

## **ORDINANCE NO. 635**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, CALIFORNIA, REPEALING AND REPLACING CHAPTER 8.20 (SOLID WASTE COLLECTION AND DISPOSAL) OF TITLE 8 (HEALTH & SAFETY) OF THE RANCHO PALOS VERDES MUNICIPAL CODE, RELATED TO SOLID WASTE COLLECTION AND RECYCLING**

WHEREAS, the City Council of the City of Rancho Palos Verdes wishes to maintain a safe, controlled, and cost-efficient commercial and multi-family residential recycling program, which serves as a convenience to the community and preserves the public health and safety.

WHEREAS, the City Council finds that reducing the amount of solid waste entering the waste stream is necessary for the public health, safety, and welfare, will reduce impacts to landfills and reduce greenhouse gas emissions attributable to solid waste, and is mandated by the State, in conformance with Assembly Bill 32, Assembly Bill 341, Assembly Bill 939, Assembly Bill 1826, and Senate Bill 1016

WHEREAS, Chapter 12.9 of Part 3 of Division 30 of the California Public Resources Code (Section 42649.8 et seq.) establishes requirements for the recycling of organic waste.

WHEREAS, in 2015 and 2017, the City Council negotiated amendments of the franchise agreements with the solid waste haulers serving, respectively, residences and businesses to include provisions regarding organics recycling. The residential properties waste hauler was scheduled to provide the City with a plan by mid-2019 for the recycling of green waste and for multi-family residential organics recycling. The waste haulers serving businesses agreed to abide by the requirements of Assembly Bill 1826 and Assembly Bill 341.

WHEREAS, Assembly Bill 1826 (2014) imposed statewide organic recycling requirements that will help the State meet its goal to recycle 75% of its waste by 2020. The law requires that businesses arrange for recycling services for the following types of organics: food waste, green waste, landscape and pruning waste, nonhazardous wood paste, and fool-soiled paper. Multifamily dwellings must arrange for recycling services for the same material with the exception of food waste and food-soiled paper.

WHEREAS, Assembly Bill 341 (2012) increased the State's waste diversion goal from 50% to 75%, and required California commercial businesses and public entities that generate 4 or more cubic yards per week of waste, and multi-family housing complexes with 5 or more units, to adopt recycling practices. Assembly Bill 341 required local jurisdictions to inform businesses about the recycling requirement and to keep track of the level of recycling within the business community. In addition, each jurisdiction is required to report to CalRecycle, the state agency that oversees recycling and solid waste, on progress in the business community.

WHEREAS, Public Resources Code section 42649.82(d)(vii)(C) states that the organic waste recycling program shall "require the jurisdiction to notify a business if the business is not in compliance with Section 42649.81" of the Public Resources Code.

WHEREAS, the City Council, by adopting this ordinance, wishes to ensure the City's compliance with the State recycling mandates and to maximize reduction of waste in the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES ORDAIN AS FOLLOWS:

SECTION 1: The forgoing recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Chapter 8.20 (Solid Waste Collection and Disposal) of Title 8 (Health & Safety) of the Rancho Palos Verdes Municipal Code is repealed and replaced with the following:

## **Chapter 8.20 - SOLID WASTE COLLECTION AND DISPOSAL**

### **ARTICLE I - GENERAL**

#### **8.20.110 - Findings and Purpose**

- A. The City Council finds that the storage, accumulation, collection, and disposal of solid waste is a matter of great public concern, in that improper control of such matters may create a public nuisance, or lead to air pollution, fire hazards, insect breeding, rat infestation, and other problems affecting the health, welfare, and safety of the residents of this and surrounding cities. The periodic collection of solid waste from all residential and commercial premises within the city and the letting of one or more exclusive or nonexclusive contracts or franchises by the city for such collection will provide the most orderly and efficient solution to such problems and promote the public health, safety, and welfare.
- B. The purpose of this chapter is to:
  - 1. Establish requirements for the collection and recycling of recyclable materials and collection, and processing of organic materials generated from commercial facilities and multifamily dwellings.
  - 2. Assist the city in complying with the Act, which provides for mandatory commercial and organics recycling.
  - 3. Augment voluntary recycling efforts to further the city's recycling and diversion goals.
  - 4. Reduce greenhouse gas emissions associated with the mining and manufacturing of goods from virgin materials and associated with the disposal of solid waste in landfills.
  - 5. Further protect the natural environment and human health as well as enhance the economy through increased recycling and organics processing activities.

#### **8.20.120 - Definitions**

- A. The words and phrases used in this chapter shall have the following meanings, unless it is apparent from the context that a different meaning is intended:

“Act” means the California Integrated Waste Management Act of 1989, codified as Public Resources Code Section 40000 et seq., and as may be amended, including but not limited to Assembly Bill 341 and Assembly Bill 1826, and CalRecycle’s implementing regulations.

“Administrator” means the city manager or the city manager’s designee.

“Authorized collector” or “collector” means a solid waste enterprise operating under the provisions of a collection agreement pursuant to Section 8.20.260, if such a collection agreement has been awarded.

“CalRecycle” means the California Department of Resources Recycling and Recovery.

“Collection” means the operation of gathering together within the city, and transporting by means of a motor vehicle to the point of disposal or processing, of any solid waste.

“Collector agreement” means an agreement to collect or dispose of solid waste in the city entered into pursuant to Section 8.20.120.

“Commercial business owner” means any person, firm, corporation or other enterprise or organization holding or occupying, alone or with others, commercial premises, whether or not it is the holder of the title or the owner of record of the commercial premises.

“Commercial premises” means all occupied real property in the city, except property occupied by federal, state or local governmental agencies which do not consent to their inclusion, and except residential premises, and shall include, without limitation, wholesale and retail establishments, restaurants and other food establishments, bars, stores, shops, offices, service stations, repair, research and development establishments, professional services, sports or recreational facilities, construction and demolition sites, a multiple dwelling that is not a residential premises (e.g., retirement homes, convalescent and rehab facilities), institutional premises (e.g., libraries, churches, schools, and colleges), nonprofits, and any other nonresidential and business facilities, structures, sites, or establishments in the city.

“Commercial generator” means any legal entity that generates solid waste at a commercial facility, which may include businesses; charitable or nonprofit organizations, including hospitals, educational institutions, and civic or religious organizations; governmental organizations, agencies, or entities; and nonresidential tenants or entities that lease or occupy space. “Commercial generator” also includes the city and its facilities and nonresidential properties.

“Commercial solid or semi-solid waste” includes all types of solid waste generated by a store, office, or other commercial or public entity source, including a business or a multifamily dwelling of five or more units.

“Composting” means the biological decomposition of organic materials such as leaves, grass clippings, brush, and food waste into a soil amendment. Composting is a form of recycling.

“Construction site” or “demolition site” means any real property in the city in, on or from which a building or structure is being fabricated, assembled, erected or demolished, and which produces construction or demolition solid waste which must be removed from the property, and requires the use of commercial refuse containers.

“Construction waste” means any solid waste or debris generated as the result of construction or demolition, including without limitation, discarded packaging or containers and waste construction materials, whether brought on site for fabrication or used in construction or resulting from demolition, excluding liquid waste and hazardous waste.

“Container” means any vessel, tank, receptacle, box, cart, or bin permitted to be used for the purpose of holding solid waste, organics, or recyclable materials for collection.

“Disposal” means the complete operation of treating and disposing of solid waste after the collection thereof.

“Electronic waste” means mobile phones, computers, monitors, copiers, fax machines, printers, televisions, and other electronic items.

“Food service establishment” means any and all restaurants, sales outlets, stores, shops, manufacturers, processors, vehicles or other places of business located or operating within the city that function primarily to sell, manufacture, process, or distribute foods or beverages to consumers or other businesses.

“Garbage” means any mixture of putrescible and nonputrescible solid and semi-solid wastes, including trash, residential refuse, commercial solid and semi-solid waste, vegetable or animal solid and semi-solid waste, and other solid and semi-solid waste destined for disposal sites. Garbage does not include construction waste, recyclable materials, or organic waste.

“Green waste” or “yard waste” means leaves, grass clippings, brush, branches, mulch, and other forms of organic materials generated from landscapes or gardens, separated from other solid waste.

“Hazardous waste” means and includes waste defined as hazardous by Public Resources Code Section 40101 as it now exists or may subsequently be amended, namely, a waste or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics, may do either of the following: (i) cause or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; (ii) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed. “Hazardous waste” includes extremely hazardous waste and acutely hazardous waste, and any other waste as may hereafter from time to time be designated as hazardous by the Environmental Protection Agency (“EPA”) or other agency of the United States Government, or by the California Legislature or any agency of the state of California empowered by law to classify or designate waste as hazardous, extremely hazardous or acutely hazardous.

“In the city” or “within the city” means within the limits of the city as such limits exist on the effective date of this chapter or may thereafter exist by virtue of the annexation of territory to or detachment of territory from the limits of the city.

“Market refuse” means fruits and vegetables that are not at their peak of freshness but that are edible and can be donated.

“Manure” means the waste droppings from any animal.

“Multifamily dwelling” means a residential structure with five or more dwelling units.

“Multifamily generator” means tenants, residents, other occupants, and custodians or janitors of multifamily dwellings.

“Organic waste” shall have the same meaning as Section 42649.8(d) of the California Public Resources Code.

“Person” means any individual, legal entity, association, firm, partnership, corporation, or any other group or combination thereof acting as a unit.

“Processing” means the reduction, separation, recovery, and conversion of solid waste.

“Public agency” means any governmental agency or department thereof, whether federal, state, or local.

“Recyclable” shall mean a material that can be processed into a form suitable for reuse through reprocessing or remanufactured consistent with the requirements of AB 939.

“Recyclable materials” means residential or commercial source-separated byproducts of some potential economic value, set aside, handled, packaged, or offered for collection in any manner different from refuse.

“Recycling” means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. Recycling does not include transformation as defined in Public Resources Code Section 40201.

“Rendering” is a process that converts waste animal tissue into stable, usable materials. Rendering can refer to any processing of animal products into more useful materials, or, more narrowly, to the rendering of whole animal fatty tissue into purified fats like lard or tallow.

“Residential householder” means any person or persons holding or occupying residential premises in the city, whether or not the owner of the residential premises.

“Residential premises” means any dwelling unit within the city, including, without limitation, multiple unit residential complexes, such as rental housing projects, condominiums, apartment houses, mixed condominiums and rental housing, and

mobilehome parks, except any multiple dwelling which, with the prior written approval of the city manager or designee, receives commercial bin service.

“Resource recovery” means any use of solid waste collected pursuant to this chapter, except for landfill disposal or transfer for landfill disposal. “Resource recovery” shall include, but is not limited to, transformation, composting, and multi-material recycling.

“Self-haul” means to transport one’s own solid waste to the appropriate processing facility by using a vehicle owned by the solid waste generator rather than using the hauling services of an authorized collector.

“Self-hauler” means a solid waste customer, commercial generator, multifamily generator, or special event that transports its own recyclable materials to a recycling facility or organic materials to an organics processing facility by using a vehicle owned by that transporting entity rather than using the hauling services of an authorized collector.

“Solid waste” means all putrescible and nonputrescible solid and semisolid wastes, generated in or upon, related to the occupancy of, remaining in or emanating from residential premises or commercial premises, including garbage, recyclable materials, and organics; provided, however, that solid waste shall not include hazardous waste, furniture and household appliances, commercial appliances, electronic waste, and construction waste.

“Solid waste customer” means the person responsible for managing solid waste at commercial or residential premises, including subscribing to solid waste collection services with an authorized collector or self-hauling solid waste, or the person to whom the authorized collector submits billing invoices for collection from a commercial generator or multifamily generator. Solid waste customers shall include organizers and/or hosts of special events.

“Solid waste enterprise” means any individual, partnership, joint venture, unincorporated private organization, or private corporation regularly engaged in the business of providing solid waste handling services.

“Solid waste handling services” means the collection, transportation, storage, transfer, or processing of solid wastes for residential or commercial users or customers.

“Source-separated recyclable materials” means recyclable materials separated on commercial premises from solid waste for the purpose of sale, not mixed with or containing more than incidental or minimal solid waste, and having a market value.

“Special event” means shall have the same meaning as provided in Section 12.20.030 of this code.

- B. Nothing contained in this section shall be deemed to preclude the city and any solid waste enterprise from incorporating into any collector agreement definitions relating to their respective contractual rights and obligations which may differ from or augment those set forth herein.

### **8.20.130 – Solid Waste Collection Services Mandatory**

- A. Except as set forth in Section 18.20.450 (Exceptions and Exemptions), each residential owner, commercial business owner, and special event organizer shall utilize the services of the authorized collector for the collection of solid waste and recyclable materials from the residential, commercial, or special event premises held or occupied by such owner or organizer, and shall pay for such services the fees set by the authorized collector. No residential or commercial business owner, or special event organizer, shall enter into an agreement for solid waste handling services with any person, firm, or corporation other than the authorized collector, except as otherwise provided in this chapter.
- B. No person, firm, corporation, or solid waste enterprise, other than an authorized collector, shall negotiate or contract for, undertake to receive, collect or transport solid waste or recyclable materials from within the city for a fee, service charge, or other consideration therefor, except as specifically provided herein.

#### **8.20.140 – Collection charges**

- A. The city council may, by resolution or an approved collection agreement, place a limit on the rates authorized collectors may charge for the collection of solid waste. No collector shall charge any rate or fee which is greater than the maximum rate permitted by the city council.
- B. Every solid waste customer shall pay the rates for collection services rendered pursuant to this chapter. The occupant of the premises, if different from the owner, shall be primarily responsible for payment of all such fees and charges. Should the occupant fail to pay all such fees and charges so that they become delinquent, then the owner of such premises shall become responsible for the payment of all such fees and charges, including any delinquency.

#### **8.20.150 – Prohibitions; Penalties**

- A. It is unlawful at any time for any person, including collectors, to burn, bury, or dump any solid waste or recyclables within the city other than in strict compliance with this chapter.
- B. Any person who deposits or causes to be deposited any solid waste on the public right-of-way or private property, other than in compliance with this chapter, shall immediately sweep up and remove the same.
- D. Except as may otherwise be indicated, violations of the provisions of this chapter are punishable as infractions or as administrative violations, as provided in Chapters 1.08 (General Penalty) and 1.16 (Administrative Violations), respectively.
- D. Any violation of this chapter is deemed a public nuisance and may be abated as such.
- E. The city's remedies shall not be mutually exclusive. The city may avail itself of any and all available remedies at law or equity, alone or in combination.

## **ARTICLE II – SOLID WASTE COLLECTORS**

### **8.20.210 License requirements**

- A. The city council may award an exclusive or nonexclusive collection agreement for the collection and disposal of solid waste from residential, commercial, and special event premises in the city to an authorized collector.
- B. No person may collect solid waste in the city without having first obtained a business license from the city pursuant to Chapter 5.04 of this code, and any other permit required by any public agency.

### **8.20.220 Authorized collectors**

- A. Authorized collectors shall keep separate garbage, recyclable materials, and organic materials that have been segregated into separate containers by solid waste customers.
- B. Every authorized collector shall offer to its customers all solid waste hauling services contemplated in this chapter that are applicable to the customer, and shall provide the appropriate containers as requested by the customer.
- C. Authorized collectors shall ensure that garbage is delivered to a disposal site that is designed and constructed in accordance with Section 2530 et seq. of Title 23 of the California Code of Regulations. Any such disposal site shall have valid and current permits from all necessary governmental agencies for it to operate as a Class III Sanitary Landfill, and must be in full regulatory compliance.
- D. Authorized collectors shall ensure that segregated recyclable materials are delivered to an appropriately licensed recycling facility and that segregated organic materials are delivered to an appropriately licensed organics processing facility, except that a container that contains unacceptable levels of contamination may be delivered for garbage disposal. In this event, the collector shall keep records of the following: the occurrence; the date of the occurrence; and the account name, primary contact, phone number, billing address, and service address for the solid waste customer at which the container is located. Such records shall be provided to the City upon request.
- E. Authorized collectors shall conduct their operations with the least possible obstruction and inconvenience to public traffic or disruption to the peace and quiet of the area within which collections are made. Noise emitting from any collection shall not exceed 75 decibels when measured at a distance of 25 feet.
- F. Within five days of request by the city, authorized collectors shall provide progress reports providing the following information, at a minimum:
  - 1. Total number of solid waste customers to whom the authorized collector currently provides garbage, recyclable materials, and organic materials collection service within the city's boundaries;
  - 2. For each solid waste customer, the account name, identifying number, primary contact, phone number, billing address, and service address;

3. Information on the type of collection service provided, such as garbage, recyclable materials, or organic materials services;
4. The weekly volume and type of collection service provided, including the number, type, and size of containers serviced and the days of service for each container;
5. Name and location of the solid waste facilities where materials are delivered for processing;
6. List of accounts not in compliance with this chapter, including whether they are excluded or exempt based on the exemptions in RPVMC § 8.20.450 (Exceptions and Exemptions).
7. Records of containers of recyclable or organic materials that had to be disposed of with garbage because of contamination.

G. Collectors shall maintain all records required by this chapter for three years.

#### **8.20.230 - Vehicle standards**

- A. No person may operate any vehicle for the collection of solid waste in the city unless a tag has been affixed to the vehicle indicating that the owner of the vehicle has a valid collection agreement and valid business license, and that the license tax for such vehicle has been paid. The nature, design, and placement of such tags shall be as specified by the administrator. Tags may not be transferred from one vehicle to another without the written approval of the administrator.
- B. Any collector's vehicle utilized for the collection, transportation, or disposal of solid waste in the city shall comply with the following standards:
  1. Each vehicle shall be equipped with watertight bodies fitted with close-fitting metal covers. and used so that no solid waste, oil, grease, or other substance will blow, fall, or leak out of the vehicle.
  2. A broom and shovel shall be carried on each vehicle at all times, and any waste that spills during collection shall be immediately cleaned up.
  3. Each vehicle shall comply with all applicable statutes, laws, or ordinances of any public agency.
  4. Each vehicle must be under 10 years of age unless otherwise specifically authorized in writing by the administrator. The city may adjust this requirement downward in its agreements with authorized collectors.
  5. Routine motor carrier inspections by the California Highway Patrol will be required annually on each vehicle, and certificates of proof of inspection shall be filed with the administrator. Vehicles must be determined to be in compliance with applicable motor carrier safety-related statutes and regulations. Brakes shall be inspected quarterly and proof of inspection shall be filed with the administrator.
  6. All vehicles shall at all times be kept clean and sanitary, in good repair, and well and uniformly painted to the satisfaction of the administrator.

7. The authorized collector's name and its telephone number shall be printed in legible letters not less than five inches in height on both sides and rear of all the collector's vehicles used in the city.
  8. All vehicles must meet AQMD air quality standards or operate on alternative low emissions fuel.
- B. Violations. In addition to the penalty provisions provided for in Section 8.20.150, above, should the administrator give notification at any time to a collector that any of such collector's vehicles is not in compliance with the standards of this chapter, such vehicle shall forthwith be removed from service by the collector and the permit tag removed. The vehicle shall not again be utilized in the city nor shall the permit tag be replaced until the vehicle has been inspected and approved by the administrator. The collector shall maintain its regular collection schedule regardless of such action.

#### **8.20.240 - Collector's indemnification and insurance requirements**

- A. Each authorized collector shall furnish the city a policy or certificate of insurance insuring the authorized collector in an amount not less than \$2,000,000 per occurrence, \$4,000,000 general aggregate, for bodily injury, personal injury, and property damage; and automobile liability in the sum of \$1,000,000 combined single limit for each accident. These limits shall be subject to annual review by the city for the purpose of reasonably adjusting to current insurance conditions and requirements. A greater amount may be required in the collector agreement. The insurance shall provide that the coverage is primary and that any insurance maintained by the city shall be excess insurance, shall be procured from an insurer authorized to do business in the state of California, shall name the city of Rancho Palos Verdes and its officers, employees and agents as additional insureds and shall not be canceled or modified without first giving to city thirty days' prior written notice.
- B. Each collector shall at all times provide, at its own expense, workers' compensation insurance coverage for all employees. Each collector shall file and maintain certificates with the administrator showing the insurance to be in full force and effect at all times the collector shall have a license issued by the city.
- C. City To Be Free From Liability. Any collector or person who collects, transports, or disposes of solid waste or recyclables within the city shall indemnify, defend, and hold harmless the city and its officers, employees, and agents against any and all claims, demands, losses, costs, expenses, obligations, liabilities, damages, recoveries, and deficiencies, including interest, penalties and reasonable attorneys fees, that the city shall incur or suffer, which arise, result from or relate to the collection, transportation, or disposal of solid waste or recyclables by that person.

#### **8.20.250 - Office for inquiries and complaints**

- A. The collector shall maintain an office at some fixed location and shall maintain a telephone at the office, listed in the Rancho Palos Verdes telephone directory in the firm name by which it conducts business in the city, and shall at all times during the hours between 8:00 a.m. and 5:00 p.m. of each weekday, and between 9:00 a.m. and 12 p.m. on Saturday (if collecting solid waste in the city on that day) have some

person at the office to answer inquiries and receive complaints. The telephone number shall be a toll-free number. The collector shall provide to the administrator an emergency telephone number that can be reached 24 hours a day.

- B. The collector shall maintain at its office a written log of all complaints received. The log shall contain the date of complaint, the complainant's name, address, and telephone number, the nature of the complaint, the action taken or the reason for nonaction, and the date such action was taken. All inquiries and complaints shall be promptly answered and dealt with to the satisfaction of the administrator. The log of complaints and other records pertaining to solid waste collection and disposal shall be open to inspection by the city at all reasonable times.

#### **8.20.260 – Frequency and hours of collection**

- A. Each collector shall collect and dispose of all solid waste placed for collection in compliance with this chapter from each solid waste customer premises at least once during each calendar week, and not more than 6 days shall elapse between one collection and the next unless the regular day of collection falls on a holiday. Routes of collection shall be so arranged that collection from any premises will be made on the same day of each week. Each collector shall possess a sufficient number of vehicles, including spares, to maintain the collection schedule at all times. Collectors shall optimize their routes so as to reduce wear and tear on city streets.
- B. When the collection day falls on January first, Memorial Day, July Fourth, Labor Day, Thanksgiving Day or December 25th, the residential collector shall elect one of the following options:
  - 1. Collect on the holiday;
  - 2. Collect one day prior to or one day after the holiday, provided that regular collection can be maintained on the regularly scheduled days the remainder of the week.
- C. No collection or delivery/removal of containers shall be made between the hours of 7:00 p.m. and 7:00 a.m. Monday through Saturday or at any time on Sunday.

#### **8.20.270 - Recycling and resource recovery.**

- A. Every collector shall attempt to improve its methods of collection, storage, handling, processing, and disposal of solid waste in order to maximize solid waste recovery, reduction of solid waste, and reuse of recyclable materials.
- B. All solid waste placed for collection at any customer premises or at any location designated by the city for the collection of solid waste shall be and become the property of the city or its authorized collector.

## **ARTICLE III – CONTAINERS FOR SOLID WASTE**

### **8.20.310 - Unauthorized use of containers**

- A. No person other than the collector who provides collection services at the premises, or the owner of the container or such owner's agent or employee or the person upon whose premises such container is located, shall remove any material from any solid waste container.
- B. No person other than the owner or occupant of the premises where a container is located, or the collector who provides collection services at the premises where the container is located, shall handle a container. Any solid waste customer who damages or destroys a container shall be charged a replacement fee. A solid waste customer shall not be charged a replacement fee if the container that is damaged or destroyed due to ordinary wear and tear.
- C. No person shall intentionally tamper with, injure, destroy or remove any container or other equipment used for the storage of solid waste. No person shall throw containers from any vehicle to the ground, or in any other manner break, damage, or roughly handle containers.

### **8.20.320 - Containers for garbage, organics, market refuse, and rendering waste**

Any container to be placed for collection containing garbage, organics, market refuse, or rendering waste shall have a tightly fitting cover, which cover shall be used at all times.

### **8.20.330 - Containers at residential premises**

- A. Every person occupying or in possession of any residential premises in the city shall provide or be provided with sufficient containers to accommodate the amount of solid waste generated by the premises. Residents can subscribe to the appropriate service level by choosing the cart size and number of containers. The containers shall be constructed of hard rubber or rigid plastic, and shall be constructed so as not to permit the contents to sift or pass through any opening other than the top.
- B. Containers suitable for automated collection are available in 35, 64 and 96 gallon capacities.
- C. Containers suitable for manual collection must be able to be emptied into an automated collection cart or into front or rear-end loader vehicles, shall have a capacity of not more than 45 gallons, and shall weigh not more than 60 pounds when placed for collection.
- D. Other types of containers are allowed to be used for the following city-approved special events on residential premises: the twice yearly excess trash collection events; the twice yearly brush clearing events; and during specified weeks within the winter holiday season.
- E. Any green waste that cannot be placed in a container may be placed for collection at the same place and time as the container, if they are securely tied in bundles that are not heavier than 50 pounds, not more than 4 feet in length, and not more than 18 inches in diameter.

F. Curbside Service.

1. In the case of residential premises that receive curbside service, each container (including bundles) shall be kept on the premises from which it is to be collected except on the day designated for collection. On the appropriate day the containers shall be placed for collection on the curb in front of the premises or on the curb at the side of the premises where the premises are adjacent to more than one street. When the premises are adjacent to a paved alley of sufficient width to allow easy passage of collection vehicles, the containers shall be placed within 2 feet of the rear property line of the premises and must be readily accessible for collection from the alley. The collector and residential customer may agree, for an additional fee, or the administrator may require, under unique circumstances, that collection be made from another location on the premises.
2. No residential customer who receives curbside refuse removal service shall place or permit to be placed any solid waste or solid waste container at the place of collection at the residential premises before 4:00 p.m. of the day preceding the scheduled collection or leave any such container at the place of collection after 10:00 p.m. on the day of collection.

**8.20.340 - Cardboard boxes or paper bags**

No cardboard box or paper bag shall be used as a container for solid waste.

## **ARTICLE IV – SOLID WASTE GENERATORS**

### **8.20.410 – Solid Waste Customers - General**

Each solid waste customer shall be responsible for ensuring and demonstrating its compliance with the requirements of this chapter. Subject to the exemptions in Section 8.20.450 (Exceptions and Exemptions), each solid waste customer shall:

- A. Subscribe to an adequate level of service for garbage, recyclable materials, and organic waste generated; provided that a solid waste customer need not subscribe to hauling services for materials that the solid waste customer self-hauls to the appropriate processing facility.
- B. Provide, directly or through an authorized collector, appropriate and sufficient containers, placed in appropriate and accessible locations with adequate signage, to ensure maximum segregation of garbage, recyclable materials, and organic waste by all solid waste customers, and to ensure maximum segregation of organic materials by food service establishments.
- C. Post and maintain signs containing information and instructions on the proper segregation and storage of garbage, recyclable materials, and organic waste in areas where containers are located.
- D. Ensure that all containers used for collecting and storing garbage, recyclable materials, and organic waste (1) are affixed with or have adjacent to the container signs that display the appropriate information to enable users to clearly differentiate which containers are used for which materials; (2) display the name of the authorized collector that provides collection service of the container; and (3) ensure that users of the containers make efforts to minimize the contamination of recyclable materials and organic waste placed in the containers.
- E. Provide this chapter's requirements and appropriate educational materials to all solid waste generators at least once each year. All new customers shall receive this information upon occupancy, employment, or contracting. Educational materials shall include (1) the requirement and procedures to ensure the accurate segregation of recyclable materials and organic materials from garbage; (2) the commercial generator's, multifamily generator's, or special event's responsibilities regarding compliance with this chapter; and (3) the types and location of recyclable materials, organic materials, and garbage containers.
- F. Ensure that instructions or training materials provided to solid waste customers are promptly made available to the city upon request.
- G. Ensure that the contents of the recyclable materials and organic waste containers are not collected for garbage disposal unless the contents of these containers include unacceptable levels of contamination. Solid waste customers shall be assessed a premium fee based on the size of the container for recyclable materials and organic waste containers that are collected for garbage disposal by the solid waste collector if the contents of their recyclable materials and organic waste containers contain unacceptable levels of contamination.

- H. Ensure that occupants of residential premises separate solid waste, recyclables, and organics and place them in the appropriate carts for pickup. When the occupant of the premises is not the owner, the owner is responsible to instruct the occupant in property separation and placement of solid waste, recyclables, and organics.
- I. Contract for all required solid waste hauling services with one authorized collector only.

#### **8.20.420 Commercial generators**

Each commercial generator shall be responsible for ensuring and demonstrating its compliance with the requirements of this chapter. Each commercial generator shall:

- A. Ensure the segregation of recyclable materials and, for food service establishments, organic materials from garbage by placing each type of material in a separate designated containers. Commercial generators shall be assessed a premium fee based on the size of the container for recyclable materials and organic materials containers that are collected for garbage disposal by the franchisee if the contents of their recyclable materials and organic materials containers contain unacceptable levels of contamination.
- B. Provide adequate instructions to employees, contractors, and volunteers of the requirements of this chapter, including (1) the requirement and procedures to ensure the segregation of recyclable materials and, for food service establishments, organic materials, from garbage; (2) the employees', contractors', and volunteers' responsibilities regarding compliance with this chapter; and (3) the types and location of containers for recyclable materials, organic materials, and garbage.
- C. Provide an adequate number and type of labeled containers needed for segregating and storing recyclable materials and, for food service establishments, organic materials; and provide adequate access to these containers.
- D. Post and maintain signs containing information and instructions on the proper segregation and storage of recyclable materials and, for food service establishments, organic materials, in areas where containers are located.
- E. Ensure that all containers used for collecting and storing recyclable materials, organic materials, and garbage are affixed with signs or labels that display the appropriate information to enable users to clearly differentiate which containers are used for recyclable materials, organic materials, and garbage to minimize the contamination of material placed in the containers.
- F. Ensure that instructions or training materials provided to employees, contractors, and volunteers are promptly made available to the city upon request.

#### **8.20.430 Multifamily generators**

Each multifamily generator shall participate in programs covered by this chapter that require segregating recyclable materials and organic materials from garbage and depositing them in designated containers.

## 8.20.440 Recycling of Organics

- A. Effective January 1, 2021, solid waste generators shall comply with the requirements of Chapter 12.9 of Part 3 of Division 30 of the California Public Resources Code (Section 42649.8 et seq.) and the provisions of this chapter regarding organic waste recycling.
- B. Mandatory organics recycling services:
  - 1. On and after the effective date of this ordinance, a business, multi-family dwelling, or special event that generates four (4) cubic yards or more of organics per week, or as may be amended by CalRecycle, must arrange for recycling services specifically for organics in the manner specified in subsection C of this section.
  - 2. On and after the effective date of this ordinance, a business, multi-family dwelling, or special event that generates four (4) cubic yards or more of commercial solid waste per week, or as may be amended by CalRecycle, must arrange for recycling services specifically for organics in the manner specified in subsection C of this section.
  - 3. On or after January 1, 2020, if CalRecycle determines that Statewide disposal of organic waste has not been reduced to fifty percent (50%) of the level of disposal during 2014, a business that generates two (2) cubic yards or more per week of commercial solid waste must arrange for the organics recycling services specified in subsection (B)(2) of this section, unless CalRecycle determines that this requirement will not result in significant additional reductions of organics disposal.
- C. Actions Required: A business, multi-family dwelling, or special event subject to subsection B of this section must take at least one of the following actions:
  - 1. Source-separate organics from other waste and subscribe to a basic level of organics recycling service that includes collection and recycling of organics.
  - 2. Recycle its organics on site or self-haul its own organics for recycling.
  - 3. Subscribe to an organics recycling service that may include mixed waste processing that specifically recycles organics.
  - 4. Sell or donate its recyclable organics to a person or entity authorized by law to receive such waste.
- D. Food Waste Generating Multifamily Dwellings: Notwithstanding the foregoing, a multifamily dwelling is not required to arrange for the organics recycling services specified in subsection C of this section for food waste that is generated by the dwelling.
- E. Reports and Policy Compliance Required: Any business or multi-family dwelling subject to this chapter must:
  - 1. Report to the city on an annual basis the action the business or dwelling has taken pursuant to subsection C of this section; the amount of

commercial solid waste and organics that the business or dwelling generates per week; the amount of organics recycled per week, and any other information required by the city to comply with its State mandated reporting requirements.

2. Comply with the city's mandatory commercial organics recycling program, adopted by the city council and which may be amended by the administrator.

F. Notice of noncompliance. The city shall provide notice to any organic waste generator that fails to comply with this section. The organic waste generator shall have 30 days to come into compliance.

#### **8.20.450 Exclusions and Exemptions**

- A. Solid waste customers that subscribe to less than 4 cubic yards of garbage, or as may be amended by CalRecycle, collection service per week shall be excluded from the requirements of this chapter.
- B. No Generation of Recyclable or Organic Materials. Solid waste customers may be exempt from the requirements of this chapter relating to recyclables or organics if the solid waste customer demonstrates to the city that no recyclable materials or organic materials are generated on site.
- C. Nothing in this chapter limits the right of any owner or occupant of residential premises to compost green waste or to donate or sell recyclable materials generated in or on their residential premises to a recycling facility. No residential householder shall pay a fee to anyone to collect such recyclable materials, or employ or engage any solid waste enterprise, other than the authorized collector, to haul or transport such materials to a transfer station or landfill.
- D. Nothing in this chapter shall prevent a commercial business which has its own recycling or resource recovery program for recyclable materials generated by such business and not utilizing a solid waste enterprise which provides collection services for a fee, service charge, or other consideration, from continuing such recycling or resource recovery program, and the recyclable materials included in such program are excepted from any contract between the city and the authorized collector.
- E. Nothing in this chapter shall prevent a commercial business owner from selling to a buyer, for a monetary or other valuable consideration, any source-separated recyclable materials, including without limitation, any saleable scrap, discard, reject, by-product, ferrous or nonferrous metal, worn-out or defective part, junk, pallet, packaging material, paper or other similar item generated in, on or by a commercial premises or business, and no longer useful to such commercial business but having market value, whether such buyer is a recycler, junk dealer, or other enterprise engaged in the business of buying and marketing such materials in the stream of commerce; provided, however, that such buyer is not engaged in the business of collecting solid waste for a fee or other charge or consideration, and that no such materials are transported for disposition to a landfill or transfer station (as defined in Public Resources Code Section 40200).

Source-separated recyclable materials within the meaning of this section means recyclable materials separated on the commercial premises from other garbage and organic materials for the purpose of sale, not mixed with or containing more than incidental or minimal garbage or organic materials, and having a market value.

- F. Self-haulers. Nothing in this chapter shall preclude any person or solid waste customer from self-hauling solid waste generated by them to the appropriate facility. Self-haulers shall:
  - 1. Obtain a self-hauling permit from the City.
  - 2. Comply with the requirements of this chapter by delivering for recycling those items that can be recycled by local recycling facilities; self-haulers that are also food service establishments shall comply by delivering for organics processing those items that are accepted by local organics processing facilities. Self-haulers shall deliver garbage to a properly licensed Class III Sanitary Landfill or transfer station.
  - 3. Provide proof of compliance with this chapter, upon request by the city; proof includes but is not limited to a receipt from a landfill or transfer station, or a recycling or organics processing facility that clearly identifies the type and quantity of material delivered.
- G. Landscapers. No provisions of this chapter shall prevent a gardener, tree trimmer, or person engaged in a similar trade from collecting and properly disposing of green waste not containing other solid waste when incidental to providing such gardening, tree trimming, or similar services.
- H. Contractors. Construction waste shall be disposed of pursuant to the requirements of the California Green Building Standards Code, and shall be hauled only by an authorized collector. No provision of this chapter shall prevent a licensed contractor having a contract for the demolition or construction of a building, structure, pavement, or concrete installation from marketing any saleable items salvaged from such demolition or reconstruction, or from causing such salvageable items or demolition waste to be removed and transported from the construction site on which such waste is generated, pursuant to the provisions of the demolition or construction contract. Construction waste shall not be disposed of with other solid waste anywhere in the City.
- I. Space Constraints and Zoning Considerations. Solid waste customers may be exempt from the requirements of this chapter if the city determines that either:
  - 1. There is inadequate space for a solid waste customer to store containers for recyclable materials or organic materials on site and that it is infeasible for the solid waste customer to share recyclable materials or organic materials containers with adjacent commercial facilities or multifamily dwellings.
  - 2. Compliance with this chapter will result in violating city zoning or other regulations.

- J. Extraordinary Circumstances. Extraordinary and unforeseen events may exempt collectors or customers from complying with this chapter, for a period not to exceed 3 months, with possible extensions as needed. This exemption and additional extensions must be requested in writing, stating the reasons therefor and providing supporting documentation. The administrator will review the application and supporting documentation, including but not limited to a site visit, and will make a determination regarding whether the exemption (or extension) is warranted, and for how long, and if applicable shall require conditions and/or a timetable of actions to bring the collector or customer into compliance.
- K. Verification of Exemption. The solid waste customer shall petition the city with a written request for an exemption documenting the circumstances of a claimed exemption. The city may visit the solid waste customer's site; examine the containers for garbage, recyclable materials, or organic materials; or take other actions to verify the circumstances identified in the petition. The city may impose an administrative fee on petitioning entities to cover the costs of processing such petitions. The city may require the solid waste customer who is granted an exemption to submit a renewal of its petition for an exemption every two years from the date the exemption was granted.

SECTION 3. Severability. The City Council hereby declares, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

SECTION 4. Publication. The City Clerk shall certify as to the passage and adoption of this Interim Urgency Ordinance and shall cause the same to be published in a manner prescribed by law.

SECTION 5. CEQA. The City Council has considered this Ordinance and finds that this project is exempt from the requirements of the California Environmental Quality Act ("CEQA"). The project is categorically exempt from CEQA as an action by a regulatory agency, as authorized by state law or local ordinance, to ensure the maintenance, restoration, enhancement, or protection of the environment under Section 15308 of the CEQA Guidelines. This Ordinance does not contemplate any construction activities, and there is no evidence to suggest that the Ordinance will result in a significant impact on the environment, including impacts due to unusual circumstances. Further, as a separate and independent ground, the City Council finds that the Ordinance is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Because it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment, the Ordinance is not subject to CEQA pursuant to State CEQA Guidelines Section 15061 (b)(3).

SECTION 6. The time within which judicial review of the decision reflected in this Ordinance must be sought is governed by Section 1094.6 of the California Code of Civil Procedure and other applicable short periods of limitation.

PASSED, APPROVED, AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
John Cruikshank, Mayor

Attest:

\_\_\_\_\_  
Emily Colborn, City Clerk

State of California                    )  
County of Los Angeles            ) ss  
City of Rancho Palos Verdes     )

I, Emily Colborn, City Clerk of the City of Rancho Palos Verdes, hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. \_\_\_ passed first reading on \_\_\_\_\_, 2020, was duly and regularly adopted by the City Council of said City at a regular meeting thereof held on \_\_\_\_\_, 2020, and that the same was passed and adopted by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Emily Colborn, City Clerk