, and fish waste; and, (iv) vegetable trimmings, houseplant trimmings and other Compostable Organic Waste common to the occupancy of Residential dwellings. Food Scraps are a subset of Food Waste. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.
- (ee) “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).
- (ff) “Food-Soiled Paper” is compostable paper material that has come in contact with Food Scraps or liquid, such as, but not limited to, compostable paper plates, napkins, and pizza boxes.
- (gg) “Food Waste” means Source Separated Food Scraps and Food-Soiled Paper.
- (hh) “Food Waste Self-Hauler” means a Self-Hauler who generates and hauls, utilizing their own employees and equipment, an average of one cubic yard or more per week, or 6,500 pounds or more per quarter of their own Food Waste to a location or facility that is not owned and operated by that Self-Hauler. Food Waste Self-Haulers are a subset of Self-Haulers.
- (ii) “Franchisee” means the person, entity, or Company with a Franchise Agreement to collect, receive, carry, haul or transport Discarded Materials within the District and shall include the agents or employees of the Franchisee.
- (jj) “Franchise Agreement” means an agreement with a Franchisee.
- (kk) “Generator” means a person or entity that is responsible for the initial creation of one or more types of Discarded Materials.
- (ll) “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).
- (mm) “Hauler Route” means the designated itinerary or sequence of stops for each segment of the District’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

- (nn) “Hazardous Substance” means any of the following: (a) any substances defined, regulated or listed (directly or by reference) as "Hazardous Substances", "hazardous materials", "Hazardous Wastes", "toxic waste", "pollutant", or "toxic substances", or similarly identified as hazardous to human health or the environment, in or pursuant to: (i) the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, 42 USC §9601 et seq. (CERCLA); (ii) the Hazardous Materials Transportation Act, 49 USC §1802, et seq.; (iii) the Resource Conservation and Recovery Act, 42 USC §6901 et seq.; (iv) the Clean Water Act, 33 USC §1251 et seq.; (v) California Health and Safety Code §§25115-25117, 25249.8, 25281, and 25316; (vi) the Clean Air Act, 42 USC §7901 et seq.; and, (vii) California Water Code §13050; (b) any amendments, rules or regulations promulgated thereunder to such enumerated statutes or acts currently existing or hereafter enacted; and, (c) any other hazardous or toxic substance, material, chemical, waste or pollutant identified as hazardous or toxic or regulated under any other Applicable Law currently existing or hereinafter enacted, including, without limitation, friable asbestos, polychlorinated biphenyl's (PCBs), petroleum, natural gas, and synthetic fuel products, and by-products.
- (oo) “Hazardous Waste” means all substances defined as Hazardous Waste, acutely Hazardous Waste, or extremely Hazardous Waste by the State in Health and Safety Code §25110.02, §25115, and §25117 or in the future amendments to or recodifications of such statutes or identified and listed as solar panels from residential premises, and Hazardous Waste by the U.S. Environmental Protection Agency (EPA), pursuant to the Federal Resource Conservation and Recovery Act (42 USC §6901 et seq.), all future amendments thereto, and all rules and regulations promulgated thereunder.
- (pp) “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).
- (qq) “Infectious Waste” means (a) equipment, instruments, utensils and other fomites of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must, therefore, be isolated as required by public health agencies; (b) laboratory wastes, including pathological specimens (i.e., all tissues, specimens of blood elements, excreta and secretions obtained from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto; and/or (c) surgical operating room pathologic specimens - including recognizable anatomical parts, human tissue,

Exhibit A

anatomical human remains and disposable materials from hospitals, clinics, outpatient areas and emergency rooms, as defined in 14 CCR Section 17225.36.

- (rr) “Inspection” means a site visit where a District reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Recyclable Materials, Organic Waste, Solid Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).
- (ss) “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 Ordinance.
- (tt) “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 Ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. 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 Ordinance.
- (uu) “Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of District or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- (vv) “Multi-Family Residential Dwelling” or “Multi-Family” or “MFD” means of, from, or pertaining to residential Premises with five (5) or more dwelling units including such Premises when combined in the same building with Commercial establishments, that receive centralized, shared, Collection service for all units on the Premises which are billed to one (1) Customer at one (1) address. Customers residing in Townhouses, mobile homes, condominiums, or other structures with five (5) or more dwelling units who receive individual service and are billed separately shall not be considered Multi-Family. Multi-Family

Exhibit A

- Premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.
- (ww) “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.
- (xx) “Occupant” means the Person who occupies a Premises.
- (yy) “Organic Materials” means Yard Trimmings and Food Waste, individually or collectively that are set aside, handled, packaged, or offered for collection in a manner different from Solid Waste for the purpose of processing. No Discarded Material shall be considered to be Organic Materials, however, unless it is separated from Recyclable Material and Solid Waste. Organic Materials are a subset of Organic Waste.
- (zz) “Organic Materials Container” shall be used for the purpose of storage and collection of Source Separated Organic Materials.
- (aaa) “Organic Waste” means 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).
- (bbb) “Owner” means the Person(s) holding legal title to real property and/or any improvements thereon and shall include the Person(s) listed on the latest equalized assessment roll of the County Assessor.
- (ccc) “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).
- (ddd) “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).
- (eee) “Premises” means and includes any land, building and/or structure, or portion thereof, in the District where Discarded Materials are produced, generated, or accumulated. All structures on the same legal parcel, which are owned by the same person shall be considered as one Premises.

Exhibit A

- (fff) “Prohibited Container Contaminants” means the following: (i) Discarded Materials placed in the Recyclable Materials Container that are not identified as acceptable Source Separated Recyclable Materials for the District’s Recyclable Materials Container; (ii) Discarded Materials placed in the Organic Materials Container that are not identified as acceptable Source Separated Organic Materials for the the District’s Organic Materials Container; (iii) Discarded Materials placed in the Solid Waste Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Organic Materials to be placed in the District’s Organic Materials Container and/or Recyclable Materials Container; and, (iv) Excluded Waste placed in any container.
- (ggg) “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).
- (hhh) “Recyclable Materials” means those Discarded Materials that the Generators set out in Recyclables Containers for Collection for the purpose of Recycling by the Service Provider and that exclude Excluded Waste. No Discarded Materials shall be considered Recyclable Materials unless such material is separated from Organic Materials, and Solid Waste. Recyclable Materials shall include, but not be limited to by-products or discards set aside, handled, packaged or offered for Collection from Residential, Commercial, governmental or industrial customers in a manner different from Solid Waste. Including, but not limited to, aluminum, newspaper, clear and colored glass, tin and bi-metal, all plastic containers (except polystyrene), cardboard, chipboard, magazines, mixed paper (including magazines, phone books and junk mail) and motor oil and filters. For the purpose of collection of Recyclable Materials through contractor’s collection services, recyclable materials shall be limited to those materials identified by the collection contractor as acceptable recyclable materials.
- (iii) “Recyclable Materials Container” shall be used for the purpose of storage and collection of Source Separated Recyclable Materials.
- (jjj) “Recycled-Content Paper” means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).
- (kkk) “Refuse” includes garbage, recyclables, green waste, Cast Offs, and/or Rubble.
- (III) “Residential” shall mean of, from, or pertaining to a Single-Family Premises or Multi-Family Premises including Single-Family homes, apartments, condominiums, Townhouse complexes, mobile home parks, and cooperative apartments.

Exhibit A

- (mmm) “Responsible Party” means the Owner, property manager, tenant, lessee, Occupant, or other designee that subscribes to and pays for Recyclable Materials, Organic Materials, and/or Solid Waste collection services for a Premises in the District, or, if there is no such subscriber, the Owner or property manager of a Single-Family Premises, Multi-Family Premises, or Commercial Premises. In instances of dispute or uncertainty regarding who is the Responsible Party for a Premises, Responsible Party shall mean the Owner of a Single-Family Premises, Multi-Family Premises, or Commercial Premises.
- (nnn) “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).
- (ooo) “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).
- (ppp) “Rubble” means and includes all debris from the construction, demolition or alteration of buildings, earth, rocks or incinerator ashes, brick, mortar, concrete and similar solid material.
- (qqq) “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.
- (rrr) “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the purposes of this Ordinance, 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.
- (sss) “Self-Haul” means to act as a Self-Hauler.
- (ttt) “Self-Hauler” means a person, who hauls Solid Waste, Organic Waste or Recyclable Material they have generated to another person. Self-hauler also includes a landscaper, or a person who back-hauls waste. Back-haul means generating and transporting Recyclable Materials or Organic Waste to a destination owned and operated by the Generator or Responsible Party using the Generator’s or Responsible Party’s own employees and equipment.
- (uuu) “Service Level” refers to the size of a Customer’s Container and the frequency of Collection service.

- (vvv) “Single-Family” or “SFD” refers to any detached or attached house or residence of four (4) units or less designed or used for occupancy by one (1) family, provided that Collection service feasibly can be provided to such Premises as an independent unit, and the Owner or Occupant of such independent unit is billed directly for the Collection service. Single-Family includes Townhouses, and each independent unit of duplex, tri-plex, or four-plex Residential structures, regardless of whether each unit is separately billed for their specific Service Level.
- (www) “Solid Waste” has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and non-putrescible 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 the State Public Resources Code Section 40141.
 - (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the 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.
 - (4) Recyclable Materials, Organic Materials, and Construction and Demolition Debris when such materials are Source Separated.

Notwithstanding any provision to the contrary, Solid Waste may include de minimis volumes or concentrations of waste of a type and amount normally found in Residential Solid Waste after implementation of programs for the safe Collection, Recycling, treatment, and Disposal of household hazardous waste in compliance with Section 41500 and 41802 of the California Public Resources Code as may be amended from time to time. Solid Waste includes salvageable materials only when such materials are included for Collection in a Solid Waste Container not Source Separated from Solid Waste at the site of generation.

Exhibit A

- (xxx) “Solid Waste Container” shall be used for the purpose of storage and collection of Solid Waste.
- (yyy) “Source Separated” or “Source-Separated (materials)” means materials, including commingled Recyclable Materials and Organic 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 the Ordinance, Source Separated shall include separation of materials by the Generator, Responsible Party, or Responsible Party’s employee, into different containers for the purpose of collection such that Source-Separated materials are separated from Solid Waste for the purposes of collection and processing.
- (zzz) “Source Separated Organic Materials” means Organic Materials that are Source Separated and placed in an Organic Materials Container.
- (aaaa) “Source Separated Recyclable Materials” means Recyclable Materials that are Source Separated and placed in a Recyclable Materials Container.
- (bbbb) “Standard Container” means Organic Waste Containers, Recyclable Materials Containers, and Organic Waste Containers approved by the District and/or the Franchisee.
- (cccc) “State” means the State of California.
- (dddd) “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).
- (eeee) “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.

Exhibit A

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

- (ffff) “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 Ordinance.

- (gggg) “Ton” or “Tonnage” means a unit of measure for weight equivalent to two thousand (2,000) standard pounds where each pound contains sixteen (16) ounces.
- (hhhh) “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 189852(a)(76).
- (iiii) “Yard Trimmings” or “Green Waste” means those Discarded Materials that will decompose and/or putrefy, including, but not limited to, green trimmings, grass, weeds, leaves, prunings, branches, dead plants, brush, tree trimmings, dead trees, small pieces of unpainted and untreated wood, and other types of Organic Materials resulting from normal yard and landscaping maintenance that may be specified in District Legislation for Collection and Processing as Organic Materials under this Agreement. Yard Trimmings does not include items herein defined as Excluded Waste. Yard Trimmings are a subset of Organic Materials. Yard Trimmings placed for Collection may not exceed six (6) inches in diameter and three (3) feet in length and must fit within the Contractor-provided Container. Acceptable Yard Trimmings may be added to

or removed from this list from time to time by mutual consent or at the sole discretion of the District.

3.01.03 Requirements for Single-Family Premises

- (a) Except Responsible Parties of Single-Family Premises that meet the Self-Hauler requirements in Section 3.01.010 of this Ordinance, Responsible Parties of Single-Family Premises shall comply with the following requirements:
 - (1) Subscribe to and pay for District’s three-container collection services for weekly collection of Recyclable Materials, Organic Materials, and Solid Waste generated by the Single-Family Premises and comply with requirements of those services as described below in Section 4(a)(2). District and its Designee(s) 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. The Responsible Parties for Single-Family Premises shall adjust their Service Level for their collection services as requested by the District.
 - (2) Participate in the District’s three-container collection service(s) in the manner described below.
 - (i) Place, or, if Responsible Party is not an occupant of the Single-Family Premises, direct its Generators to place, Source Separated Organic Materials, including Food Waste, in the Organic Materials Container; Source Separated Recyclable Materials in the Recyclable Materials Container; and Solid Waste in the Solid Waste Container.
 - (ii) Not place, or, if Responsible Party is not an occupant of the Single-Family Premises, direct its Generators to not place Prohibited Container Contaminants in collection containers and not place materials designated for the Organic Materials Containers or Recyclable Materials Containers in the Solid Waste Containers.
- (b) Nothing in this Section prohibits a Responsible Party or Generator of a Single-Family Premises from preventing or reducing Discarded Materials generation, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

3.01.04 Requirements for Multi-Family Residential Dwellings

- (a) Responsible Parties of Multi-Family Premises shall provide or arrange for Recyclable Materials, Organic Materials, and Solid Waste collection services consistent with this Ordinance and for employees, contractors, and tenants.

Responsible Parties of Multi-Family Premises may receive waivers pursuant to Section 7 for some requirements of this Section.

- (b) Except for Responsible Parties of Multi-Family Premises that meet the Self-Hauler requirements in Section 3.01.010 of this Ordinance, including hauling services arranged through a landscaper, Responsible Parties of Multi-Family Premises shall:
 - (1) Subscribe to and pay for the District's three or more-container collection services and comply with requirements of those services for all Recyclable Materials, Organic Materials, and Solid Waste generated at the Multi-Family Premises as further described below in this Section. The District and its Designee(s) shall have the right to review the number and size of the Multi-Family Premises' collection 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. The Responsible Party of a Multi-Family Premises shall adjust their Service Level for their collection services as requested by the District or its Designee.
 - (2) Participate in the District's three or more-container collection service(s) for at least weekly collection of Recyclable Materials, Organic Materials, and Solid Waste in the manner described below.
- (c) Place and/or direct its Generators to place Source Separated Organic Materials, including Food Waste, in the Organic Materials Container; Source Separated Recyclable Materials in the Recyclable Materials Container; and Solid Waste in the Solid Waste Container.
- (d) Not place and/or direct its Generators to not place Prohibited Container Contaminants in collection containers and to not place materials designated for the Organic Materials Containers or Recyclable Materials Containers in the Solid Waste Containers.
 - (1) Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors for employees, contractors, tenants, and customers, consistent with the District's Recyclable Materials Container, Organic Materials Container, and Solid Waste Container collection service or, if Self-Hauling, consistent with the Multi-Family Premises' approach to complying with Self-Hauler requirements in Section 3.01.010 of this Ordinance.
 - (2) Annually provide information to employees, contractors, tenants, and customers about Recyclable Materials and Organic Waste Recovery requirements and about proper sorting of Recyclable Materials, Organic Materials, and Solid Waste.

- (3) Provide education information before or within fourteen (14) days of occupation of the Premises to new tenants that describes requirements to Source Separate Recyclable Materials and Organic Materials and to keep Source Separated Organic Materials and Source Separated Recyclable Materials separate from each other and from Solid Waste (when applicable) and the location of containers and the rules governing their use at each property.
- (4) Provide or arrange access for the District and/or its Designee(s) to their properties during all Inspections conducted in accordance with this Ordinance to confirm compliance with the requirements of this Ordinance.
- (e) If the Responsible Party of a Multi-Family Premises wants to Self-Haul, meet the Self-Hauler requirements in Section 3.01.010 of this Ordinance.
- (f) Multi-family Premises that generate two (2) cubic yards or more of total Solid Waste, Recyclable Materials, and Organic Materials per week (or other threshold defined by the State) that arrange for gardening or landscaping services shall require that the contract or work agreement between the Owner, Occupant, or operator of a Multi-Family Premises and a gardening or landscaping service specifies that the designated organic materials generated by those services be managed in compliance with this chapter.
- (g) Nothing in this Section prohibits a Responsible Party or Generator of a Multi-Family Premises from preventing or reducing Discarded Materials generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

3.01.05 Requirements for Commercial Businesses

- (a) Responsible Parties of Commercial Businesses shall provide or arrange for Recyclable Materials, Organic Materials, and Solid Waste collection services consistent with this Ordinance and for employees, contractors, tenants, and customers. Responsible Parties of Commercial Premises may receive waivers pursuant to Section 3.01.06 for some requirements of this Section.
- (b) Except Responsible Parties of Commercial Businesses that meet the Self-Hauler requirements in Section 3.01.010 of this Ordinance, including hauling services arranged through a landscaper, Responsible Parties of Commercial Premises shall:
 - (1) Subscribe to and pay for the District’s three or more-container collection services and comply with requirements of those services for all Recyclable Materials, Organic Materials, and Solid Waste generated at the Commercial Premises as further described below in this Section. The District and its Designee(s) shall have the right to review the number and size of a Commercial Premises’ containers and frequency of

Exhibit A

collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials. The Responsible Party of the Commercial Business shall adjust their Service Level for their collection services as requested by the District or its Designee.

- (2) Participate in the District's three or more-container collection service(s) for at least weekly collection of Recyclable Materials, Organic Materials, and Solid Waste in the manner described below.
 - (i) Place and/or direct its Generators to place Source Separated Organic Materials, including Food Waste, in the Organic Materials Container; Source Separated Recyclable Materials in the Recyclable Materials Container; and Solid Waste in the Solid Waste Container.
 - (ii) Not place and/or direct its Generators to not place Prohibited Container Contaminants in collection containers and to not place materials designated for the Organic Materials Containers or Recyclable Materials Containers in the Solid Waste Containers.
- (3) Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming with Sections 6(b)(4)(i)) and 6(b)(4)(ii) below) for employees, contractors, tenants, and customers, consistent with the District's Recyclable Materials Container, Organic Materials Container, and Solid Waste Container collection service or, if Self-Hauling, consistent with the Commercial Premises' approach to complying with Self-Hauler requirements in Section 3.01.010 of this Ordinance.
- (4) Provide containers for customers for the collection of Source Separated Recyclable Materials and Source Separated Organic Materials in all indoor and outdoor areas where Solid Waste containers are provided for customers, for materials generated by that Commercial Business. Such containers shall be visible and easily accessible. 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, as demonstrated through an approved de minimis waiver per Section 3.01.06(a), then the Responsible Party of the Commercial Business does not have to provide that particular container in all areas where Solid Waste containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the Responsible Party of the Commercial Business shall have either:
 - (i) A body or lid that conforms with the container colors provided through the collection service provided by the District, with either lids conforming to the color requirements or bodies conforming to

the color requirements or both lids and bodies conforming to color requirements. The Responsible Party of the Commercial Business is not required to replace functional containers that do not comply with the requirements of this subsection prior to whichever of the following comes first: (i) the end of the useful life of those containers, or (ii) January 1, 2036.

- (ii) Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
- (5) To the extent practical through education, training, Inspection, and/or other measures, prohibit employees from placing materials in a container not designated for those materials per the District's Recyclable Materials Container, Organic Materials Container, and Solid Waste collection service or, if Self-Hauling, per the instructions of the Commercial Business's Responsible Party to support its compliance with Self-Hauler requirements in Section 3.01.010 of this Ordinance.
- (6) Periodically inspect Recyclable Materials Containers, Organic Materials Containers, and Solid Waste 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).
- (7) Annually provide information to employees, contractors, tenants, and customers about Recyclable Materials and Organic Waste Recovery requirements and about proper sorting of Recyclable Materials, Organic Materials, and Solid Waste.
- (8) Provide education information before or within fourteen (14) days of occupation of the Premises to new tenants that describes requirements to Source Separate Recyclable Materials and Organic Materials and to keep Source Separated Organic Materials and Source Separated Recyclable Materials separate from each other and from other Solid Waste (when applicable) and the location of containers and the rules governing their use at each property.
- (9) Provide or arrange access for the District or its Designee to their properties during all Inspections conducted in accordance with this Ordinance to confirm compliance with the requirements of this Ordinance.

- (c) If the Responsible Party of a Commercial Business wants to Self-Haul, meet the Self-Hauler requirements in Section 3.01.010 of this Ordinance.
- (d) Nothing in this Section prohibits a Responsible Party or a Generator of a Commercial Business from preventing or reducing Discarded Materials generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- (e) Responsible Parties of Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 3.01.07 of this Ordinance.

3.01.06 Waivers for Multi-Family Premises and Commercial Premises

- (a) De Minimis Waivers for Multi-Family Premises and Commercial Premises. The District and/or its Designee, may waive a Responsible Party’s obligation to comply with some or all Recyclable Materials and Organic Waste requirements of this Ordinance if the Responsible Party of the Commercial Business or Multi-Family Premises provides documentation that the Commercial Business or Multi-Family Premises meets one of the criteria in subsections (1) and (2) below. For the purposes of subsections (1) and (2), the total Solid Waste shall be the sum of weekly container capacity measured in cubic yards for Solid Waste, Recyclable Materials, and Organic Materials collection service. Hauling through paper shredding service providers or other incidental services may be considered in granting a de minimis waiver.
 - (1) The Commercial Business’s or Multi-Family Premises’ total Solid Waste collection service is two (2) cubic yards or more per week and Recyclable Materials and Organic Materials subject to collection in Recyclable Materials Container(s) or Organic Materials Container(s) comprises less than twenty (20) gallons per week per applicable material stream of the Multi-family Premises’ or Commercial Business’s total waste (i.e., Recyclable Materials in the Recyclable Materials stream are less than twenty (20) gallons per week or Organic Materials in the Organic Materials stream are less than twenty (20) gallons per week); or,
 - (2) The Commercial Business’s or Multi-Family Premises’ total Solid Waste collection service is less than two (2) cubic yards per week and Recyclable Materials and Organic Materials subject to collection in a Recyclable Materials Container(s) or Organic Materials Container(s) comprises less than ten (10) gallons per week per applicable material stream of the Multi-family Premises’ or Commercial Business’s total waste (i.e., Recyclable Materials in the Recyclable Materials stream are less than ten (10) gallons per week or Organic Materials in the Organic Materials stream are less than ten (10) gallons per week).

- (b) Physical Space Waivers. The District and/or District's Designee may waive a Commercial Business's or Multi-Family Premises' obligation to comply with some or all of the Recyclable Materials and/or Organic Waste collection service requirements if the District or its Designee has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the Premises lacks adequate space for Recyclable Materials Containers and/or Organic Materials Containers required for compliance with the Recyclable Materials and Organic Materials collection requirements of Section 5 or 6 as applicable.
- (c) Review and Approval of Waivers. Waivers shall be granted to Responsible Parties by the District's Designee, or the District if there is no Designee, according to the following process:
- (1) Responsible Parties of Premises seeking waivers shall submit a completed application form to the District and/or its Designee for a waiver. The waiver shall be considered based upon the following criteria: (1) the waiver type requested; (2) type(s) of collection services for which the party is requesting a waiver; (3) the reason(s) for such waiver; (4) documentation supporting the request for a waiver; (5) any pertinent facts or circumstances; (6) harmony with the intent of this Ordinance; and (7) any other factors deemed relevant by the District and/or its Designee. The District or its Designee shall have sole discretion in determining to grant or not grant a waiver.
 - (2) Upon waiver approval, the District and/or its shall specify that the waiver is valid for the following duration:
 - (i) For Commercial Premises, five (5) years, or if property ownership changes, or if occupancy changes, whichever occurs first.
 - (ii) For Multi-Family Premises, five (5) years, or if property ownership changes, or if the property manager changes, whichever occurs first.
 - (3) Waiver holder shall notify the District's Designee, or the District if there is no Designee, if circumstances change such that Commercial Business's or Multi-Family Premises' may no longer qualify for the waiver granted, in which case waiver will be rescinded.
 - (4) Any waiver holder must cooperate with the District and/or its Designee for any on-site assessment of the appropriateness of the waiver.
 - (5) Waiver holder shall reapply to the District's Designee, or the District if there is no Designee, for a waiver upon the expiration of the waiver period and shall submit any required documentation, and/or fees/payments as required by the District and/or its Designee. Failure to

submit a completed application shall equate to an automatic denial of said application.

- (6) The District's Designee, or the District if there is no Designee, may revoke a waiver upon a determination that any of the circumstances justifying a waiver are no longer applicable.
- (7) If the District's Designee does not approve a waiver application or revokes a waiver, the applicant may appeal the decision for additional review to the District General Manager. The District may, after meeting and conferring with its Designee, direct the Designee to approve the waiver application and/or repeal the revocation of the waiver.

3.01.07 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. Food that is donated shall be free from adulteration, spoilage, and meet the food safety standards of the California Health and Safety Code. Food cannot be donated if it is not in compliance with the food safety standards of the California Health and Safety Code, including food that is returned by a customer, has been served or sold and in the possession of a consumer, or is the subject of a recall.
 - (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) Not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.

Exhibit A

- (4) Allow the District, its agents, or the District's designated enforcement entity or designated third party enforcement entity to access the Premises and review records pursuant to 14 CCR Section 18991.4.
- (5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
 - (i) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
 - (ii) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
 - (iii) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 - (A) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - (B) The types of food that will be collected by or Self-Hauled to the Food Recovery Service or Food Recovery Organization.
 - (C) The established frequency that food will be collected or Self-Hauled.
 - (D) The quantity of food, measured in pounds recovered per month, collected or Self-Hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
- (6) Maintain records required by this Section for five (5) years.
- (7) No later than January 31 of each year commencing no later than January 31, 2023, for Tier One Commercial Edible Food Generators and January 31, 2025, for Tier Two Commercial Edible Food Generators, provide an annual Food Recovery report to the District or its Designee that includes the following information:
 - (i) The amount, in pounds, of edible food donated to a Food Recovery Service or Food Recovery Organization annually; and,
 - (ii) The amount, in pounds of edible food rejected by a Food Recovery Service or Food Recovery Organization annually.
 - (iii) Any additional information required by the District Manager or their Designee.

- (d) Nothing in this Ordinance 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).

3.01.08 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) Maintain records required by this Section for five years.

- (d) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the District 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 District it is located in and the District's Designee, if applicable, 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). The annual report shall be submitted to the District and the District's Designee, if applicable, no later than January 31 of each year.
- (e) In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the District that provides Solid Waste collection services, or its designated entity, Food Recovery Services and Food Recovery Organizations operating in the District shall provide information and consultation to the District and District's Designee, if applicable, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the District and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the District and/or its Designee shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the District.
- (f) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the District and contract with or have written agreements with one or more Commercial Edible Food Generators shall include language in all agreements with Tier 1 and Tier 2 edible food generators located in the District identifying and describing the California Good Samaritan Act of 2017.
- (g) Nothing in this chapter prohibits a Food Recovery Organization or Food Recovery Service from refusing to accept Edible Food from a Commercial Edible Food Generator.

3.01.09 Requirements for Haulers and Facility Operators

- (a) Requirements for Haulers
 - (1) Franchise hauler(s) providing Recyclable Materials, Organic Waste, and/or Solid Waste collection services to Generators within the District's boundaries shall meet the following requirements and standards as a condition of approval of its contract, agreement, permit, or other authorization with the District to collect Recyclable Materials, Organic Materials, and/or Solid Waste:
 - (i) Through written notice to the District annually on or before January 1 of each year, identify the facilities to which they will transport Discarded Materials, including facilities for Source

Exhibit A

Separated Recyclable Materials, Source Separated Organic Materials, and Solid Waste unless otherwise stated in the franchise agreement, contract, permit, or license, or other authorization with the District.

- (ii) Transport Source Separated Recyclable Materials to a facility that recovers those materials; transport Source Separated Organic Materials to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2; transport Solid Waste to a disposal facility or transfer facility or operation that processes or disposes of Solid Waste; and transport manure to a facility that manages manure in conformance with 14 CCR Article 12 and such that the manure is not landfilled, used as Alternative Daily Cover (ADC), or used as Alternative Intermediate Cover (AIC).
- (iii) Obtain approval from the District to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, and Section 11 of this Ordinance.

- (2) Franchise hauler(s) authorized to collect Recyclable Materials, Organic Materials, and/or Solid Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement, permit, or other agreement entered into with the District.

(b) Requirements for Facility Operators and Community Composting Operations

- (1) Owners of facilities, operations, and activities located in the District's boundaries that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon District 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 District shall respond within 60 days.
- (2) Community Composting operators with operations located in the District's boundaries, upon District request, shall provide information to the District 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 District shall respond within 60 days.

- (3) Owners of facilities, operations, and activities located in the District's boundaries that receive Recyclable Materials, Organic Materials, and/or Solid Waste shall provide to the District, on a quarterly basis, copies of all reports they are required to report to CalRecycle under 14 CCR.

3.01.010 Self-Hauler Requirements

- (a) Every Self-Hauler shall Source Separate its Recyclable Materials and Organic Materials (materials that District otherwise requires Generators or Responsible Parties to separate for collection in the District's Recyclable Materials and Organic Materials collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Section 18984.1 and the District's collection program. Self-Haulers shall deliver their materials to facilities described in subsection (b) below. Alternatively, Self-Haulers may or choose not to Source Separate Recyclable Materials and Organic Materials and shall haul its Solid Waste (that includes Recyclable Materials and Organic Materials) to a High Diversion Organic Waste Processing Facility subject to advance written approval by the District.
- (b) Self-Haulers that Source Separate their Recyclable Materials and Organic Materials shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; haul their Source Separated Organic Waste to a facility, operation, activity, or property that processes or recovers Source Separated Organic Waste; and haul their Solid Waste to a disposal facility or transfer facility or operation that processes or disposes of Solid Waste.
- (c) Self-Haulers that are Responsible Parties of Commercial Businesses or Multi-Family Premises shall keep records of the amount of Recyclable Materials, Organic Waste, and Solid Waste delivered to each facility, operation, activity, or property that processes or recovers Recyclable Materials and Organic Waste and processes or disposes of Solid Waste or shall keep records of Solid Waste delivered to High Diversion Organic Waste Processing Facilities. These records shall be subject to review by the District and/or its Designee(s). The records shall include the following information:
 - (1) Delivery receipts and weight tickets from the entity accepting the Recyclable Materials, Organic Materials, and Solid Waste.
 - (2) The amount of material in cubic yards or Tons transported by the Generator or Responsible Party 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 Recyclable Materials, Organic Materials, and Solid Waste.

- (d) Self-Haulers shall retain all records and data required to be maintained by this Section for no less than five (5) years after the Recyclable Materials, Organic Materials, and/or Solid Waste was first delivered to the facility accepting the material.
- (e) Self-Haulers that are Commercial Businesses or Multi-Family Premises shall provide copies of records required by this Section to the District if requested by the District General Manager and shall provide the records at the frequency requested by the District Manager.
- (f) A Single-Family Generator or Single-Family Responsible Party that Self-Hauls Recyclable Materials, Organic Waste, or Solid Waste is not required to record or report information in Section 3.01.010(c) and (d).
- (g) Pursuant to 14 CCR Section 18815.9, Food Waste Self-Haulers are required to maintain records and report to CalRecycle information on the Tons of Food Waste Self-Hauled and the facilities or each use of such material. Food Waste Self-Haulers shall provide to the District, on a quarterly basis, copies of all reports they are required to report to CalRecycle.

3.01.011 Inspections and Investigations

- (a) The District representatives or its Designee(s) 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 Generators, Responsible Parties of Single-Family Premises, Responsible Parties of Commercial Businesses, Responsible Parties of Multi-Family Premises, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow District or its Designee to enter the interior of a private residential property for Inspection.
- (b) Entities regulated by this Ordinance shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the District's representative or its Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, inspection of Edible Food Recovery activities, review of required records, or other verification or Inspection to confirm compliance with any other requirement of this Ordinance. Failure of a Responsible Party 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 Section 3.01.020.

- (c) Any records obtained by the District or its Designee during its Inspections, 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) The District representatives or their Designee are authorized to conduct any Inspections, or other investigations as reasonably necessary to further the goals of this Ordinance, subject to applicable laws.
- (e) The District or its Designee shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.
- (f) The District representatives and/or their Designee are authorized to provide informational notices to entities regulated by this Ordinance regarding compliance with this Ordinance.

3.01.012 Collection Rates and Collection of Delinquent Fees and Charges

- (a) Collection rates, fees and charges for solid waste collection and disposal shall be established pursuant to the California Constitution Article XIID and set by the Franchisee using a methodology approved by the District and adopted by resolution by the Board of Directors.
- (b) Once each year, prior to a date established by the District, the Franchisee shall take the following actions to collect delinquent solid waste collection and disposal accounts:
 - (1) Present to the District a list of Responsible Parties and/or Owners (with corresponding parcel numbers) within the District whose accounts are more than one hundred twenty days past due;
 - (2) Send a letter with delivery confirmation requesting payment to each Responsible Party and/or Owner with a delinquent account;
 - (3) At least thirty days after receiving delivery certification for payment requests, present to the District a list of Responsible Parties and/or Owners (with corresponding parcel numbers) whose accounts are still past due.
- (c) After the Franchisee has completed all of the actions listed in Paragraph (a), the District Board of Directors will adopt a resolution authorizing the County Auditor to place the delinquent accounts upon the tax roll. The Franchisee shall bear the full cost of any fees charged by the County Auditor to place the delinquent accounts on the tax roll.

3.01.013 Franchise for Collection - Authorization

- (a) A Franchise, exclusive or nonexclusive, for the collection and disposal of solid

waste may be granted and/or authorized by the District or its Designee.

- (b) No person shall collect, or enter into an agreement to collect, or provide for the collection or disposal of Discarded Materials, unless such person is authorized by the District to operate within the District by means of a Franchise Agreement.

3.01.014 Regulations for Accumulation of Solid Waste, Cast Offs, Rubble, And Refuse

- (a) No Responsible Party, Generator, or Owner of property shall allow the following to be accumulated on any property, lot, parcel, or Premises:
 - (1) Solid waste of any kind, unless the same shall be in a Solid Waste Container.
 - (2) Discarded mattresses, couches, chairs, and other household furniture.
 - (3) Construction material, demolition material, Rubble, Refuse, and/or debris.
 - (4) Hazardous Materials of any kind.
 - (5) Bulky Items and Cast Offs.
- (b) No Responsible Party, Generator, or Owner shall dispose of Solid Waste, Recyclable Materials, or Organic Waste by:
 - (1) Causing it to be placed on another's lot, parcel, or Premises.
 - (2) Causing it to be deposited in or near litter receptacles placed by the District in public places for incidental use by pedestrians or vehicular traffic;
 - (3) Causing it to be deposited on any public or private place, street, lane, alley, or drive.
 - (4) Causing it to be placed into any standard container other than those in possession of such Responsible Party or Generator unless permission for such use is granted by the Commercial or Residential Customer in possession of the Standard Container(s).
- (c) The Responsible Party and/or Owner of a developed or non-developed (vacant) lot or parcel of land shall be liable for paying the costs, including administrative costs and attorneys' fees for the removal of Solid Waste, Refuse, Cast Offs, and Rubble that accumulates on his/her property in violation of this section, if said waste is not removed after notice, as provided in Section 3.01.015.

3.01.015 Clearing of Accumulated Solid Waste and Rubble

- (a) The accumulation of Solid Waste, Refuse, Cast Offs, and/or Rubble in violation of this Ordinance is hereby declared to be a public nuisance.
- (b) The District or its Designee is authorized and empowered to notify the Owner, his or her agent, or person in control of any lot, parcel, or Premises within the District, and direct them to dispose of Solid Waste, Refuse, Cast Offs, and/or Rubble that has accumulated in violation of this Section 3.01.015. Such notice shall be given by posting the lot, parcel, or Premises and by certified mail addressed to the Responsible Party and/or Owner, his or her agent, at his or her last known address, or by personal service on the owner, agent, person in control or occupant of the property or Premises.
- (c) The notice shall describe the work to be done and shall state that if the work is not commenced within ten calendar days after receipt of notice and diligently prosecuted to completion without interruption, the District and/or its Designee shall notify the County Environmental Health Department to commence abatement proceedings. Cost of said abatement, including administrative costs and attorneys' fees, shall be a lien on the property. The notice shall be substantially in the following form:

NOTICE TO REMOVE
SOLID WASTE REFUSE, CAST OFFS, AND/OR RUBBLE

The owner of the property commonly known as: _____ is hereby ordered to properly dispose of the solid waste matter, refuse, cast offs, and/or rubble located on the property, to wit: (type of waste matter to be disposed of) within ten calendar days from the date hereof. If the disposal of the solid waste matter, cast-offs, and/or rubble herein described is not commenced and diligently prosecuted to completion within the time fixed herein, the District Operations Supervisor will apply to the County of San Luis Obispo Environmental Health Department for an order to abate said nuisance, and the costs of such abatement shall become a charge against the property, and shall be made a special assessment against the property. Said special assessment may be collected at the same time and in the same manner as is provided for the collection of ordinary County taxes, and shall be subject to the same procedures as foreclosure and sale in the case of delinquency as is provided for ordinary County taxes.

If you should have any questions, please contact the undersigned at (805) 927-4778.

Date: _____

District General Manager

cc: San Luis Obispo County Environmental Health Department

- (d) The District shall cause to be kept in his/her office a permanent record containing:
 - (1) a description of each parcel, property, or Premises for which notice to dispose of waste matter has been given;
 - (2) the name of the Owner, if known;
 - (3) the date the matter was referred to the San Luis Obispo County Department of Environmental Health;
 - (4) action taken by the County Department of Environmental Health. Each such entry shall be made as soon as practicable after completion of such act.
- (e) The County of San Luis Obispo Environmental Health Department is hereby authorized to enforce all abatement proceedings authorized by this section.

3.01.016 Storage and Placement of Standard Containers for Pick-Up

- (a) All residential Standard Containers shall be placed for collection along the street in front of the premises or the rear alley, when applicable, only on the date established for the collection of solid waste on the particular route, or after 5:30 P.M. on the day immediately prior to such collection, and shall not remain thereon for more than twelve (12) hours after it has been emptied unless special in yard service has been contracted for.
- (b) Any Container placed for collection along a street or roadway shall be placed within three feet of the edge of the street or roadway, without causing a safety hazard. In the event that automated service is provided in the District, Containers shall be placed in accordance with guidelines established by the Franchisee and approved by the District.
- (c) Upon collection, the Franchisee shall place all Standard Containers approximately 3 feet from the edge of the street or roadway, to avoid creating a safety hazard.
- (d) No person other than a Franchisee or Customer shall interfere in any manner with any Standard Container or the contents thereof, or remove any Discarded Materials from the location where it was placed by the Customer or Franchisee, nor remove the contents of any Standard Container.

3.01.017 Unlawful Collection

- (a) A Franchisee shall not be required to collect Hazardous Waste, or dangerous materials as part of its regular collection activity. Liquid and dry caustics, acids, biohazardous, flammable, explosive materials, insecticides, and similar substances shall not be deposited in Standard Containers. Any person collecting such substances shall store, handle and dispose of such materials in accordance with local, state and federal law and shall obtain all necessary local, state and federal permits therefor.
- (b) A Franchisee shall not be required to collect Infectious Waste (as defined in California Health and Safety Code section 7054.4, as amended from time to time, or any successor provision or provisions thereto) as part of its regular collection activity. Anyone producing such wastes shall store, handle and dispose of such materials only in the manner approved by the County health officer or designated deputy, and in accordance with local, state and federal law and with all necessary local, state and federal permits.

3.01.018 Condition of Collection Trucks

Every truck used by a Franchisee in the collection and removal of Discarded Materials shall be kept well painted, clean, and in good operating condition.

3.01.019 Exceptions

- (a) Nothing in this Ordinance shall be deemed to prohibit the removal and hauling by a licensed person pursuant to the terms and conditions of this Ordinance.
- (b) Nothing in this Ordinance shall be construed to prohibit any producer of Solid Waste, Cast Offs, Rubble, or Refuse from hauling the same to a permitted disposal site pursuant to the terms and conditions of this Ordinance.
- (c) Nothing in this Ordinance shall be construed to prohibit the collection and removal of Yard Trimmings or Green Waste by individual residents and by individuals doing business as professional landscapers, when the collection is directly related to their work and done pursuant to the terms and conditions of this Ordinance.
- (d) Nothing in this Ordinance shall limit the right of Generator, Responsible Party, Owner, or Commercial Business, or other entity to donate, sell or otherwise dispose of Solid Waste provided that any such disposal is in accordance with the provisions of this Ordinance.

3.01.020 Enforcement

- (a) Violation of any provision of this Ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the District or its Designee.

- (b) Other remedies allowed by law may be used, including civil action or prosecution as a misdemeanor or infraction. The District may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. The District may, at its option, 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 District's staff and resources.
- (c) Responsible Entity for Enforcement
 - (1) Enforcement pursuant to this Ordinance may be undertaken by the District General Manager or its Designee, agent, legal counsel, or combination thereof.
 - (2) Enforcement may also be undertaken by a County Enforcement Official if so designated by the District.
 - (3) The District General Manager and/or its Designee may issue Notices of Violation(s).
- (d) Process for Enforcement
 - (1) The District General Manager and/or its Designee will monitor compliance with the Ordinance through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program. The District General Manager and/or the County Enforcement Officials and/or its designee may also monitor compliance with the Ordinance randomly.
 - (2) The District may issue an official notification to notify regulated entities of its obligations under the Ordinance.
 - (3) For incidences of Prohibited Container Contaminants found in containers, the District or its Designee will issue an informational notice of contamination to any Generator or Responsible Party 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 seven (7) days after determining that a violation has occurred. If the District, the County or their designee observes Prohibited Container Contaminants in a Responsible Party's containers on more than three (3) consecutive occasion(s), the District/County may assess contamination processing fees or contamination penalties on the Generator.

Exhibit A

- (4) With the exception of violations of contamination of container contents addressed under Section 3.01.020(k), the District 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 District shall commence an action to impose penalties, via an administrative citation and fine, pursuant to Section 3.01.020(k), Table 1, List of Example Violations.
- (6) Notices shall be sent to “Owner” at the official address of the owner maintained by the tax collector for the County Assessor or if no such address is available, to the owner at the address of the Multi-Family Premises or Commercial Premises or to the Responsible Party for the collection services, depending upon available information.

(e) Penalty Amounts for Types of Violations

The penalty levels are as follows, as prescribed by 14 CCR Section 18997.2 and any other applicable code or regulation:

- (1) For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.
- (2) For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.
- (3) For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 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 District 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/County 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 the Districts formal or informal procedures for appeals of administrative citations. Evidence may be presented at the hearing. The District 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 District or its Designee will conduct Inspections, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if the District or its Designee determines that Generator, Responsible Party, 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 Ordinance 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 District determines that a Generator, Responsible Party, 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 Ordinance, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to this Section, as needed.

(k) Enforcement Table

Table 1. List of Example Violations

Requirement	Description of Violation
Commercial Business Multi-Family Premises Responsibility Requirement Section 3.01.04 & .05	Responsible Party for a Commercial Business or Multi-Family Premises fails to provide or arrange for Organic Waste collection services consistent with District requirements and as outlined in this Ordinance, for employees, contractors, tenants, and customers, including supplying and allowing access to adequate numbers, size, and location of containers and sufficient signage and container color.
Organic Waste Generator or Responsible Party Requirement Section 3.01.03, .04, & .05	Organic Waste Generator or Responsible Party fails to comply with requirements pursuant to this Ordinance.
Hauler Requirement Section 3.01.09	A hauler providing Single-Family, Multi-Family or Commercial collection service fails to transport Discarded Materials to a facility, operation, activity, or property that recovers Organic Waste, as prescribed by this Ordinance.
Hauler Requirement Section 3.01.09	A hauler providing Single-Family, Multi-Family or Commercial Recyclable Materials, Organic Materials, or Solid Waste collection service fails to obtain applicable approval issued by the District to haul Recyclable Materials, Organic Materials, or Solid Waste as prescribed by this Ordinance.
Hauler Requirement Section 3.01.09	A hauler fails to keep a record of the applicable documentation of its approval by the District, as prescribed by this Ordinance.
Self-Hauler Requirement Section 3.01.010	A Generator or Responsible Party who is a Self-Hauler fails to comply with the requirements of this Ordinance.

Requirement	Description of Violation
Commercial Edible Food Generator Requirement Section 3.01.07	Tier One Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and/or fails to comply with other requirements of this Ordinance commencing Jan. 1, 2022.
Commercial Edible Food Generator Requirement Section 3.01.07	Tier Two Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and/or fails to comply with other requirements of this Ordinance commencing Jan. 1, 2024.
Commercial Business Responsible Party, Multi-Family Premises Responsible Party, Commercial Edible Food Generator, Food Recovery Organization or Food Recovery Service Sections 3.01.04, .05, .07, .08 & 0.11	Failure to provide or arrange for access to an entity's Premises for any Inspection or investigation.
Recordkeeping Requirements for Commercial Edible Food Generator Section 3.01.07	Tier One or Tier Two Commercial Edible Food Generator fails to keep records, as prescribed by Section 8 of this Ordinance.
Recordkeeping Requirements for Food Recovery Services and Food Recovery Organizations Section 3.01.08	A Food Recovery Organization or Food Recovery Service that has established a contract or written agreement to collect or receive Edible Food directly from a Commercial Edible Food Generator pursuant to 14 CCR Section 18991.3(b) fails to keep records, as prescribed by Section 9 of this Ordinance.

3.01.021 CalRecycle Issued Waivers

Certain provisions of this Ordinance may be subject to a low-population waiver pursuant to Article 3 in Title 14 of the California Code of Regulations, Sections 18984 through 18984.13. Please contact the District for verification.

TITLE 3

Chapter 3.12.100 GENERAL (Adopted 3/15/01 by Ordinance 2001-02)

3.12.110 Definitions:

~~Except as otherwise provided herein, the following words and phrases shall be interpreted consistent with the definitions set forth in Public Resources Code commencing with Section 40100 and Section 1.02.02 of the District Code.~~

~~(1) "Act" means the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000 et seq.) and all regulations adopted under that legislation, as may be amended from time to time.~~

~~(2) "Approved collector" means a collector who has been awarded a franchise agreement for the collection of solid waste and/or industrial waste within the District boundaries.~~

~~(3) "Board" means the Los Osos Community Services District Board of Directors.~~

~~(4) "Bulky waste" means and includes, but not by way of limitation, discarded white goods i.e., major household appliances, furniture, tires, carpets, mattresses and similar large items.~~

~~(5) "Collection" means the act of collecting solid waste materials or recyclables at residential, commercial, industrial or governmental sites and hauling it to a facility for processing, transfer, disposal or burning.~~

~~(6) "Collection vehicle or equipment" means any vehicle or equipment used in the collection of residential, commercial, industrial or governmental solid waste or recyclables.~~

~~(7) "Collector" means any person who operates a service route or provides service and is directly or indirectly reimbursed for the collection, transportation and disposal or recycling of solid waste or recyclables from residential, commercial or industrial premises within the District boundaries.~~

~~(8) "Construction and demolition waste" means the residual building materials, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures.~~

~~(9) "Container" means any bin, vessel, can or receptacle used for collecting solid waste from commercial and residential properties.~~

~~(10) "County " means the County of San Luis Obispo.~~

~~(11) "Curbside collection" means the collection of solid waste from a location adjacent to the street or alleyway.~~

~~(12) "District" means the Los Osos Community Services District and/or the Los Osos Community Services District Board of Directors.~~

~~(13) "Fiscal year" shall mean the period of time beginning on July 1st of one calendar year and ending on June 30th of the following calendar year.~~

~~(14) "Food waste" means all institutional, residential and commercial food product waste.~~

~~(15) "Franchise" means the right and privilege in accordance with a franchise agreement with the District (a) to collect; (b) to transport to a landfill or other permitted disposal facility; and/or (c) to recycle, from collected solid waste and recyclables, all solid waste kept, generated and/or accumulated within the District authorized franchise area.~~

~~(16) "Franchise fee" means the fee or assessment imposed by the District on a franchisee because of his or her status as a franchisee.~~

~~(17) "Garbage" means the putrescible animal, fish, fowl, food, fruit, bakery goods or vegetable matter resulting from the preparation, storage, processing, handling, decay, distribution, manufacturing or consumption of such substance except suet, tallow, bones or meat trimmings that are not rejected by the owner or producer as worthless or useless.~~

~~_____ (18) "General Manager" means the District General Manager.~~

~~(19) "Glass bottles and jars" means food and beverage glass containers including container glass covered by the deposit law and excluding household and kitchen containers such as drinking glasses, cups and cooking and serving dishes.~~

~~(20) "Greenwaste" means all grass clippings, leaves, branches and tree trunks and other yard waste generated by residents.~~

~~(21) "Hazardous waste" means any waste material or mixture of waste which is toxic, corrosive, flammable, or reactive if such a waste or mixture of waste may cause injury, illness or harm to humans, animals, or the environment during or as an approximate result of any disposal of such waste or mixture of waste as defined in Article 2 Chapter 6.5 Section 25117 of the Health and Safety Code and Public Resource Code Section 40141.~~

~~(22) "Health Officer" means the duly appointed director of the County health agency or his or her duly authorized representative.~~

~~(23) "Industrial waste" means waste originating from mechanized manufacturing facilities, factories, refineries, construction and demolition projects, publicly operated treatment works.~~

~~(24) "Inert" means materials such as concrete, soil, asphalt, ceramics, earthen cooking ware, automotive safety glass and mirrors.~~

~~—————(25) "Litter" means all improperly discarded waste material, including but not limited to, convenience food, beverage and other product packages or containers constructed of steel, aluminum, glass, paper, plastic and other natural and synthetic materials thrown or deposited on the lands and waters of the state but not including the properly discarded waste of the primary processing of agriculture, mining, logging, saw milling or manufacturing pursuant to California Code of Regulations Title 14 Section 17225.42.~~

~~(26) "Local enforcement agency" means the agency which has been certified by the California Integrated Waste Management Board as a comprehensive solid waste management agency which performs inspection, enforcement and permitting duties in all jurisdictions within San Luis Obispo County. The current local enforcement agency is the County Health agency.~~

~~(27) "Medical waste" means biohazardous waste, sharps waste, waste which is generated or produced, as a result of the diagnosis, treatment or immunization of human beings or animals, in research pertaining thereto or in the production or testing of biologicals pursuant to California Health and Safety Code, Section 25023.2.~~

~~(28) "Multifamily dwelling" means a structure or structures containing a total of three or more dwelling units in any vertical or horizontal arrangement on a single lot or building site that shares common solid waste storage.~~

~~(29) "Newspaper" means materials printed on newsprint also known as old newspaper or ONP.~~

~~(30) "Nuisance" means anything which is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property.~~

~~(31) "Occupant" means every owner, tenant or person having the care or control of any property or premises.~~

~~(32) "Office building" means any office and/or combination of offices enclosed in a single or connected buildings used for commercial, governmental or educational purposes.~~

~~(33) "Person" means any individual, firm, association, partnership, political subdivision, government agency, municipality, public or private corporation or any other entity whatsoever.~~

~~(34) "Plastic containers" means containers marked to identify their composition as polyethylene terephthalate (PET No. 1), natural or color high density polyethylene (HDPE No. 2), polyvinyl chloride or vinyl (PVC No. 3), low density~~

~~polyethylene (LDPE No. 4), polypropylene (PP No. 5), polystyrene (PS No. 6), or any other resin (OTHER No. 7) that may be used for containing milk, juice, water, detergent or other household products.~~

~~(35) "Pollution" means the condition caused by the presence in or on a body of water, soil or air of any solid waste or substance derived therefrom in such quantity of such nature and duration or under such condition that the quality, appearance or usefulness of the water, soil, land or air is significantly degraded or adversely altered.~~

~~(36) "Premises" means a tract or parcel of land with or without habitable buildings or appurtenant structures.~~

~~—————(37) "Processing" means the reduction, separation, recovery, conversion or recycling of solid waste.~~

~~(38) "Putrescible waste" means organic material with a decomposition capacity to emit noticeable quantities of odor and gaseous byproducts. Material in this category includes but is not limited to kitchen waste, dead animals, and food waste.~~

~~(39) "Radioactive waste" means any waste which exceeds regulatory levels of activity as defined in Chapter 7 of the California Health and Safety Code.~~

~~(40) "Recyclables" means aluminum, glass bottles and jars, paper, newspaper, cardboard, plastic containers, tin and bimetal, white goods, yard or green waste and other materials which can be processed and returned 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.~~

~~(41) "Removal" means the act of taking solid waste, recyclables or recoverable material from the place of generation either by an approved collector or by a person in control of the premises.~~

~~(42) "Removal frequency" means the frequency of removal of solid waste or recyclables from the place of generation.~~

~~(43) "Residential service" means collection of all types of domestic solid waste and rubbish which originate in residential dwellings.~~

~~(44) "Residential solid waste" means solid waste originating from single family or multifamily dwellings.~~

~~(45) "Roll-off box," also called a drop box, means an open top, movable container in which primarily nonputrescible solid waste such as construction and demolition debris or nonputrescible recyclables are stored until removed from the premises.~~

~~(46) "Rubbish" means nonputrescible plastic waste, solid waste, bulky waste, construction and demolition waste, litter and industrial waste.~~

~~(47) "Salvaging" means the controlled and/or authorized storage and removal of solid waste, recyclables or recoverable material.~~

~~(48) "Scavenging" means the uncontrolled and/or unauthorized removal of solid waste, recyclable or recoverable materials.~~

~~(49) "Segregation of waste material or segregate solid waste material" means the placement of garbage, recyclables and green waste in separate containers.~~

~~(50) "Single family dwelling" means a structure containing a single dwelling unit.~~

~~(51) "Solid Waste" means all waste substances including garbage, green waste, and recyclables. It does not include industrial waste and/or demolition or construction waste.~~

~~(52) "Solid waste container" means a covered or fully enclosed movable container, or waste wheeler in which garbage, green waste and/or recyclables are segregated and stored until removed from the premises.~~

~~(53) "Solid waste customer" means a person who's solid waste is collected from an Approved Collector.~~

~~(54) "Solid waste facility" means a disposal site, composting facility, transfer or processing station, incinerator or any facility specified in the Public Resources Code Section 40194.~~

~~(55) "Solid waste management" means a planned program for effectively controlling the storage, collection, transportation, processing, recycling, reuse, conversion or disposal of solid waste in a safe, sanitary, aesthetically acceptable, environmentally sound and in an economical manner. It includes all administrative, financial, environmental, legal and planning functions as well as the operational aspects of solid waste handling, disposal, litter control and resource recovery systems necessary to achieve established objectives.~~

~~(56) "Solid Waste Officer" shall mean the District Manager or his or her appointee.~~

~~(57) "Source separation" means the separation, at the place of generation or production, of wastes and resources for separate collection, processing, recycling, reuse, recovery or disposal.~~

~~(58) "Storage" means the interim containment of solid waste materials and recyclables in an approved manner after generation and prior to disposal.~~

~~(59) "Tin and bimetal cans" means any food or beverage containers which are composed of steel with a tin coating or are composed of steel and aluminum.~~

~~(60) "Transporter" means any person providing solid waste hauling service who transports said solid waste within the District boundaries.~~

~~(61) "Waste wheeler" means a covered plastic bin varying in size and capacity equipped with wheels or casters. Such bins may be used for putrescible and nonputrescible waste or recyclable materials.~~

~~3.12.120 Administration~~

~~These Rules and Regulations shall be administered and enforced by the District General Manager and/or his/her designee.~~

~~3.12.130 Notices~~

~~All notices required or given pursuant to these Rules and Regulations shall be deemed properly served when served by personal delivery or when deposited by certified mail, postage prepaid, in the United States post office, or a mail box, subpost office, substation or mail chute, or other like facility.)~~

~~3.12.140 Policies and Procedures~~

~~—The District General Manager is charged with enforcement and administration of these Rules and Regulations, and he/she is authorized to make necessary and reasonable policies and procedures with respect to the accumulation and collection of various types of solid waste, bulky waste, construction and demolition waste and putrescible waste, consistent with these Rules and Regulations.~~

~~3.12.150 Indemnification~~

~~Any agreement, franchise or other instrument authorized by these Rules and Regulations shall include an indemnification provision, in a form and content to be approved by District Legal Counsel, which provides for indemnification to the District for actions, misconduct or violations of law or regulations on the part of the indemnitor or indemnitor's agents and employees~~

~~3.12.160 Use of District Name~~

~~No franchisee or other collector or transporter shall use a firm name containing the words Los Osos Community Services District or other words implying District ownership.~~

~~3.12.170 Appeal Process~~

~~(a) When any party, by reason of special circumstances, believes that the Rules and Regulations prescribed here are unjust or inequitable as applied to a particular place or business within the District boundaries, the applicant may make written application to the General Manager stating the special circumstances, citing the provisions complained of, and requesting suspension or modification of such provision or charges as applied to his or her place and premises. The General Manager shall then forthwith consult with the collection service provider and cause an investigation of the conditions upon which the application is based. If after consultation with the collection service provider, the General Manager finds that such provisions or charges are unjust or inequitable as applied to the applicant's place or~~

~~premises within the specified area, the General Manager may suspend or modify the provision or charge complained of as applied to such place or premises to be effective as of a date specified and to continue during the period of the special circumstances so found.~~

~~(b) Exemptions granted pursuant to (a) above are effective for one year.~~

Chapter 3.12.200 HEALTH AND SAFETY

~~3.12.210 Private Property to be Free of Excess Solid Wastes and Litter~~

~~(a) The owner, occupant or operator of any premises, business establishment or other property, vacant or occupied, shall be responsible for the safe and sanitary storage of all solid waste, recyclables, industrial waste, construction and demolition waste, bulky waste accumulated on the property. The property shall be free of excessive amounts of solid wastes, recyclables, industrial waste, construction and demolition waste and bulky waste, except that manure or wood, leaves and other greenwaste may be accumulated, providing that no nuisance is created.~~

~~(b) The waste materials identified in Subsection (a) above are declared by the Board of Directors to be "rubbish" within the meaning of Government Code §61623.5. The Board of Directors further finds that rubbish accumulation in violation of Subsection (a) above, endangers the public safety by creating a fire hazard within the meaning of Government Code §61623.5.~~

~~3.12.220 Careless Disposal of Solid Waste~~

~~No person shall place or dump, or hire any person to place or dump, any solid waste or recyclables upon the right of way of any public highway, street, or thoroughfare, or upon the banks of any stream or dry watercourse, or upon the private property of any person, inhabited or uninhabited, or in a container that is either owned or under the control of another person.~~

~~3.12.230 Mandatory Service Requirement~~

~~Subject to Section 3.12.310(a) below, pursuant to County Ordinance 2604, Section 1 it shall be mandatory, for all places and premises within the District, in or on which garbage or solid waste is created, accumulated or produced, to use the authorized collection services.~~

~~3.12.240 Solid Waste Disposal Frequency~~

~~(a) Except as provided in subsection (b) below, the occupant of any residential or commercial property shall dispose of or remove from the premises, at least once each week, all excess solid waste, recyclables and green waste created or produced or accumulated in or about the premises.~~

~~(b) All solid waste created, produced or accumulated at or about any restaurant,~~

~~retail or wholesale market, food processing facility, hotel, motel, or other business establishment where food is sold, prepared or served, shall be removed from the premises at least twice each week, or more frequently if determined necessary by the General Manager~~

~~3.12.250 Collection Schedule~~

~~(a) Each franchisee shall provide a minimum regular collection schedule, consistent with Section 3.12.240 above, for his or her customers within the territory specified in the franchise agreement. The schedule shall be set forth in the franchise agreement~~

~~(b) No collections shall be made in residential districts or at schools, churches, hospitals, offices, motels, hotels or commercial establishments adjacent to such residential districts prior to six a.m. or after nine p.m.~~

~~(c) All solid waste collection services shall be provided to every person, commercial establishment or other entity on an equal, nondiscriminatory basis.~~

~~3.12.260 Solid Waste Storage Containers~~

~~(a) No person maintaining any premises where solid waste is created, accumulated, or produced shall fail or neglect to procure and store solid waste containers, as specified in subsections (1), (2), (3), (4) or (5) below:~~

~~(1) All garbage created, accumulated or produced on the premises shall be stored in watertight, impervious containers having close-fitting lids and shall be constructed of substantial, nonabsorbent materials.~~

~~(2) All recyclables, green waste or other solid wastes, other than garbage, shall be stored in separate containers which are sufficient in size to hold all such material without spilling or causing litter or a nuisance.~~

~~(3) Mechanically lifted solid waste bins may be used if they meet the requirements of the State Minimum Standards for Solid Waste Handling and Disposal, Title 14 California Code of Regulations, commencing with Section 17301.~~

~~(4) All solid waste containers, with the exception of mechanically dumped bins, shall have external handles or a bail. With the exception of mechanically dumped bins or waste wheelers, containers shall not exceed thirty-five gallons in capacity and a total weight of seventy-five pounds. Where putrescible waste is deposited, the container shall have doors or covers which are insect resistant and such doors or covers shall remain closed except during loading and unloading.~~

~~(5) Containers for solid waste and recyclables shall be of an adequate size and in sufficient numbers to contain, without overflowing, all the material that a household or other establishment generates within the designated removal period.~~

~~3.12.270—Requirements for Solid Waste Storage Area.~~

~~(a) Except as provided in Section 3.12.280 below, solid waste shall be stored in a solid waste storage area as defined by Subsection (b) and (c) below.~~

~~(b) The solid waste storage area shall be located within one hundred feet of the dwelling or building it serves. Containers or bins with a capacity of over one hundred gallons shall not be permanently located closer than twenty-five feet to any windows, doors or ventilation intake in any dwelling or other building, either on the subject property or adjacent properties. No can or bin shall be permanently located in any front setback area or on public property.~~

~~(c) In addition to the requirements of Subparagraph (b) above, commercial and industrial storage areas shall be constructed with sufficient retaining walls, fences, guard rails or bumpers to protect adjacent parking spaces. The floor or bottom surface of the solid waste storage area shall be made of concrete or other approved impervious material and shall provide an anti-roll curb. The geometry of the waste collection area shall be such that bins may be conveniently loaded onto or emptied into collection vehicles without having to move the bins prior to their initial contact with the collection vehicle at the start of the vehicle loading cycle, except that bins equipped with wheels or casters may be located such that they do not have to be moved more than ten feet to properly position them to make the initial contact with the vehicle.~~

~~3.12.280—Collection of Solid Waste.~~

~~Each solid waste container provided by the franchisee, owner, manager or person in possession, charge or control of any residential, commercial or industrial buildings, complexes, developments and projects and every person occupying a dwelling within the District boundaries shall be kept or placed entirely above ground level at a location which is convenient for access by collection personnel during the time for collection, as set forth below.~~

~~(a) All residential containers shall be placed for collection along the street in front of the premises or the rear alley, when applicable, and shall be removed after collection. Upon collection, the Franchisee shall place all standard containers approximately 3 feet from the edge of the street or roadway, to avoid creating a safety hazard.~~

~~(b) Provisions shall be made for easy access, with no obstacles. Where in-yard service is provided, proportionately higher rates may be charged by the hauler subject to the rate setting process pursuant to these Rules and Regulations.~~

~~3.12.290 Roll-off Box Service~~

~~(a) Roll-off box service shall not be utilized to replace residential and/or commercial collection and transportation services provided by a franchisee.~~

~~(b) Roll-off box service in the District is limited to the collection and transportation of bulky waste, construction and demolition waste, industrial waste, and green waste.~~

~~(c) Roll-off boxes shall not be utilized for the storage, collection or transportation of putrescible solid waste or putrescible recyclables.~~

~~(d) Roll-off box service providers shall be subject to the requirements of Sections 3.12.510 (b), 3.12.515, 3.12.520, 3.12.540, and 3.12.555 below.~~
~~Need to discuss with Bruce.~~

~~(e) Roll-off boxes shall be covered during transportation.~~

~~(f) Roll-off boxes shall be identified with the name and telephone number of the service provider and shall be equipped with reflectors or reflective markings on each exterior corner~~

Chapter 3.12.300 SOLID WASTE SERVICE

3.12.310 Service Requirements

~~(a) Each solid waste and recyclables collection permittee shall provide pickup service to all residential premises and commercial establishments situated within the area specified in his or her permit, subject to payment by the residential occupant or operator of a commercial establishment.~~

~~(b) It shall be the responsibility of each solid waste customer to segregate solid waste in separate containers for collection.~~

~~(c) All commercial and residential properties receiving solid waste collection services shall be provided under one billing structure that will include the collection of solid waste and recyclables. However, there may be joint or multiple use of commercial solid waste containers, subject to reasonable conditions established by the collection service and that are approved by the General Manager.~~

~~(d) The party responsible for payment for solid waste service is deemed to be the property owner and all the fees and charges hereinafter referred to shall be collected directly by the authorized collection service monthly or bimonthly, unless otherwise provided for in a written agreement, including a franchise agreement, by and between the collection service and the District.~~

3.12.320 Interference

~~No person other than a franchisee or customer shall interfere in any manner with any solid waste container or the contents thereof, or remove any such solid waste container from the location where it was placed by the customer or Franchisee, nor remove the contents from any solid waste container.~~

~~3.12.330 — Rates and Charges~~

~~Rates and charges for residential and commercial solid waste collection shall be established by the District Board of Directors pursuant to the District's ordinance adoption policies. The rate schedule for residential and commercial solid waste service shall be attached as Appendix A to these Rules and Regulations.~~

~~Chapter 3.12.400 — CHARGES~~

~~3.12.410 — Duties of Franchisee~~

~~Once each year, prior a date established by the District, the Franchisee shall take the following actions to collect delinquent residential and commercial solid waste collection and disposal accounts.~~

~~(a) — Present the District with a list of property owners (with corresponding parcel numbers) within the District whose accounts are more than one hundred twenty days past due;~~

~~(b) — Send a certified letter to each property owner identified in Subparagraph (a) above requesting payment from each property owner within forty five calendar days. Said letter shall reference this Code Section.~~

~~(c) — Present District with a list of property owners (with corresponding parcel numbers) that have failed to make payment as provided in Subsection (b) above.~~

~~3.12.420 — District Collection~~

~~Upon receipt of the information identified in Subsection 3.12.410 above the District will implement the collection procedures identified in Section 1.02.05(f) of the District Code.~~

~~Chapter 3.12.500 — COLLECTOR REGULATIONS~~

~~3.12.510 — Permit and Franchise Agreement Required~~

~~(a) It is unlawful for any person to collect, haul, or transport for hire solid waste (other than bulky waste, construction and demolition waste as referenced in Subsection (b) below) within the Los Osos Community Services District boundary unless said person has been issued:~~

~~(1) — A County permit to engage in such occupation that is filed with the General Manager; and~~

~~(2) — A Franchise Agreement from the District.~~

~~(b) It is unlawful for any person to collect, haul, or transport for hire bulky waste, construction and demolition waste unless said person has a County permit to engage in such occupation.~~

~~3.12.515 Collector—Litter Control~~

~~Any person collecting or transporting solid wastes, recyclables, bulky waste, construction and demolition or putrescible waste shall be responsible for the prevention of littering or the creation of a nuisance at the loading point, during transport and during unloading operations.~~

~~3.12.520 Identification~~

~~The identification of solid waste and recyclables storage containers and vehicles used in the collection and transport of solid wastes shall be governed by Title 14 California Code of Regulations Sections 17316 and 17344.~~

~~3.12.525 Vehicle—Type and Condition~~

~~(a) All vehicles used in the collection or transportation of solid waste or recyclables shall be kept in good mechanical condition, clean and neatly painted. The vehicle shall carry a shovel, broom and fire extinguisher.~~

~~(b) Packer type completely enclosed trucks shall be used to the greatest possible extent for solid waste collection. Other suitable equipment as required by terrain, type of solid waste and recyclables to be hauled, or other special conditions may be approved by the General Manager.~~

~~(c) Vehicles used for the collection and transport of solid waste shall have an enclosed waste compartment, be self-unloading and be originally constructed for the purpose of solid waste collection. Solid waste vehicles with a rated capacity of more than one and one-half tons (three thousand pounds) shall be equipped with audible, automatic backup warning devices.~~

~~(d) Vehicles used for the collection and transport of recyclable materials shall have a covered materials holding compartment and shall, to the greatest extent possible, be originally constructed for the purpose of recyclables collection and transportation. Recyclables vehicles with a rated capacity of more than one and one-half tons (three thousand pounds) shall be equipped with audible, automatic backup warning devices.~~

~~(e) No person, including but not limited to franchisees shall transport wet solid waste within the District boundary unless such solid waste is enclosed in containers or equipment which meets the requirements of Title 14 California Code of Regulations, commencing with Section 17341, and which in all instances shall be equipped with close-fitting covers. The covers shall be affixed to the tanks, containers or other receptacles, in such a manner as to prevent the dropping or spilling of any solid waste within the District boundaries.~~

~~3.12.530 Records Required~~

~~(a) Each collector shall keep and maintain such operating records as the General Manager may require to ascertain the extent of compliance with this chapter,~~

and shall, if so requested by the General Manager, submit periodic reports of his or her operations.

(b) Each collector shall maintain a record of customer complaints, to include a record of the action taken to resolve each complaint. Such record shall be available for inspection by the General Manager for a period of at least three years.

3.12.535 Vehicle and Equipment Inspection

Subject to the provisions of existing law, the vehicles and equipment of a collector may be inspected by the General Manager at any reasonable time, at the point of operation or at the collector's service yard.

3.12.540 Collector's Employees

It shall be the collector's responsibility to assure that all employees driving vehicles used by or belonging to the collector have in their possession, at all times, a valid commercial vehicle operator's license. The General Manager may periodically review these records.

3.12.545 Interruption of Service by Labor Dispute

(d) In the event that an approved collector's operations are interrupted by a labor dispute and scheduled collections, or solid waste facilities' operations are discontinued for more than a seventy-two-hour period, the District shall have the right to take temporary possession of all facilities and equipment of the collector for the purpose of continuing the service which the collector has agreed to provide, and in order to protect the public health and safety. The District shall have the right to retain possession of the facilities and equipment and to render the required service until the collector demonstrates to the satisfaction of the District that the required services can be resumed by the collector. However, such temporary assumption of the collector's obligation under her or his franchise agreement shall not be continued by the District for more than one hundred twenty days from the date such operations were undertaken. Should the collector fail to demonstrate to the satisfaction of the District that the required services can be resumed by the collector prior to the expiration of the one-hundred twenty-day period, the franchise agreement granted under these Rules and Regulations shall be forfeited and the rights and privileges granted in the franchise agreement shall be canceled and annulled.

(b) During any period in which the District temporarily assumes the obligations of a collector, as specified in subsection (a) above, the District shall be entitled to the gross revenue attributed to the operations during each period and shall pay therefrom only those costs and expenses applicable or allocable to the period. The excess, if any, of revenue over applicable costs and expenses during such period shall be deposited in the treasury of the District. Final adjustment and allocation of gross revenue, costs and expenses for the period during which the District temporarily assumes the obligations of a collector shall be determined by an audit by a certified public accountant or licensed public accountant and prepared in report form with his or her opinion annexed thereto.

~~3.12.550 Customer Information~~

~~Each collection franchisee shall establish and maintain an office where service may be applied for and complaints made. The office shall be equipped with a listed telephone, to which calls from residents within the franchisee collection area may be placed without payment of a toll charge and shall have a responsible person in charge, for at least seven hours between the hours of nine a.m. and five p.m. of each day except Saturdays, Sundays and legal holidays. The office shall maintain an answering service or shall be equipped with a recording answering machine during non-office hours. Each collection franchisee shall supply all serviced premises with printed information cards containing information regarding amounts of solid waste or recyclables which will be collected, complaint procedures, rates, regulations, and days of collection. Information cards shall be provided to each customer at the time of subscription and at least once every year thereafter, or more often upon request, and shall be provided in advance of route, rate or regulation changes.~~

~~3.12.555 Nonliability of District~~

~~Neither the District nor any of its officers or employees shall be liable, or in any way responsible, for the payment of any service rates or charges due the collector for performing services for any person or entity other than the District~~

~~3.12.560 Franchisee Nonassignable~~

~~No permit or franchise granted under these Rules and Regulations shall be assignable or transferable, either voluntarily or by operation of law, without the written permission of the District Board of Directors pursuant to the terms and conditions of the franchise agreement.~~

~~3.12.565 Limitations of Regulations~~

~~(a) — Except for the provisions of Sections 3.12.515, 3.12.540 and 3.12.555 these COLLECTOR Regulations do not apply to the collection and removal of greenwaste by individual residents and by individuals doing business as professional landscapers and/or tree service providers when the collection is directly related to their work.~~

~~(b) — Except for the provisions of Section 3.12.515, 3.12.540 and 3.12.555 these COLLECTOR Regulations do not apply, or prohibit any producer of solid waste, bulky waste, construction and demolition waste from hauling the same to a permitted disposal site.~~

Chapter 3.12.600 FRANCHISE AGREEMENTS

~~3.12.605 Award by the Board of Directors~~

~~The Board of Directors may award exclusive or nonexclusive franchises, with or without competitive bidding, for the collection of solid waste within the district boundaries.~~

3.12.610 Services

~~Any right of the franchisee to perform services pursuant to this section and a franchise agreement shall be set forth in the franchise agreement.~~

3.12.615 Territory

~~The territory where the franchisee has been provided a geographical right to perform services shall be set forth in the franchise agreement.~~

3.12.620 Customers

~~The franchise agreement shall require the franchisee to maintain a record of customer complaints and of the franchisee's response to those complaints, and the franchise agreement shall further require that any said records pertaining to customer complaints shall be made available, or reported to the General Manager.~~

3.12.630 Lawful Disposal of Solid Waste

~~The franchise agreement shall require the franchisee to assume the sole responsibility for securing a location to dispose of solid waste, and shall further require that the franchisee dispose of waste materials in compliance with all applicable federal, state and local laws and regulations.~~

3.12.635 Term

~~The franchise agreement shall provide for a term which does not exceed fifteen (15) years.~~

3.12.640 Indemnification

~~The franchise agreement shall include an indemnification provision, subject to approval of District Legal Counsel, which shall provide that the franchisee will defend and indemnify the District for any actions, including negligence, misconduct or violations of law or regulations on the part of the franchisee or the franchisee's agents and employees. The franchise agreement shall also include a provision requiring the franchisee to defend and indemnify the District for all actions of the franchisee associated with the franchisee's role as the arranger of municipal solid waste service, or as a principal related party in performing solid waste service under any federal or state laws or regulations. The franchisee shall also defend and indemnify the District from any and all legal action against the District on the basis of the assertion that the District is an arranger of municipal solid waste services as a result of the franchise agreement.~~

3.12.645 Reporting

~~Notwithstanding the reporting requirements pursuant to any other provision of these Rules and Regulations, the franchise agreement shall require the franchisee to report the following information to the District.~~

~~(a) Information relating to the quantities, types, volumes, weights, nature and location of waste collected, transported and disposed;~~

~~(b) Annual financial statements prepared in accordance with generally accepted accounting principles and audited by a certified public accountant. The financial statement shall include an opinion of the certified public accountant, and any opinion which reflects any breach of the terms and conditions of the franchise agreement by the franchisee may result in a limitation or loss of the franchisee's right to perform services.~~

~~3.12.650 Related Parties~~

~~The franchise agreement shall require the franchisee to annually disclose the entire nature and extent of transactions with related parties, as such parties are recognized by generally accepted accounting principles. The disclosure shall be on forms provided by the District.~~

~~3.12.655 Assignment~~

~~All franchise agreements awarded by the Board of Directors shall be subject to the limitations on transfer or assignment:~~

~~3.12.660 Permit Requirement~~

~~The franchisee shall be required to possess, and at all times maintain compliance with, County permits to collect solid waste in those geographical areas defined in the franchise agreement. The franchise agreement shall also include a provision that a loss or limitation of the franchisee's permit shall result in the loss or limitation of the franchisee's right to perform services established in the franchise agreement.~~

~~3.12.670 Penalties for Noncompliance~~

~~The franchise agreement shall require that the franchisee's right to perform services may be limited or lost for noncompliance with the terms and conditions of the franchise agreement. In addition, the franchise agreement shall establish reasonable fines, penalties and liquidated damages for nonperformance or breaches of the agreement.~~

~~Chapter 8.12.700 EXCEPTIONS~~

~~3.12.710~~

~~Nothing in these Rules and Regulations shall be deemed to prohibit the removal and hauling by a licensed person of materials considered by the General Manager to constitute a health menace of such nature as necessary to be ordered to be promptly removed.~~

3.12.720

~~_____The provisions of these Rules and Regulations shall not be interpreted to prevent the maintenance of a household compost pile on private property so long as it does not become a public or private nuisance.~~

3.12.730

~~_____Nothing in this Ordinance shall limit the right of an individual person, organization or other entity to donate, sell or otherwise dispose of recyclable material, provided that any such disposal is in accordance with the provisions of these Rules and Regulations.~~