

ORDINANCE NO. 2021- \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF CULVER CITY,  
CALIFORNIA, AMENDING TITLE 5, PUBLIC  
WORKS, OF THE CULVER CITY MUNICIPAL  
CODE TO ADD A NEW CHAPTER 5.08 ENTITLED  
“MANDATORY ORGANIC WASTE DISPOSAL  
REDUCTION REGULATIONS.”**

**WHEREAS**, State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989, requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment; and

**WHEREAS**, State recycling law, Assembly Bill 341 of 2011, places requirements on businesses and Multi-Family property owners 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**, State organics recycling law, Assembly Bill 1826 of 2014, requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, recycling, and Organic Waste per week to arrange for recycling services for that waste, requires jurisdictions to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires jurisdictions to implement a mandatory commercial organics recycling program; and

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

1           **WHEREAS**, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016,  
2 requires municipalities to adopt and enforce an ordinance or enforceable mechanism to  
3 implement relevant provisions of SB 1383 Regulations. This Ordinance will also help reduce  
4 food insecurity by requiring Commercial Edible Food Generators to arrange to have the  
5 maximum amount of their Edible Food, that would otherwise be disposed, be recovered for  
6 human consumption.

7           **NOW, THEREFORE**, the City Council of the City of Culver City, California, **DOES**  
8 **HEREBY ORDAIN** as follows:

9           **SECTION 1.** The foregoing Recitals are adopted as findings of the City Council as  
10 though fully set forth within the body of this Ordinance.

11           **SECTION 2.** Title 5, Public Works, of the Culver City Municipal Code is hereby  
12 amended, to add a new Chapter 5.08, entitled "Mandatory Organic Waste Disposal Reduction  
13 Regulations," as follows:

14                           **CHAPTER 5.08: MANDATORY ORGANIC WASTE DISPOSAL REDUCTION**  
15   **REGULATIONS**

16                   **Sections**

- 17           **5.08.005 Definitions**
- 18           **5.08.010 Requirements for Single-Family Generators**
- 19           **5.08.015 Requirements for Commercial Businesses**
- 20           **5.08.020 Waivers for Generators**
- 21           **5.08.025 Requirements for Commercial Edible Food Generators**
- 22           **5.08.030 Requirements for Food Recovery Organizations and Services**
- 23           **5.08.035 Requirements for Facility Operators and Community Composting**  
24                           **Operators**
- 25           **5.08.040 Compliance with CALGreen Recycling Requirements**
- 26           **5.08.045 Model Water Efficient Landscaping Ordinance Requirements**
- 27           **5.08.050 Procurement Requirements for City, Direct Service Providers and**  
28                           **Vendors**
- 5.08.055 Inspections and Investigations by City**
- 5.08.060 Enforcement**

1                                   **§ 5.08.005 DEFINITIONS.**

2                                   For the purposes of this Chapter, the following definitions shall apply unless  
3 the context clearly indicates or requires a different meaning:

4                                   **BLACK CONTAINER** has the same meaning as Gray Container and shall be  
5 used for the purpose of storage and collection of Black Container Waste.

6                                   **BLACK CONTAINER WASTE** means Solid Waste that is collected in a Black  
7 Container that is part of a three-container Organic Waste collection service that prohibits the  
8 placement of Organic Waste in the Black Container in the same manner that 14 CCR Sections  
9 18984.1(a) and (b) prohibit the placement of Organic Waste in a Gray Container.

10                                   **BLUE CONTAINER** has the same meaning as in 14 CCR Section 18982(a)(5)  
11 and shall be used for the purpose of storage and collection of Source Separated Recyclable  
12 Materials.  
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14                                   **BROWN CONTAINER** is a brown container which shall be used by Commercial  
15 Businesses for the purpose of discarding and collecting of Source Separated Organic Waste.  
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17                                   **CALIFORNIA CODE OF REGULATIONS** or **CCR** means the State of California  
18 Code of Regulations. CCR references in this Chapter are preceded with a number that refers to  
19 the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).

20                                   **CALRECYCLE** means California's Department of Resources Recycling and  
21 Recovery, which is the Department designated with responsibility for developing, implementing,  
22 and enforcing SB 1383 Regulations.  
23

24                                   **CITY** means the City of Culver City.

25                                   **COMMERCIAL BUSINESS** or **COMMERCIAL** means a firm, partnership,  
26 proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit,  
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1 strip mall, industrial facility, or a Multi-Family Residential Dwelling, or as otherwise defined in 14  
2 CCR Section 18982(a)(6).

3 **COMMERCIAL EDIBLE FOOD GENERATOR** includes a Tier One or a Tier  
4 Two Commercial Edible Food Generator as defined in this Chapter or as otherwise defined in 14  
5 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery  
6 Organizations and Food Recovery Services are not Commercial Edible Food Generators  
7 pursuant to 14 CCR Section 18982(a)(7).  
8

9 **COMMUNITY COMPOSTING** means any activity that composts green material,  
10 agricultural material, food material, and vegetative food material, alone or in combination, and  
11 the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic  
12 yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined  
13 by 14 CCR Section 18982(a)(8).  
14

15 **COMPLIANCE REVIEW** means a review of records to determine compliance  
16 with this Chapter.

17 **COMPOST** has the same meaning as in 14 CCR Section 17896.2(a)(4), which  
18 provided, as of the effective date of this Chapter, that “Compost” means the product resulting  
19 from the controlled biological decomposition of organic Solid Wastes that are Source Separated  
20 from the municipal Solid Waste stream, or which are separated at a centralized facility.  
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22 **CONTAINER CONTAMINATION** or **CONTAMINATED CONTAINER** means a  
23 container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise  
24 defined in 14 CCR Section 18982(a)(55).

25 **C&D** means construction and demolition debris.  
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1                                    **DESIGNATED SOURCE SEPARATED ORGANIC WASTE FACILITY**, as  
2 defined in 14 CCR Section 18982(14.5), means a Solid Waste facility that accepts a Source  
3 Separated Organic Waste collection stream as defined in 14 CCR Section 17402(a)(26.6) and  
4 complies with one of the following:

5                                    1. The facility is a “transfer/processor,” as defined in 14 CCR Section  
6 18815.2(a)(62), that is in compliance with the reporting requirements of 14 CCR  
7 Section 18815.5(d), and meets or exceeds an annual average Source Separated  
8 organic content Recovery rate of 50 percent between January 1, 2022 and  
9 December 31, 2024 and 75 percent on and after January 1, 2025 as calculated  
10 pursuant to 14 CCR Section 18815.5(f) for Organic Waste received from the  
11 Source Separated Organic Waste collection stream.  
12

13                                    A. If a transfer/processor has an annual average Source Separated  
14 organic content Recovery rate lower than the rate required in  
15 Paragraph 1 of this definition for two (2) consecutive reporting  
16 periods, or three (3) reporting periods within three (3) years, the  
17 facility shall not qualify as a “Designated Source Separated Organic  
18 Waste Facility”.  
19

20                                    2. The facility is a “composting operation” or “composting facility” as defined  
21 in 14 CCR Section 18815.2(a)(13), that pursuant to the reports submitted under 14  
22 CCR Section 18815.7 demonstrates that the percent of the material removed for  
23 landfill disposal that is Organic Waste is less than the percent specified in 14 CCR  
24 Section 17409.5.8(c)(2) or 17409.5.8(c)(3), whichever is applicable, and, if  
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1 applicable, complies with the digestate handling requirements specified in 14 CCR  
2 Section 17896.5.

3 **DESIGNEE** means an entity that the City contracts with or otherwise arranges to  
4 carry out any of the City's responsibilities of this Chapter as authorized in 14 CCR Section  
5 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of  
6 those entities.

7  
8 **EDIBLE FOOD** means food intended for human consumption, or as otherwise  
9 defined in 14 CCR Section 18982(a)(18). For the purposes of this Chapter or as otherwise  
10 defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and  
11 not discarded. Nothing in this Chapter or in 14 CCR, Division 7, Chapter 12 requires or  
12 authorizes the Recovery of Edible Food that does not meet the food safety requirements of the  
13 California Retail Food Code.

14  
15 **ENFORCEMENT ACTION** means an action of the City to address non-  
16 compliance with this Chapter including, but not limited to, issuing administrative citations, fines,  
17 penalties, or using other remedies.

18 **EXCLUDED WASTE** means hazardous substances, hazardous waste,  
19 infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated  
20 radioactive waste, and toxic substances or material that facility operator(s), which receive  
21 materials from the City and its generators, reasonably believe(s) would, as a result of or upon  
22 acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law,  
23 regulation, or ordinance (including land use restrictions or conditions; waste that cannot be  
24 disposed of in Class III landfills or accepted at the facility by permit conditions; waste that would,  
25 in the reasonable opinion of the City or its Designee, present a significant risk to human health  
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1 or the environment, cause a nuisance or otherwise create or expose the City, or its Designee, to  
2 potential liability; but not including *de minimis* volumes or concentrations of waste of a type and  
3 amount normally found in Single-Family or Multi-Family Solid Waste after implementation of  
4 programs for the safe collection, processing, recycling, treatment, and disposal of batteries and  
5 paint in compliance with Sections 41500 and 41802 of the California Public Resources Code).

6 **FOOD DISTRIBUTOR** means a company that distributes food to entities  
7 including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14  
8 CCR Section 18982(a)(22).  
9

10 **FOOD FACILITY** has the same meaning as in Section 113789 of the Health and  
11 Safety Code.

12 **FOOD RECOVERY** means actions to collect and distribute food for human  
13 consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section  
14 18982(a)(24).  
15

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

- 20 1. A food bank as defined in Section 113783 of the Health and Safety Code;
- 21 2. A nonprofit charitable organization as defined in Section 113841 of the  
22 Health and Safety Code; and,
- 23 3. A nonprofit charitable temporary food facility as defined in Section 113842  
24 of the Health and Safety Code.  
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1 A Food Recovery Organization is not a Commercial Edible Food Generator for  
2 the purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to  
3 14 CCR Section 18982(a)(7).

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

7 **FOOD RECOVERY SERVICE** means a person or entity that collects and  
8 transports Edible Food from a Commercial Edible Food Generator to a Food Recovery  
9 Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section  
10 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the  
11 purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14  
12 CCR Section 18982(a)(7).

13 **FOOD SCRAPS** means all food such as, but not limited to, fruits, vegetables,  
14 meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food  
15 Scraps excludes fats, oils, and grease when such materials are Source Separated from other  
16 Food Scraps.

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

21 **FOOD WASTE** means Food Scraps and Food-Soiled Paper.  
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1                   **FOOD-SOILED PAPER** is compostable paper material that has come in contact  
2 with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups,  
3 napkins, pizza boxes and milk cartons.

4                   **GRAY CONTAINER** has the same meaning as in 14 CCR Section  
5 18982.2(a)(28).

6                   **GREEN CONTAINER** has the same meaning as in 14 CCR Section  
7 18982(a)(29) and shall be used for the purpose of storage and collection of Source Separated  
8 Green Container Organic Waste.  
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10                   **GROCERY STORE** means a store primarily engaged in the retail sale of canned  
11 food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is  
12 not separately owned within the store where the food is prepared and served, including a  
13 bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section  
14 18982(a)(30).  
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16                   **HAULER ROUTE** means the designated itinerary or sequence of stops for each  
17 segment of a jurisdiction’s collection service area, or as otherwise defined in 14 CCR Section  
18 18982(a)(31.5).  
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20                   **HIGH DIVERSION ORGANIC WASTE PROCESSING FACILITY** means a  
21 facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and  
22 meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent  
23 between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as  
24 calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed  
25 waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise  
26 defined in 14 CCR Section 18982(a)(33).  
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1                   **INSPECTION** means a site visit where the City reviews records, containers, and  
2 an entity's collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food  
3 handling to determine if the entity is complying with requirements set forth in this Chapter, or as  
4 otherwise defined in 14 CCR Section 18982(a)(35).

5                   **JURISDICTION ENFORCEMENT OFFICIAL** means either an inspector from  
6 the City's Public Works Department or an officer from the City's Enforcement Services Division.

7                   **LARGE EVENT** means an event, including, but not limited to, a sporting event  
8 or a flea market, that charges an admission price, or is operated by a local agency, and serves  
9 an average of more than 2,000 individuals per day of operation of the event, at a location that  
10 includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf  
11 course, street system, or other open space when being used for an event. If the definition in 14  
12 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section  
13 18982(a)(38) shall apply to this Chapter.

14                   **LARGE VENUE** means a permanent venue facility that annually seats or serves  
15 an average of more than 2,000 individuals within the grounds of the facility per day of operation  
16 of the venue facility. For purposes of this Chapter and implementation of 14 CCR, Division 7,  
17 Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned  
18 or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center,  
19 zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum,  
20 theater, or other public attraction facility. For purposes of this Chapter and implementation of 14  
21 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than  
22 one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue.  
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1 If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14  
2 CCR Section 18982(a)(39) shall apply to this Chapter.

3 **LOCAL EDUCATION AGENCY** means a school district, charter school, or  
4 county office of education that is not subject to the control of city or county regulations  
5 related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).

6 **MULTI-FAMILY RESIDENTIAL DWELLING** or **MULTI-FAMILY** means of, from,  
7 or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises  
8 do not include hotels, motels, or other transient occupancy facilities, which are considered  
9 Commercial Businesses.  
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11 **MWELO** refers to the Model Water Efficient Landscape Ordinance, 23 CCR,  
12 Division 2, Chapter 2.7.

13 **NON-COMPOSTABLE PAPER** includes paper that is not approved by the City  
14 of Culver City's composting facility because material will not breakdown in the composting  
15 process, or as otherwise defined in 14 CCR Section 18982(a)(41).  
16

17 **NON-ORGANIC RECYCLABLES** means non-putrescible and non-hazardous  
18 recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as  
19 otherwise defined in 14 CCR Section 18982(a)(43).  
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21 **NOTICE OF VIOLATION** means a notice that a violation has occurred that  
22 includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14  
23 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

24 **ORGANIC WASTE** means Solid Wastes containing material originated from  
25 living organisms and their metabolic waste products, including but not limited to food, green  
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1 material, landscape and pruning waste, food-soiled paper products, or as otherwise defined in  
2 14 CCR Section 18982(a)(46).

3 **ORGANIC WASTE GENERATOR** means a person or entity that is responsible  
4 for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section  
5 18982(a)(48).

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

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

14 **PROHIBITED CONTAINER CONTAMINANTS** means either: (i) discarded  
15 materials placed in the Blue Container that are not identified as acceptable Source Separated  
16 Recyclable Materials; (ii) discarded materials placed in a Green Container or a Brown Container  
17 that are not identified as acceptable Source Separated Green Container Organic Waste; (iii)  
18 discarded materials placed in the Black Container that are acceptable Source Separated  
19 Recyclable Materials or Source Separated Green Container Organic Wastes that should be  
20 placed in the City's Blue Container, Brown Container or Green Container; or, (iv) Excluded  
21 Waste placed in any container.  
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1                   **RECOVERED ORGANIC WASTE PRODUCTS** means products made from  
2 California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise  
3 authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).

4                   **RECOVERY** means any activity or process described in 14 CCR Section  
5 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

6                   **RECYCLED-CONTENT PAPER** means Paper Products or Printing and Writing  
7 Papers that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise  
8 defined in 14 CCR Section 18982(a)(61).

9                   **REGIONAL AGENCY** means regional agency as defined in Public Resources  
10 Code Section 40181.

11                   **REMOTE MONITORING** means the use of the internet of things (IoT) and/or  
12 wireless electronic devices to visualize the contents of Blue Containers, Green Containers, and  
13 Black Containers for purposes of identifying the quantity of materials in containers (level of fill)  
14 and/or presence of Prohibited Container Contaminants.

15                   **RENEWABLE GAS** means gas derived from Organic Waste that has been  
16 diverted from a California landfill and processed at an in-vessel digestion facility that is permitted  
17 or otherwise authorized by 14 CCR to recycle Organic Waste, or as otherwise defined in 14  
18 CCR Section 18982(a)(62).

19                   **RESPONSIBLE PERSON** includes, but is not limited to, the following:

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- 21                   1. A person who causes a violation of this Chapter to occur;
  - 22                   2. A person who maintains or allows a violation of this Chapter to continue,  
23 by his or her action or failure to act;
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1                   3. A person whose agent, employee or independent contractor causes a  
2 violation of this Chapter by his or her action or failure to act;

3                   4. A person who is the owner and/or a lessee or sub-lessee, with the  
4 current right of possession, of real property where a violation of this Chapter occurs or  
5 exists;

6                   5. A person who is the on-site manager of a business and who regularly  
7 works at the site when the business is open and who is responsible for the activities on  
8 the business's premises;

9                   6. Any person with actual or apparent authority, possession or control of  
10 real or personal property; or any other person, who creates maintains, permits or allows a  
11 violation of this Chapter.  
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13                   For the purposes of this definition, **PERSON** includes a natural person or a legal  
14 entity, and the owners, majority stockholders, corporate officers, trustees and general  
15 partners of a legal entity.  
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17                   **RESTAURANT** means an establishment primarily engaged in the retail sale of  
18 food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR  
19 Section 18982(a)(64).  
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21                   **ROUTE REVIEW** means a visual Inspection for the purpose of determining  
22 Container Contamination, and may include mechanical Inspection methods such as the use of  
23 cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).  
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25                   **SB 1383** means Senate Bill 1383 of 2016 approved by the Governor on  
26 September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the  
27 Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of  
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1 Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a  
2 statewide effort to reduce emissions of short-lived climate pollutants as amended,  
3 supplemented, superseded, and replaced from time to time.

4 **SB 1383 REGULATIONS** or **SB 1383 REGULATORY** means or refers to, for  
5 the purposes of this Chapter, the Short-Lived Climate Pollutants: Organic Waste Reduction  
6 regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7,  
7 Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.  
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9 **SINGLE-FAMILY** means of, from, or pertaining to any residential premises with  
10 fewer than five (5) units.

11 **SOLID WASTE** is defined similarly to the definition that term is given in State  
12 Public Resources Code Section 40191, which defines Solid Waste as all putrescible and  
13 nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper,  
14 rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and  
15 parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed  
16 sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid  
17 wastes, and other discarded solid and semisolid wastes. However, for purposes of this Chapter,  
18 Solid Waste is defined to include only non-recyclable paper and non-recyclable demolition and  
19 construction wastes. Consistent with State Public Resources Code Section 40191, Solid Waste  
20 does not include any of the following wastes:  
21

- 22 1. Hazardous waste, as defined in the State Public Resources Code Section  
23 40141.  
24

1                   2. Radioactive waste regulated pursuant to the State Radiation Control Law  
2 (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and  
3 Safety Code).

4                   3. Medical waste regulated pursuant to the State Medical Waste Management  
5 Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety  
6 Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in  
7 State Public Resources Code Section 40195.1. Medical waste that has been treated and  
8 deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public  
9 Resources Code.  
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11                   **SOURCE SEPARATED** means materials, including commingled recyclable  
12 materials, that have been separated or kept separate from the Solid Waste stream, at the point  
13 of generation, for the purpose of additional sorting or processing those materials for recycling or  
14 reuse in order to return them to the economic mainstream in the form of raw material for new,  
15 reused, or reconstituted products, which meet the quality standards necessary to be used in the  
16 marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of this  
17 Chapter, Source Separated shall include separation of materials by the generator, property  
18 owner, property owner's employee, property manager, or property manager's employee into  
19 different containers for the purpose of collection such that Source Separated materials are  
20 separated from the Black Container Waste or other Solid Waste for the purposes of collection  
21 and processing.  
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24                   **SOURCE SEPARATED GREEN CONTAINER ORGANIC WASTE** means  
25 Source Separated Organic Waste that can be placed in a Green Container or a Brown Container  
26 that is specifically intended for the separate collection of Organic Waste by the generator but  
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1 excludes Source Separated Recyclable Materials, carpets, Non-Compostable Paper and  
2 textiles.

3 **SOURCE SEPARATED RECYCLABLE MATERIALS** means Source Separated  
4 Non-Organic Recyclables, Printing and Writing Papers (but excluding cotton fiber) and Paper  
5 Products (but excluding wrapping, tissue and toweling).

6 **STATE** means the State of California.

7 **SUPERMARKET** means a full-line, self-service retail store with gross annual  
8 sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned  
9 goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section  
10 18982(a)(71).  
11

12 **TIER ONE COMMERCIAL EDIBLE FOOD GENERATOR** means a Commercial  
13 Edible Food Generator that is one of the following:

- 14 1. Supermarket.
- 15 2. Grocery Store with a total facility size equal to or greater than 10,000 square  
16 feet.  
17
- 18 3. Food Service Provider.
- 19 4. Food Distributor.
- 20 5. Wholesale Food Vendor.

21 If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible  
22 Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall  
23 apply to this Chapter.  
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25 **TIER TWO COMMERCIAL EDIBLE FOOD GENERATOR** means a Commercial  
26 Edible Food Generator that is one of the following:  
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1                   1. Restaurant with 250 or more seats, or a total facility size equal to or greater  
2 than 5,000 square feet.

3                   2. Hotel with an on-site Food Facility and 200 or more rooms.

4                   3. Health facility with an on-site Food Facility and 100 or more beds.

5                   4. Large Venue.

6                   5. Large Event.

7                   6. A State agency with a cafeteria with 250 or more seats or total cafeteria  
8 facility size equal to or greater than 5,000 square feet.

9                   7. A Local Education Agency facility with an on-site Food Facility.

10                   If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible  
11 Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall  
12 apply to this Chapter.  
13

14                   **WHOLESALE FOOD VENDOR** means a business or establishment engaged in  
15 the merchant wholesale distribution of food, where food (including fruits and vegetables) is  
16 received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other  
17 destination, or as otherwise defined in 14 CCR Section 18982(a)(76).  
18

19                   **§5.08.010 REQUIREMENTS FOR SINGLE-FAMILY GENERATORS**

20                   Single-Family Organic Waste Generators:

21                   A. Shall subscribe to the City's Organic Waste collection  
22 services for all Organic Waste generated as described below in Section  
23 5.08.010.B. The City shall have the right to review the number and size of a  
24 generator's containers to evaluate adequacy of capacity provided for each type  
25 of collection service for proper separation of materials and containment of  
26 materials; and, Single-Family generators shall adjust its service level for its  
27  
28

1 collection services as requested by the City. Generators may additionally  
2 manage their Organic Waste by preventing or reducing their Organic Waste,  
3 managing Organic Waste on site, and/or using a Community Composting site  
4 pursuant to 14 CCR Section 18984.9(c).

5  
6 B. Shall participate in the City's Organic Waste collection  
7 service(s) by placing designated materials in designated containers as described  
8 below, and shall not place Prohibited Container Contaminants in collection  
9 containers:

10  
11 Generator shall place Source Separated Green Container Organic Waste,  
12 including Food Waste, in the Green Container; Source Separated  
13 Recyclable Materials in the Blue Container; and Black Container Waste in  
14 the Black Container. Generators shall not place materials designated for  
15 the Black Container into either the Green Container or the Blue Container.  
16

17 **§5.08.015 REQUIREMENTS FOR COMMERCIAL BUSINESSES**

18 Generators that are Commercial Businesses shall:

19 A. Subscribe to City's three container collection services and comply  
20 with requirements of those services as described below in Section 5.08.015.B.  
21 The City shall have the right to review the number and size of a generator's  
22 containers and frequency of collection to evaluate adequacy of capacity provided  
23 for each type of collection service for proper separation of materials and  
24 containment of materials; and, Commercial Businesses shall adjust their service  
25 level for their collection services as requested by the City.  
26  
27  
28

1           B.     Participate in the City's Organic Waste collection service(s), unless  
2 otherwise notified by the City, by placing designated materials in designated  
3 containers as described below:

4           Generator shall place Source Separated Green Container Organic Waste,  
5 including Food Waste, in either a Green Container or a Brown Container;  
6 Source Separated Recyclable Materials in the Blue Container; and Black  
7 Container Waste in the Black Container. Generator shall not place materials  
8 designated for the Black Container into either the Green Container, the  
9 Brown Container or the Blue Container.  
10

11          C.     Supply and allow access to adequate number, size and location of  
12 collection containers with sufficient labels or colors for employees, contractors,  
13 tenants, and customers, consistent with the City's three-container collection  
14 service.  
15

16          D.     Excluding Multi-Family Residential Dwellings, provide containers for  
17 the collection of Source Separated Green Container Organic Waste and Source  
18 Separated Recyclable Materials in all indoor and outdoor areas where disposal  
19 containers are provided for customers, for materials generated by that business.  
20 Such containers do not need to be provided in restrooms. If a Commercial  
21 Business does not generate any of the materials that would be collected in one  
22 type of container, then the business does not have to provide that particular  
23 container in all areas where disposal containers are provided for customers.  
24 Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business  
25 shall have either:  
26  
27  
28

1                   1.     A body or lid that conforms with the container colors provided  
2 through the collection service provided by the City, with either lids  
3 conforming to the color requirements or bodies conforming to the color  
4 requirements or both lids and bodies conforming to color requirements. A  
5 Commercial Business is not required to replace functional containers,  
6 including containers purchased prior to January 1, 2022, that do not comply  
7 with the requirements of this subsection prior to the end of the useful life of  
8 those containers, or prior to January 1, 2036, whichever comes first; or  
9

10                   2.     Container labels that include language or graphic images, or  
11 both, indicating the primary material accepted and the primary materials  
12 prohibited in that container, or containers with imprinted text or graphic  
13 images that indicate the primary materials accepted and primary materials  
14 prohibited in the container. Pursuant to 14 CCR Section 18984.8, the  
15 container labeling requirements are required on new containers  
16 commencing January 1, 2022.  
17

18                   E.     Excluding Multi-Family Residential Dwellings, to the extent practical  
19 (through education, training, Inspection, and/or other measures), prohibit  
20 employees from placing materials in a container not designated for those materials  
21 per the City’s three-container collection service.  
22

23                   F.     Excluding Multi-Family Residential Dwellings, periodically inspect  
24 Blue Containers, Green Containers, and Black Containers for contamination and  
25 inform employees if containers are contaminated and of the requirements to keep  
26 contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).  
27  
28

1           G.     Annually provide information to employees, contractors, tenants, and  
2 customers about Organic Waste Recovery requirements and about proper sorting  
3 of Source Separated Green Container Organic Waste and Source Separated  
4 Recyclable Materials.

5           H.     Provide education information before or within fourteen (14) days of  
6 occupation of the premises to new tenants that describes requirements to keep  
7 Source Separated Green Container Organic Waste and Source Separated  
8 Recyclable Materials separate from Black Container Waste (when applicable) and  
9 the location of containers and the rules governing their use at each property.  
10

11           I.     Provide or arrange access to their properties in order for the City or  
12 its agent(s) to access these properties during all Inspections conducted in  
13 accordance with this Chapter or conducted to confirm compliance with the  
14 requirements of this Chapter.  
15

16           J.     Nothing in this Section 5.08.015 prohibits a generator from  
17 preventing or reducing waste generation, managing Organic Waste on site, or  
18 using a Community Composting site pursuant to 14 CCR Section 18984.9(c).  
19

20           K.     Commercial Businesses that are Tier One or Tier Two Commercial  
21 Edible Food Generators shall comply with Food Recovery requirements, pursuant  
22 to Section 5.08.025.

23           **§5.08.020     WAIVERS FOR GENERATORS**

24           A.     *De Minimis Waivers.* The City may waive a Commercial Business'  
25 obligation to comply with some or all of the Organic Waste requirements of this  
26 Chapter if the Commercial Business provides documentation that the business  
27  
28

1 generates below a certain amount of Organic Waste material as described in  
2 Section 5.08.020.A.2, below. Commercial Businesses requesting a de minimis  
3 waiver shall:

4 1. Submit an application specifying the services that they are  
5 requesting a waiver from and provide documentation as noted in Section  
6 5.08.020.A.2, below.

7 2. Provide documentation that either:

8 a. The Commercial Business' total Solid Waste collection  
9 service is two cubic yards or more per week and Organic Waste  
10 subject to collection in a Blue Container, Green Container or Brown  
11 Container comprises less than 20 gallons per week per applicable  
12 container of the business' total waste; or,

13 b. The Commercial Business' total Solid Waste collection  
14 service is less than two cubic yards per week and Organic Waste  
15 subject to collection in a Blue Container, Green Container or Brown  
16 Container comprises less than 10 gallons per week per applicable  
17 container of the business' total waste.

18 3. Notify the City if circumstances change such that the  
19 Commercial Business's Organic Waste exceeds threshold required for  
20 waiver, in which case such waiver will be rescinded.

21 4. Provide written verification of eligibility for de minimis waiver  
22 every five years, if the City has approved a de minimis waiver.  
23  
24  
25  
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1           B. *Physical Space Waivers.* The City may waive a Commercial  
2 Business' or Commercial property owner's obligations to comply with Organic  
3 Waste collection service requirements if the City has evidence from its own staff, a  
4 hauler, licensed architect, or licensed engineer demonstrating that the premises  
5 lacks adequate space for the collection containers required for compliance with the  
6 Organic Waste collection requirements of Section 5.08.015.

7           **§5.08.025 REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD**  
8 **GENERATORS**

9  
10           A. Tier One Commercial Edible Food Generators must comply with the  
11 requirements of this Section 5.08.025 commencing January 1, 2022, and Tier Two  
12 Commercial Edible Food Generators must comply commencing January 1, 2024,  
13 pursuant to 14 CCR Section 18991.3.

14           B. Large Venue or Large Event operators not providing food services, but  
15 allowing for food to be provided by others, shall require Food Facilities operating at the  
16 Large Venue or Large Event to comply with the requirements of this Section 5.08.025,  
17 commencing January 1, 2024.

18           C. Commercial Edible Food Generators shall comply with the following  
19 requirements:

20           1. Arrange to recover the maximum amount of Edible Food that would  
21 otherwise be disposed.

22           2. Contract or enter into a written agreement with the City, Food  
23 Recovery Organizations or Food Recovery Services for: (i) the collection of Edible  
24 Food for Food Recovery; or, (ii) acceptance of the Edible Food that the  
25  
26  
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1 Commercial Edible Food Generator self-hauls to the Food Recovery Organization  
2 for Food Recovery.

3 3. At least annually, or as often as determined by the City, submit  
4 receipt to the City of food donated to the City, a Food Recovery Organization or a  
5 Food Recovery Service.

6 4. Shall not intentionally spoil Edible Food that is capable of being  
7 recovered by a Food Recovery Organization or a Food Recovery Service.

8 5. Allow City's designated enforcement entity or designated third party  
9 enforcement entity to access the Commercial Edible Food Generator's premises  
10 and review records pursuant to 14 CCR Section 18991.4.

11 6. Keep records that include the following information, or as otherwise  
12 specified in 14 CCR Section 18991.4:

13 a. A list of each Food Recovery Service or Food Recovery  
14 Organization that collects or receives the Commercial Edible Food  
15 Generator's Edible Food pursuant to a contract or written agreement  
16 established under 14 CCR Section 18991.3(b).

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

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

21 i. The names, addresses and contact information of any  
22 Food Recovery Services or Food Recovery Organizations to whom  
23  
24  
25  
26  
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1 the Commercial Edible Food Generator donated food during the  
2 previous calendar year.

3 ii. The types of food that was donated to any Food  
4 Recovery Services or Food Recovery Organizations during the  
5 previous calendar year.

6 iii. The frequency that food was collected or self-hauled.

7  
8 iv. The quantity of food, measured in pounds recovered  
9 per month, collected or self-hauled to a Food Recovery Service or  
10 Food Recovery Organization for Food Recovery.

11 7. Starting on March 1, 2023 for Tier One Commercial Edible Food  
12 Generators, March 1, 2025 for Tier Two Commercial Edible Food Generators and  
13 no later than March 1 of each subsequent year, Commercial Edible Food  
14 Generators shall provide an annual Food Recovery report to the City. These  
15 reports shall contain data relating to the prior calendar year. For example, the  
16 report received on March 1, 2023, shall contain data relating to the period between  
17 January 1, 2022 and December 31, 2022. The data in these annual Food  
18 Recovery reports shall include:

19  
20 a. The names, addresses and contact information of any Food  
21 Recovery Service or Food Recovery Organization to whom the Commercial  
22 Edible Food Generator donated food during the prior calendar year.

23  
24 b. The types of food donated to each particular Food Recovery  
25 Service or Food Recovery Organization during the prior calendar year.  
26  
27  
28

1 c. The frequency that food was collected by or self-hauled to any  
2 particular Food Recovery Service or Food Recovery Organization during the  
3 prior calendar year.

4 d. The quantity of food, measured in pounds recovered per  
5 month, collected or self-hauled to any particular Food Recovery Service or  
6 Food Recovery Organization for Food Recovery during the prior calendar  
7 year.

8  
9 D. Nothing in this Chapter shall be construed to limit or conflict with the  
10 protections provided by the California Good Samaritan Food Donation Act of 2017, the  
11 Federal Good Samaritan Act, or share table and school food donation guidance pursuant  
12 to Senate Bill 557 of 2017 (approved by the Governor of the State of California on  
13 September 25, 2017, which added Article 13 [commencing with Section 49580] to  
14 Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section  
15 114079 of the Health and Safety Code, relating to food safety, as amended,  
16 supplemented, superseded and replaced from time to time).

17  
18 **§5.08.030 REQUIREMENTS FOR FOOD RECOVERY ORGANIZATIONS AND**  
19 **SERVICES**

20 A. Food Recovery Services collecting or receiving Edible Food directly from  
21 Commercial Edible Food Generators, via a contract or written agreement established  
22 under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise  
23 specified by 14 CCR Section 18991.5(a)(1):

24  
25 1. The name, address, and contact information for each Commercial  
26 Edible Food Generator from which the service collects Edible Food.  
27  
28

1                   2.     The quantity in pounds of Edible Food collected from each  
2 Commercial Edible Food Generator per month.

3                   3.     The quantity in pounds of Edible Food transported to each Food  
4 Recovery Organization per month.

5                   4.     The name, address, and contact information for each Food Recovery  
6 Organization that the Food Recovery Service transports Edible Food to for Food  
7 Recovery.

8  
9                   B.     Food Recovery Organizations collecting or receiving Edible Food from  
10 Commercial Edible Food Generators, via a contract or written agreement established  
11 under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise  
12 specified by 14 CCR Section 18991.5(a)(2):

13                   1.     The name, address, and contact information for each Commercial  
14 Edible Food Generator from which the organization receives Edible Food.

15                   2.     The quantity in pounds of Edible Food received from each  
16 Commercial Edible Food Generator per month.

17                   3.     The name, address, and contact information for each Food Recovery  
18 Service that the organization receives Edible Food from for Food Recovery.  
19

20                   C.     Food Recovery Organizations and Food Recovery Services shall inform  
21 new generators with whom they have never worked with before about California and  
22 Federal Good Samaritan Food Donation Act protection in written communications, such  
23 as in their contract or agreement established under 14 CCR Section 18991.3(b).  
24

25                   D.     No later than April 1, 2023, Food Recovery Organizations and Food  
26 Recovery Services that are located in the City and contract with or have written  
27  
28

1 agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR  
2 Section 18991.3(b) shall report, on a quarterly basis, to the City the total pounds of Edible  
3 Food recovered in the prior quarter from the Tier One and Tier Two Commercial Edible  
4 Food Generators they have established a contract or written agreement with pursuant to  
5 14 CCR Section 18991.3(b).

6 E. *Food Recovery Services' and Food Recovery Organizations' Capacity*  
7 *Planning Obligations*  
8

9 In order to support Edible Food Recovery capacity planning assessments or other  
10 studies conducted by Los Angeles County, the City, its Designee or by a special  
11 district that provides solid waste collection services, Food Recovery Services and  
12 Food Recovery Organizations operating in the City shall provide information and  
13 consultation to the City, upon request, regarding existing, or proposed new or  
14 expanded, Food Recovery capacity that could be accessed by the City and its  
15 Commercial Edible Food Generators. A Food Recovery Service or Food Recovery  
16 Organization contacted by the City shall respond to such request for information  
17 within 60 days, unless a shorter timeframe is otherwise specified by the City.  
18

19 **§5.08.035 REQUIREMENTS FOR FACILITY OPERATORS AND COMMUNITY**  
20 **COMPOSTING OPERATORS**  
21

22 A. Owners of facilities, operations, and activities that recover Organic Waste,  
23 including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-  
24 owned treatment works shall, upon request of the City, provide information regarding  
25 available and potential new or expanded capacity at their facilities, operations, and  
26 activities, including information about throughput and permitted capacity necessary for  
27  
28

1 planning purposes. Entities contacted by the City for these purposes shall respond within  
2 60 days.

3 B. Community Composting operators, upon City request, shall provide  
4 information to the City to support Organic Waste capacity planning, including, but not  
5 limited to, an estimate of the amount of Organic Waste anticipated to be handled at the  
6 Community Composting operation. Entities contacted by the City for these purposes shall  
7 respond within 60 days.  
8

9 **§5.08.040 COMPLIANCE WITH CALGreen RECYCLING REQUIREMENTS**

10 A. Persons or business entities applying for a permit from the City for new  
11 construction and building additions and alterations shall comply with the requirements of  
12 this Section 5.08.040 and all required components of the California Green Building  
13 Standards Code, California Code of Regulations, Title 24, Part 11, (CALGreen), as  
14 amended, if their project is covered by the scope of CALGreen or by more stringent  
15 requirements of the City. If the requirements of CALGreen are more stringent than the  
16 requirements of this Section 5.08.040, the CALGreen requirements shall apply.  
17

18 B. Project applicants shall refer to relevant building and/or planning provisions  
19 in this Code for complete CALGreen requirements.

20 C. For projects covered by CALGreen or by more stringent requirements of the  
21 City, the applicants must, as a condition of the City's permit approval, comply with the  
22 following:  
23

- 24 1. Where five (5) or more Multi-Family dwelling units are constructed on  
25 a building site, provide readily accessible areas that serve occupants of all  
26 buildings on the site and are identified for the storage and collection of Blue  
27  
28

1 Container, Black Container and Green or Brown Container materials, consistent  
2 with the three-container collection program offered by the City, or comply with  
3 provision of adequate space for recycling for Multi-Family and Commercial  
4 premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of  
5 CALGreen, as amended (provided any amended requirements are more stringent  
6 than the CALGreen requirements for adequate recycling space found in Sections  
7 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the 2019 California Green Building  
8 Standards Code, California Code of Regulations, Title 24, Part 11 as amended  
9 July 1, 2019 and effective January 1, 2020).

11 2. New Commercial construction or additions resulting in an increase of  
12 more than 30% of the floor area shall provide readily accessible areas identified for  
13 the storage and collection of Blue Container, Black Container and Green or Brown  
14 Container materials, consistent with the three-container collection program offered  
15 by the City, or shall comply with provision of adequate space for recycling for Multi-  
16 Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1,  
17 and 5.410.1 of CALGreen, as amended (provided any amended requirements are  
18 more stringent than the CALGreen requirements for adequate recycling space  
19 found in Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the 2019 California  
20 Green Building Standards Code, California Code of Regulations, Title 24, Part 11  
21 as amended July 1, 2019 and effective January 1, 2020).

24 3. Comply with CALGreen requirements and applicable law related to  
25 management of C&D, including diversion of Organic Waste in C&D from disposal.  
26 Comply with City's C&D ordinance, if any, and all written and published City  
27  
28

1 policies and/or administrative guidelines regarding the collection, recycling,  
2 diversion, tracking, and/or reporting of C&D.

3 **§5.08.045 MODEL WATER EFFICIENT LANDSCAPING ORDINANCE**  
4 **REQUIREMENTS**

5 A. Property owners or their building or landscape designers, including anyone  
6 requiring a building or planning permit, plan check, or landscape design review from the  
7 City, who are constructing a new (Single-Family, Multi-Family, public, institutional, or  
8 Commercial) project with a landscape area greater than 500 square feet, or rehabilitating  
9 an existing landscape with a total landscape area greater than 2,500 square feet, shall  
10 comply with Sections 492.6(a)(3)(B), (C), (D) and (G) of MWELo, including sections  
11 related to use of Compost and mulch as delineated in this Section 5.08.045.  
12

13 B. Property owners or their building or landscape designers that meet the  
14 threshold for MWELo compliance outlined in Section 5.08.045.A, above, shall comply  
15 with Sections 492.6(a)(3)(B), (C), (D) and (G) of MWELo, which requires the submittal of  
16 a landscape design plan with soil preparation, mulch and amendments sections which  
17 include the following:  
18

19 1. For landscape installations, Compost at a rate of a minimum  
20 of four cubic yards per 1,000 square feet of permeable area shall be incorporated  
21 to a depth of six (6) inches into the soil. Soils with greater than six percent (6%)  
22 organic matter in the top six (6) inches of soil are exempt from adding Compost  
23 and tilling.  
24

25 2. For landscape installations, a minimum 3-inch layer of mulch  
26 shall be applied on all exposed soil surfaces of planting areas except in turf  
27  
28

1 areas, creeping or rooting groundcovers or in direct seeding applications where  
2 mulch is contraindicated. To provide habitat for beneficial insects and other  
3 wildlife, up to five percent (5%) of the landscape area may be left without mulch.  
4 Designated insect habitat must be included in the landscape design plan as  
5 such.

6 3. Organic mulch materials made from recycled or post-  
7 consumer materials shall take precedence over inorganic materials or virgin  
8 forest products unless the recycled post-consumer organic products are not  
9 locally available. Organic mulches are not required where prohibited by local fuel  
10 modification plan guidelines or other applicable local ordinances.

11 C. MWELO compliance items listed in this Section 5.08.045 are not an  
12 inclusive list of MWELO requirements; therefore, property owners or their  
13 building or landscape designers that meet the threshold for MWELO compliance  
14 outlined in Section 5.08.045.A shall consult MWELO for all requirements.

15 D. If, after the adoption of this Chapter, the California Department of  
16 Water Resources, or its successor agency, amends 23 CCR, Division 2, Chapter  
17 2.7, Sections 492.6(a)(3)(B), (C), (D) and (G) of the MWWELO September 15,  
18 2015 requirements in a manner that requires jurisdictions to incorporate the  
19 requirements of an updated MWELO in a local ordinance, and the amended  
20 requirements include provisions more stringent than those required in this  
21 Section 5.08.045, the revised requirements of 23 CCR, Division 2, Chapter 2.7  
22 shall be enforced.  
23  
24  
25  
26  
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1                   **§5.08.050    PROCUREMENT REQUIREMENTS FOR CITY, DIRECT SERVICE**  
2                   **PROVIDERS AND VENDORS**

3                   A.     In order to comply with the City's organic waste product procurement target,  
4                   as required by 14 CCR Section 18993.1, any mulch procured by the City or by a direct  
5                   service provider who is required to procure mulch through a written contract or agreement  
6                   with the City shall:

7                                 1.     Meet and exceed the physical contamination, maximum metal  
8                                 concentration, and pathogen density standards for land application specified in 14  
9                                 CCR Sections 17852(a)(24.5)(A)1 through 3; and,

10                                2.     Be produced at one of the following facilities:

11   a.     A compostable material handling operation or facility as  
12   defined in 14 CCR Section 17852(a)(12), that is permitted or authorized under 14 CCR  
13   Division 7, other than a chipping and grinding operation or facility as defined in 14 CCR  
14   Section 17852(a)(10);

15   b.     A transfer/processing facility or transfer/processing operation  
16   as defined in 14 CCR Sections 17402(a)(30) and (31), respectively, that is permitted or  
17   authorized under 14 CCR Division 7; or,

18   c.     A solid waste landfill as defined in Public Resources Code  
19   Section 40195.1 that is permitted under 27 CCR Division 2.

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

21                                 1.     Certify in writing, under penalty of perjury, the minimum percentage  
22                                 of postconsumer material in the Paper Products and Printing and Writing Paper  
23                                 offered or sold to the City. This certification requirement may be waived if the  
24                                 25  
26  
27  
28

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

4 2. Certify in writing, on invoices or receipts provided, that the Paper  
5 Products and Printing and Writing Paper offered or sold to the City are eligible to  
6 be labeled with an unqualified recyclable label as defined in 16 Code of Federal  
7 Regulations Section 260.12 (as published on January 1, 2013).

8  
9 C. All City departments and direct service providers to the City must comply  
10 with any City Environmental Preferable Purchasing Policy, including any Recovered  
11 Organic Waste Product and Recycled Content Paper procurement requirements.

12 **§5.08.055 INSPECTIONS AND INVESTIGATIONS BY CITY**

13 A. City representatives and/or its designated entity, including Designees, are  
14 authorized to conduct Inspections and investigations, at random or otherwise, of any  
15 collection container, collection vehicle loads, or transfer, processing, or disposal facility for  
16 materials collected from generators, or Source Separated materials to confirm compliance  
17 with this Chapter by Organic Waste Generators, Commercial Businesses, property  
18 owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery  
19 Services, and Food Recovery Organizations, subject to applicable laws. This Section  
20 5.08.055 does not allow the City to enter the interior of a private residential property for  
21 Inspection.  
22

23  
24 B. Regulated entities shall provide or arrange for access during all Inspections  
25 (with the exception of residential property interiors) and shall cooperate with the City's  
26 employee or its designated entity/Designee during such Inspections and investigations.  
27  
28

1 Such Inspections and investigations may include confirmation of proper placement of  
2 materials in containers, Edible Food Recovery activities, records, or any other  
3 requirement of this Chapter described herein. Failure to provide or arrange for: (i) access  
4 to an entity's premises; or (ii) access to records for any Inspection or investigation is a  
5 violation of this Chapter and may result in penalties described.

6 C. The City shall receive written complaints from persons regarding an entity  
7 that may be potentially non-compliant with SB 1383 Regulations, including receipt of  
8 anonymous complaints.  
9

10 D. Any records obtained by the City during its Inspection or other reviews shall  
11 be subject to the requirements and applicable disclosure exemptions of the Public  
12 Records Act, as set forth in Government Code Section 6250, et seq.

13 E. Subject to applicable laws, City representatives, its designated entity, and/or  
14 Designee are authorized to conduct any Inspections or other investigations as reasonably  
15 necessary to further the goals of this Chapter.  
16

17 **§5.08.060 ENFORCEMENT**

18 A. Violation of any provision of this Chapter shall constitute grounds for  
19 issuance of a Notice of Violation and assessment of a fine by a Jurisdiction Enforcement  
20 Official or representative. Enforcement Actions under this Chapter include, but are not  
21 limited to, issuance of an administrative citation and assessment of a fine. The City's  
22 procedures on imposition of administrative fines, as set forth in Chapter 1.02 of this Code,  
23 are hereby incorporated in their entirety, as modified from time to time, and shall govern  
24 the imposition, enforcement, collection, and review of administrative citations issued to  
25  
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1 enforce this Chapter and any rule or regulation adopted pursuant to this Chapter, except  
2 as otherwise indicated in this Chapter.

3 B. Other remedies allowed by law may be used, including civil action or  
4 prosecution as misdemeanor or infraction. The City may pursue civil actions in the  
5 California courts to seek recovery of unpaid administrative citations.

6 C. *Responsible Entity for Enforcement*

7  
8 1. Enforcement pursuant to this Chapter may be undertaken by the  
9 Jurisdiction Enforcement Official, the City Manager or their designated entity, legal  
10 counsel or combination thereof.

11 2. The Jurisdiction Enforcement Officials will interpret this Chapter;  
12 implement Enforcement Actions; and, determine if compliance standards are met.

13 3. The Jurisdiction Enforcement Officials may issue Notices of  
14 Violation(s).

15 D. *Process for Enforcement*

16  
17 1. Jurisdiction Enforcement Officials and/or their Designee will monitor  
18 compliance with this Chapter randomly and through Compliance Reviews, Route  
19 Reviews, investigation of complaints, and an Inspection program (that may include  
20 Remote Monitoring). Section 5.08.055 establishes the City's right to conduct  
21 Inspections and investigations.

22  
23 2. The City may issue an official notification to notify regulated entities  
24 of their obligations under this Chapter.

25 3. The City will issue a Notice of Violation to any Responsible Person  
26 found to have Prohibited Container Contaminants in a container upon the first  
27  
28

1 occurrence of any such violation. Such notice will be provided via a cart tag or  
2 other communication immediately upon identification of the Prohibited Container  
3 Contaminants. Such notice shall, at a minimum, include information regarding the  
4 requirement to properly separate material into the appropriate containers and may  
5 include photographic evidence of the violation. If the City observes Prohibited  
6 Container Contaminants a second time, a second Notice of Violation, containing a  
7 warning that a third occurrence may result in a fine and/or the assessment of  
8 costs, will be provided in the same manner as required of a first Notice of Violation.  
9 If the City observes Prohibited Container Contaminants a third time, the City may  
10 assess the Responsible Person the costs of enforcing this Section 5.08.060.D.3  
11 and for cleaning the contamination and/or impose any applicable administrative  
12 fines.  
13

14 4. Effective January 1, 2024, with the exception of violations of  
15 generator contamination of container contents addressed under Section  
16 5.08.060.D.3, the City shall issue a Notice of Violation, for any other violation of  
17 this Chapter, requiring compliance within 60 days of issuance of the Notice of  
18 Violation.  
19

20 5. Absent compliance by the Responsible Person within the deadline  
21 set forth in the Notice of Violation, the City shall commence an action to impose  
22 penalties, via administrative citation and fine, pursuant to the provisions of this  
23 Section 5.08.060 and Chapter 1.02 of this Code.  
24  
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1           E.     *Penalty Amounts for Violations*

2           The penalties for any violations of this Chapter 5.08 shall be imposed in  
3 accordance with Section 1.02.025 of this Code.

4           F.     *Compliance Deadline Extension Considerations*

5           The City may extend the compliance deadlines set forth in a Notice of Violation issued in  
6 accordance with this Section 5.08.060 if it finds that there are extenuating circumstances  
7 beyond the control of the Responsible Person that make compliance within the deadlines  
8 impracticable, including the following:  
9

10           1.     Acts of God such as earthquakes, wildfires, flooding, and other  
11 emergencies or natural disasters;

12           2.     Delays in obtaining discretionary permits or other government agency  
13 approvals; or,

14           3.     Deficiencies in Organic Waste recycling infrastructure or Edible Food  
15 Recovery capacity and the City is under a corrective action plan with CalRecycle  
16 pursuant to 14 CCR Section 18996.2 due to those deficiencies.  
17

18           G.     *Education Period for Non-Compliance*

19           Beginning January 1, 2022 and through December 31, 2023, the City will  
20 conduct Inspections, Route Reviews or waste evaluations, and Compliance  
21 Reviews, depending upon the type of regulated entity, to determine compliance,  
22 and if the City determines that Organic Waste Generator, Tier One Commercial  
23 Edible Food Generator, Food Recovery Organization, Food Recovery Service, or  
24 other entity is not in compliance, it shall provide educational materials to the entity  
25 describing its obligations under this Chapter and a notice that compliance is  
26  
27  
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1 required by January 1, 2022, and that violations may be subject to administrative  
2 civil penalties starting on January 1, 2024.

3 H. *Civil Penalties for Non-Compliance*

4 Beginning January 1, 2024, if the City determines that an Organic Waste  
5 Generator, Tier One or Tier Two Commercial Edible Food Generator, Food  
6 Recovery Organization, Food Recovery Service, or other entity is not in  
7 compliance with this Chapter, it shall document the noncompliance or violation,  
8 issue a Notice of Violation, and take Enforcement Action pursuant to this Chapter,  
9 as needed.  
10

11  
12 **SECTION 3. Environmental Determination.** The City Council finds that,  
13 pursuant to the California Environmental Quality Act (CEQA) Guidelines, approval and  
14 implementation of these organic waste disposal reduction regulations does not create any  
15 potentially significant adverse impacts on the environment; and adoption of these regulations is  
16 hereby determined by the City Council to be categorically exempt pursuant to Section 15308  
17 (Class 8 – Actions by Regulatory Agencies for Protection of the Environment) of the CEQA  
18 Guidelines.  
19

20  
21 **SECTION 4: Effective Date.** Pursuant to Section 619 of the City Charter, except  
22 for those provisions indicating a later effective date, this Ordinance shall take effect 30 days after  
23 its adoption. Pursuant to Section 616 and 621 of the City Charter, prior to the expiration of  
24 fifteen days after the adoption, the City Clerk shall cause this Ordinance, or a summary thereof,  
25 to be published in the Culver City News and shall post this Ordinance or a summary thereof in at  
26 least three places within the City.  
27  
28

1                   **SECTION 5. Severability.** The City Council hereby declares that, if any provision,  
2 section, subsection, paragraph, sentence, phrase or word of this Ordinance is rendered or  
3 declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by  
4 reason or any preemptive legislation, then the City Council would have independently adopted  
5 the remaining provisions, sections, subsections, paragraphs, sentences, phrases, or words of  
6 this Ordinance, and as such they shall remain in full force and effect.  
7

8  
9                   APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2021.  
10

11 \_\_\_\_\_  
12 ALEX FISCH, Mayor  
13 City of Culver City, California

14 ATTEST:

APPROVED AS TO FORM:

15  
16 \_\_\_\_\_  
17 JEREMY GREEN  
18 City Clerk

19   
20 \_\_\_\_\_  
21 CAROL A. SCHWAB  
22 City Attorney  
23  
24  
25  
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