

## Chapter 8.12

### GARBAGE COLLECTION AND DISPOSAL

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**8.12.005 Purpose**

State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their Jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.

State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste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.

State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling,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.

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 Jurisdictions, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets.

SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires Jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will also help reduce food insecurity according to the State of California by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption. (Ord. 912 §1, 2022)

### **8.12.010 Definitions**

The following words, terms, and phrases when used herein shall have the meaning ascribed to them in this Section except where the context clearly indicates a different meaning.

- A. "Blue Container" has the same meaning as in 14 CCR Section 18982(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials.
- B. "Building" shall mean all other buildings not defined as dwellings.
- C. "California Code of Regulations" or "CCR" means the State of California Code of Regulations. CCR references in this Chapter are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).
- D. "CalRecycle" means California's Department of Resources Recycling and Recovery, which is the department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on Jurisdictions (and others).
- E. "City" shall mean the City of Ripon.
- F. "City Administrator" means the City Administrator of the City of Ripon.
- G. "Collection" means the act of collecting solid waste at the place of waste generation by an approved collection agent (public or private) and is distinguished from "removal."
- H. "Collection vehicle or equipment" includes any vehicle or equipment used in the collection of residential refuse or commercial/industrial solid wastes.
- I. "Collector" or "Permitted Waste Collector", "Commercial Waste Collector" and "Industrial Waste Collector" shall mean persons, firms, or corporations authorized by the City Council by permit to collect

and dispose of garbage, rubbish, and waste matter on a regularly scheduled basis, and includes the City where appropriate.

J. "Commercial Business" or "Commercial" means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of this Chapter.

K. "Commercial Edible Food Generator" includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in 8.12.232 and 8.12.234 of this section.

L. "Commercial solid wastes" include all types of solid wastes generated by stores, offices, and other commercial sources and wastes, and includes commercial residential refuse.

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

N. "Compliance Review" means a review of records by the City to determine compliance with this Chapter.

O. "Compost" has the same meaning as in 14 CCR Section 17896.2(a)(4), which states that "Compost" means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.

P. "Construction and demolition wastes" includes the waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavement, houses, commercial buildings, landscaping debris and other structures.

Q. "Container Contamination" or "Contaminated Container" means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).

R. "Designee" means an entity or individual that the County contracts with or otherwise arranges to carry out any of the City's responsibilities of this Chapter as authorized in 14 CCR Section 18981.2. A Designee may be a City Department or its representative, a Permitted Waste Collector, a public or private entity, or a combination of those entities.

S. "Director" means the Director of Public Works of the City of Ripon, acting either directly or through authorized agents.

T. "Disposal site" includes the place, location, tract of land, area or premises in use, intended to be used, or which has been approved for the landfill disposal of solid wastes.

U. "Dwelling" shall mean a residence, flat, apartment, or other facility used for housing one or more persons, and located in the City of Ripon.

V. "Dwelling unit" means one or more habitable rooms which are intended to be occupied by one (1) family with facilities for living, sleeping, cooking, and eating and from which the City collects refuse.

W. "Edible Food" means unsold or unserved Food that is fit for human consumption, even though the Food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions. For the purposes of these regulations, "Edible Food" is not Solid Waste if it is recovered and not discarded.

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

Y. "Environmental Health Department" means the San Joaquin County Environmental Health Department.

Z. "Excluded Waste" means hazardous substance; hazardous waste; infectious waste; designated waste; volatile waste; corrosive waste; medical waste; infectious waste; regulated radioactive waste; and toxic substances or material that any facility operator which receives materials from the County and its Generators reasonably believes would, as a result of or upon acceptance, transfer, processing, or disposal,

be a violation of local, State, or Federal law, regulation, or ordinance. This includes used motor oil and filters; household batteries; universal wastes; and/or latex paint; land use restrictions or conditions; waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions; waste that in County's, or its Designee's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose County, or its Designee, to potential liability.

AA. "Food" has the same meaning as in Section 113781 of the Health and Safety Code.

AB. "Food Distributor" means a company that distributes Food to entities including, but not limited to, Supermarkets and Grocery Stores.

AC. "Food Facility" has the same meaning as in Section 113789 of the Health and Safety Code.

AD. "Food Recovery" means actions to collect and distribute Food for human consumption which otherwise would be disposed.

AE. "Food Recovery Organization" means an entity that primarily engages in the collection or receipt of excess Edible Food from Edible Food Generators and distributes that Edible Food to the public for consumption, including, but not limited to:

1. A Food bank as defined in Section 113783 of the Health and Safety Code;
2. A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code
3. A nonprofit charitable temporary Food Facility as defined in Section 113842 of the Health and Safety Code.

AF. "Food Recovery Service" means a person or entity that collects and transports Edible Food from an Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery.

AG. "Food Service Provider" means an entity primarily engaged in providing Food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations.

AH. "Garbage" includes all kitchen and table food waste, and animal or vegetable waste that attends or results from the storage, preparation, cooking, or handling of food stuffs.

AI. "Garden refuse" includes leaves, grass cuttings, weeds, vines, shrubbery, tree trimmings, and similar soft vegetative materials.

AJ. "Generator" means a person or entity that is responsible for the initial creation of any waste material.

AK. "Gray Container" has the same meaning as in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.

AL. "Gray Container Waste" means Solid Waste that is collected in a Gray Container that is part of a three-container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).

AM. "Green Container" has the same meaning as in 14 CCR Section 18982(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.

AN. "Grocery Store" means a store primarily engaged in the retail sale of canned Food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the Food is prepared and served, including a bakery, deli, and meat and seafood departments. Grocery Store includes convenience stores.

AO. "Hazardous Materials" means any hazardous, dangerous, or toxic substance, material, or waste, including but not limited to substances, materials, and waste designated by the United States Environmental Protection Agency as hazardous substances (40 CFR, Parts 261 and 302) and any amendments thereto, petroleum products, or other such substances, materials, and wastes that are now or later become regulated under any applicable local, State, or Federal law.

AP. "Health Facility" has the same meaning as in Section 1250 of the Health and Safety Code.

AQ. "High Diversion Organic Waste Processing Facility" means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed

Waste organic content Recovery rate of fifty percent (50%) between January 1, 2022 and December 31, 2024, and seventy-five percent (75%) after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the "Mixed Waste organic collection stream" as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).

AR. "Hotel" has the same meaning as in Section 17210 of the Business and Professions Code.

AS. "Industrial solid wastes" include all types of solid wastes and semi-solid wastes which result from industrial processes and manufacturing operations.

AT. "Inspection" means a site visit where the City or its Designee reviews records, containers, and an entity's collection, handling, recycling, or landfill disposal of Organic Waste to determine if the entity is complying with requirements set forth in this Chapter, or as otherwise defined in 14 CCR Section 18982(a)(35).

AU. "Institutional solid wastes" include solid wastes originating from educational, health care, correctional, research facilities, or other similar facilities.

AV. "Jurisdiction" means a City, County, a City and County, or a special district that provides Solid Waste collection services.

AW. "Landfill" means a disposal site employing a method of disposing of solid wastes on hand without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the wastes to the smallest practical area, to a layer of suitable cover material at specific designated intervals.

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

AY. "Large Venue" means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this Chapter, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this Chapter, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site is a single Large Venue.

AZ. "Local Education Agency" means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste.

BA. "Mixed Waste" or "Mixed Waste Organic Collection Stream" means Organic Waste collected in a container that is required by 14 CCR Sections 18984.1, 18984.2, or 18984.3 to be transported to a High Diversion Organic Waste Processing Facility.

BB. "Multi-Family Residential Dwelling" or "Multi-Family" means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family dwellings are considered Commercial Businesses for the purpose of this Chapter. They do not include Hotels, motels, or other transient occupancy facilities, which are also considered Commercial Businesses.

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

BD. "Non-Organic Recyclables" means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).

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

- BF. "Occupant" is synonymous with tenant or lessee.
- BG. "Organic Waste" means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to Food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46).
- BH. "Organic Waste Generator" means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).
- BI. "Owner," when used with reference to a dwelling, shall mean and shall conclusively be deemed to be the legal owner or the legal owner's agent of the dwelling.
- BJ. "Permitted Waste Collector" has the same meaning as in Section 8.12.130 of Title 8 of the City of Ripon Municipal Code and includes any person to whom a residential refuse collection agreement has been awarded by the City.
- BK. "Permittee" means a person authorized by the City by permit to collect industrial and/or commercial wastes. (Ord. 920 §1, 2023)
- BL. "Person" means any individual, firm, association, partnership, corporation, trust, joint venture, or other legal entity.
- BM. "Premises" includes a tract or parcel of land with or without habitable buildings or appurtenant structures.
- BN. "Printing and Writing Papers" include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).
- BO. "Prohibited Container Contaminants" means the following: (1) material placed in a container which is not designated for that container under the system provided by the customer's Permitted Collector; or (2) Excluded Waste placed in any container.
- BP. "Putrescible wastes" includes wastes that are capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances because of odors, gases, or other offensive conditions, and include materials such as food wastes, offal, and dead animals.
- BQ. "Recovery" means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).
- BR. "Recycling" means the process by which salvaged materials become usable products.
- BS. "Refuse" includes garbage and rubbish.
- BT. "Remote Monitoring" means the use of the internet of things (IoT) and/or electronic devices to visualize the contents of any container in a Permitted Collector's collection system to identify the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.
- BU. "Removal" means the act of taking solid wastes from the place of waste generation either by an approved collection agent or by a person in control of the Premises.
- BV. "Residential solid wastes" includes all types of solid waste which originate in single family, two family, three family, or four family premises.
- BW. "Restaurant" means an establishment primarily engaged in the retail sale of Food and drinks for on premises or immediate consumption.
- BX. "Route Review" means a visual Inspection of containers along a Collector Route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).
- BY. "Rubbish" includes non-putrescible solid wastes such as ashes, paper, cardboard, tin cans, wood, glass, bedding, crockery, plastics, rubber by-products, or litter.

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

CA. "SB 1383 Regulations" or "SB 1383 Regulatory" means or refers to, for the purposes of this Chapter, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

CB. "Self-Hauler" means a person who hauls Solid Waste, Organic Waste or recyclable material that is self-generated to a facility. Self-Hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the Generator using the Generator's own employees and equipment.

CC. "Share Table" has the same meaning as in Section 114079 of the Health and Safety Code.

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

CE. "Solid waste or wastes" include all putrescible and non-putrescible solid and semisolid wastes, such as refuse, garbage, rubbish, garden waste, paper, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid or semisolid wastes, and also includes liquid wastes disposed of in conjunction with solid wastes at solid waste transfer/processing stations or disposal sites, but excludes:

1. Sewage collected and treated in a municipal or regional sewage system.
2. Materials or substances having commercial value which have been salvaged for reuse, recycling, or resale.

CF. "Source Separated" means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of this Chapter, Source Separated shall include separation of materials by the Generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source Separated materials are separated from Gray Container Waste or other Solid Waste for the purposes of collection and processing.

CG. "Source Separated Blue Container Organic Waste" means Source Separated Organic Wastes (Paper Products, printing and writing paper, wood and dry lumber and textiles) that can be placed in a Blue Container pursuant to 14 CCR Section 18984.1(a)(2).

CH. "Source Separated Green Container Organic Waste" means Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the Generator, excluding carpets, hazardous wood waste, and Non-Compostable Paper

CI. "Source Separated Organic Waste" means Organic Waste that is placed in a container that is specifically intended for the separate collection of Organic Waste by the Generator.

CJ. "Source Separated Recyclable Materials" means material that is placed in a Blue Container composed of Source Separated Non-Organic Recyclables and any Source Separated Blue Container Organic Waste that is designated by the City or Permitted Waste Collector for placement in a Blue Container.

CK. "State" means the State of California.

CL. "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars

(\$2,000,000) or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items.

CM. "Swill" means all animal, vegetable, or other matter having a food value, from clubs, hospitals, hotels, restaurants, and public eating places, which is putrefactive or easily decomposable and attractive to flies or rodents, and which has a property value.

CN. "Tenant" means a person who is legally in control of, but is not necessarily the legal owner of, a building, or a part of a building or a dwelling unit or any type of premises. Synonymous with occupant or lessee. (Ord. 570 §1, 1997)

CO. "Three-Plus Container System" means a collection system that provides additional containers or split containers in an existing three-container system.

CP. "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

1. Supermarket.
2. Grocery Store with a total facility size equal to or greater than 10,000 square feet.
3. Food service provider.
4. Food distributor
5. Wholesale Food vendor.

CQ. "Tier Two Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

1. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
2. Hotel with an onsite Food Facility and 200 or more rooms.
3. Health Facility with an on-site Food Facility and 100 or more beds.
4. Large Venue.
5. Large Event.
6. A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
7. A Local Education Agency facility with an on-site Food Facility.

CR. "Waste Evaluation" means an audit of any waste stream to determine the level of contamination in the waste stream being measured, in accordance with the requirements of 14 CCR Section 18984.5(c).

CS. "Wholesale Food Vendor" means a Food establishment in which Food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination. (Ord. 912 §1, 2022, Ord. 920 §1, 2023)

### **8.12.020 Collection of Solid Waste**

The City shall collect, transport, and dispose of all residential solid waste. Commercial and industrial solid wastes may be collected, transported, and disposed of by the City, or by authorized commercial and/or industrial waste collectors in accordance with this Chapter, at the option of the owner, occupant, or tenant of the premises operating the commercial or industrial waste. (Ord. 570 §1, 1997)

### **8.12.030 Storage of Accumulated Garbage**

It shall be the duty of every tenant, owner, or occupant of any private dwelling house; the keeper of a hotel, restaurant, eating house, boarding house, or other building where meals are served; the owner of every flat or apartment house, trailer camp, motel, auto court, cabin, business establishment; and every other person having garbage, rubbish, or waste matter to keep within the building or on the real property on which the building is situated, the accumulation of garbage, rubbish, or waste matter on the premises during the interval between collections. These accumulations shall be placed in the ninety-gallon container, three hundred gallon container, dumpster, or other container as deemed appropriate by the City, which shall be supplied by the City or other authorized commercial or industrial waste collector. No other type of garbage



container shall be allowed. (Ord. 570 §1, 1997, Ord. 920 §1, 2023)

#### **8.12.035 Single-Family Generators**

A Single-Family Organic Waste Generator shall:

- A. Subscribe to City's Organic Waste collection services for all Organic Waste generated as described below in Section 8.12.035(B) through (D). City shall have the right to review the number and size of a Generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation and containment of materials.
- B. Adjust its service level for its collection services as requested by the City.
- C. Place designated materials in separate containers in accordance with the City collection system. Generator shall not place Prohibited Container Contaminants in collection containers.
- D. Have the option of preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c) (Ord. 912 §1, 2022, Ord. 920 §1, 2023)

#### **8.12.040 Collection-Frequency**

All residential non-recyclable solid waste shall be picked up on a one-stop basis at least once a week. The ninety-gallon garbage containers shall be placed at curbside no sooner than the evening before the pickup day. All empty containers must be removed from curbside by the evening of the pickup day. (Ord. 570 §1, 1997, Ord. 912 §1, 2022)

#### **8.12.050 Rear Yard Service-Charge**

Should any qualified resident request special rear yard service, then the garbage containers must be placed within seventy-five (75) feet of the closest curb. An additional charge of Five Dollars (\$5.00) a month shall be made for any rear yard service requested and furnished by the City. Rear yard service shall only be made available to elderly and/or disabled residents who are unable to move their garbage container to the curb. The City at all times shall reserve the right to refuse to grant a request for rear yard service, should any special circumstances make it difficult or impossible to provide such service. (Ord. 570 §1, 1997, Ord. 920 §1, 2023)

#### **8.12.055 Placement of Containers -Interference with Traffic Prohibited**

Every tenant, occupant, keeper, or owner of the places of occupancy will be responsible for placing garbage containers curbside as to not interfere with vehicular or pedestrian traffic on the streets or sidewalks adjacent thereto. Garbage containers should be placed at least five (5) feet away from any parked vehicle or other obstacles. . (Ord. 570 §1, 1997, Ord. 920 §1, 2023)

#### **8.12.060 Unlawful Deposit of Garbage or Rubbish**

It is unlawful for any person in the City to throw or deposit any solid waste, or to cause the same to be thrown or deposited, upon any street, alley, gutter, park, or other public way, or to throw or deposit the same in or upon any private premises or vacant lot, or to store or keep the same, except in containers for pickup as required by this Chapter. It is unlawful to store, deposit, or keep solid waste in any place where rodents can have access thereto or feed thereon. (Ord. 570 §1, 1997)

#### **8.12.070 Burning Garbage Prohibited-Exception**

It is unlawful for any person, firm, or corporation to burn solid waste at any place within the City. If allowed by State or County law, the Fire Chief of the Fire Department shall have the right to authorize the legal burning of dry rubbish or garden refuse allowed by law, by written permit therefore and further provide,

that such burning is not attended by any dense smoke, offensive odors, or fire hazard. (Ord. 570 §1, 1997)

#### **8.12.080 Burying Garbage Prohibited**

It is unlawful for any person to bury garbage, putrescible wastes at any place within the City. (Ord. 570 §1, 1997)

#### **8.12.085 Commercial Businesses**

A Generator that is a Commercial Business shall:

A. Subscribe to City approved collection services and comply with requirements of those services as described below in Section 8.12.085(B) through (L), except Commercial Businesses that meet the Self-Hauler requirements in Section 8.12.090 of this Chapter. The City or Permitted Waste Collectors shall have the right to review the number and size of a Generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation and containment of materials. A Commercial Business shall adjust its collection service levels as requested.

B. Place designated materials in separate containers in accordance with the City or Permitted Waste Collector's collection system. Generator shall not place Prohibited Container Contaminants in collection containers. Self-Haulers shall source separate and haul their waste materials pursuant to 14 CCR Sections 18984.1, 18984.2 or 18984.3.

C. Supply and allow access in common areas to adequate number, size and location of collection containers for employees, contractors, tenants, and customers. Such containers shall have sufficient labels or colors, consistent with the City or Permitted Waste Collector's collection system. If self-hauling, such labels or colors shall be consistent with a Commercial Business' instructions to support its compliance with self-haul requirements of Section 8.12.090.

D. Provide containers for the collection of Organic Waste and Source Separated Recyclables as determined by the City or Permitted Waste Collector's collection system in all indoor and outdoor areas where disposal containers are provided for customers. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in areas where disposal containers are provided for customers.

Pursuant to 14 CCR Section 18984.9(b), the containers provided by a Commercial Business shall have either:

1. A body or lid that conforms with the container colors provided through the collection service provided or approved by the City, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the color requirements of SB 1383 prior to the end of the useful life of those containers. All containers must comply by January 1, 2036, and any new container purchased on or after January 1, 2022 shall follow the color requirements of SB 1383; or

2. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant to 14 CCR Section 18984.8, the container labeling requirements in this Chapter are required on new containers commencing January 1, 2022. Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirements in Section 8.12.085(4) pursuant to 14 CCR Section 18984.9(b).

E. Prohibit employees, to the extent practical through education, training, Inspection, or other measures, from placing materials in a container not designated for those materials per the City or Permitted Waste Collector's collection system. If self-hauling, such education shall follow a Commercial Business' instructions to support its compliance with the self-haul requirements of 8.12.090. Multi-Family Residential Dwellings are exempt from this requirement

- F. Perform periodic Inspections of all containers provided in the City or Permitted Waste Collector's collection system for contamination and inform employees if containers are contaminated and of the requirement to keep Prohibited Container Contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3). Multi-Family Residential Dwellings are exempt from this requirement.
- G. Provide information annually to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and (when applicable) Source Separated Recyclable Materials.
- H. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants of the requirement to keep Prohibited Container Contaminants out of all containers in accordance with the City's or Permitted Waste Collector's collection system. If self-hauling, such education information shall be consistent with the self-haul requirements of Section 8.12.090.
- I. Provide or arrange access for City or its Designee to their properties during all Inspections conducted in accordance with Section 8.12.253 of this Chapter, in order to confirm compliance with the requirements of this Chapter.
- J. Accommodate and cooperate with a Remote Monitoring program, which may be implemented by the City at a later date. Such a Remote Monitoring program shall be for Inspection of the contents of containers for Prohibited Container Contaminants and shall involve installation of Remote Monitoring equipment on or in any container in the City's or Permitted Waste Collector's collection system.
- K. Implement at its own discretion a Remote Monitoring program for Inspection of the contents of the containers that are provided by the City or a Permitted Waste Collector. Said program is subject to approval by City.
- L. Have the option of preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- M. Meet the Self-Hauler requirements in Section 8.12.090 of this Chapter, if a Commercial Business determines to self-haul. (Ord. 912 §1, 2022)

#### **8.12.090 Self-Haulers**

- A. Self-Haulers shall source separate all recyclable materials and Organic Waste from Solid Waste generated on-site in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
- B. Self-Haulers shall haul their materials to facilities which recover said materials in accordance with requirements of 14 CCR Sections 18984.1 18984.2 and 18984.3:
  - 1. Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers such materials.
  - 2. Self-Haulers shall haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste.
  - 3. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
  - 4. Self-Haulers shall haul Mixed Waste, if applicable, to a High Diversion Organic Waste Processing Facility.
  - 5. Self-Haulers shall haul Gray Container Waste to a licensed California Solid Waste Facility.
- C. Self-Haulers shall keep a record of the amount of all waste materials described in 8.12.090(B) delivered to each Solid Waste facility, operation, activity, or property that processes or recovers such materials; this record shall be subject to Inspection by the City. The records shall include the following information:
  - 1. Delivery receipts and weight tickets from the entity accepting the waste.
  - 2. The amount of material in cubic yards or tons transported by the Generator to each entity.
  - 3. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the materials described in 8.12.090(B)

D. Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in Section 8.12.090(C) to City upon request.

E. Self-Haulers shall comply with all applicable sections of the City of Ripon Municipal Code. (Ord. 912 §1, 2022, Ord. 920 §1, 2023)

### **8.12.095 Waivers for Generators**

#### **A. De Minimis Waiver:**

For Two-Container, Three-Container or Three-Plus Container Systems, the City may waive a Commercial Business's obligation to comply with some or all of the Organic Waste requirements of this Chapter if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in Section 8.12.095(A)(2) below. Commercial Businesses requesting a De Minimis Waiver shall:

1. Submit a City-approved application specifying the services that they are requesting a waiver from and provide documentation as noted in Section 8.12.095(A)(2) below.
2. Provide documentation in a City-approved format that either:
  - a. The Commercial Business's total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Green Container comprises less than 20 gallons per week per applicable container of the business's total waste; or
  - b. The Commercial Business's total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Green Container comprises less than 10 gallons per week per applicable container of the business's total waste.
3. Notify City if circumstances change such that the Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.
4. Provide City-approved written verification of eligibility for De Minimis Waiver every five (5) years, if City has approved De Minimis Waiver. At least every five years from the date of issuance, City shall verify through Inspection that Commercial Businesses are meeting De Minimis Waivers for compliance with this Chapter.

#### **B. Physical Space Waiver:**

Given inadequate space for collection containers, for Two-Container, Three-Container or Three-Plus Container Systems, City may waive the obligations of a Commercial Business (or the owner of the property where a Commercial Business is located) or resident to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements. The granting of this waiver requires evidence from the City's own staff, a Permitted Waste Collector, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of Sections 8.12.035 or 8.12.085.

A Physical Space Waiver may be requested through the following process:

1. Submit a City-approved application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
2. For Three-container or Three-plus container collection systems, provide documentation that the premises lack adequate space for Blue Containers and/or Green Containers, including documentation from its Permitted Waste Collector, licensed architect, or licensed engineer.
3. For a Two-container collection system, provide documentation that the premises lack adequate space for either Blue Containers or Green Containers, including documentation from its Permitted Waste Collector, licensed architect, or licensed engineer.
4. Provide written City-approved verification to City that it is still eligible for Physical Space Waiver every five (5) years, if City has approved application for a Physical Space Waiver. At least every five years from the date of issuance, City shall verify through Inspection that Commercial Businesses and residences are meeting Physical Space Waivers for compliance with this Chapter. (Ord. 912 §1, 2022)

**8.12.100 Collection Truck Requirements**

Every vehicle used for the collection of solid waste shall have a metal-lined, water-tight body and a suitable cover, and shall be operated so as to prevent the contents from falling or spilling therefrom. Each vehicle shall be well painted, and shall be kept in a clean and sanitary condition. (Ord. 570 §1, 1997)

**8.12.110 Supervision of Solid Waste Collection and Disposal by City**

The City Administrator is authorized to supervise the collection and disposal of solid waste in the City. The City Administrator or his designated agent shall receive and investigate all complaints and endeavor to improve and extend the solid waste collection service. The City Administrator or his designated agent shall have the power to issue any notices or other type warnings or to issue citations for any violation of any of the provisions of this Chapter. All disputes between licensed collectors, City, and producers concerning charges, service, or any other matter not otherwise delegated, shall be decided by the City Administrator. Any person aggrieved by any decision of the City Administrator shall have the right to file a written appeal with the City Council, who shall decide the matter at the next regular Council meeting. The decision of the City Council shall be final. The Chief of Police or any designated and authorized person is directed to enforce the provisions of this Chapter, and shall have the right to enter all premises for the purpose of making any inspection or investigation which he may deem necessary under the provisions of this Chapter. (Ord. 570 §1, 1997)

**8.12.120 Commercial and Industrial Waste Collectors - Business License Required**

A. It is unlawful for any person, firm, corporation, or association other than the City, or as specified herein, to collect solid waste within the City, or transport the same through the streets, alleys, and public ways of the City, unless such person, firm, corporation, or association has obtained a business license from the City. The provisions of this Chapter shall not be applicable to any person, firm, corporation or other association to collect solid waste on a not for profit basis for charitable purposes.

B. Nothing in this Chapter shall be construed to prohibit any person from transporting his own solid waste to any site approved for the dumping thereof outside the City, or to prohibit any person, building contractor, or subcontractor engaged in the construction or repair of any building or structure from removing and disposing of any solid waste which has accumulated during such construction or repair if the requirements of Section 8.12.090 Self-Haulers are met. It is unlawful for any person, building contractor, or subcontractor, engaged in the repair, construction, or demolition of any building or structure, or part thereof, to fail to remove from any street, alley, gutter, park, sidewalk, curbing, or any public way, building materials, solid waste, or other rubbish deposited thereon, in connection with that portion of the repair, construction, or demolition work under his special or general supervision. The person, building contractor, or subcontractor must remove such building materials or waste matter within seven (7) days of his final cessation of work on the building or structure, or part thereof.

C. Nothing in this Section shall be construed to prohibit any person from removing and disposing of solid waste when ordered to do so by the City Administrator, Chief of Police, Fire Department, health officer, or their authorized representatives, in order to eliminate a fire hazard or other health menace immediately. (Ord. 570 §1, 1997, Ord. 912 §1, 2022, Ord. 920 §1, 2023)

**8.12.130 Commercial and Industrial Waste Collectors-Permit Required**

It shall be unlawful for any person, firm, or corporation other than the City to collect and dispose of commercial waste within the City of Ripon as a commercial waste collector and/or to collect and dispose of industrial waste within the City of Ripon as an industrial waste collector without first having received a permit to do so. Any permit required by this Section may be granted by the City Council of the City of

Ripon, and may be subject to such conditions and stipulations as may be determined by the City Council. The City Council shall establish, by resolution, rules and regulations for the administration of this chapter. Notwithstanding any other provision of this chapter, any commercial or industrial waste collector who prior to January 1, 1997, had by an agreement adopted by the City Council received authorization to collect commercial and industrial waste in the City of Ripon shall be considered currently permitted and in compliance with this section for the duration of any such agreement, and shall be exempt from the payment of permit fees during the period of validity of such agreement. Thereafter, said collector(s) shall pay the annual renewal fee set forth in this Section. Said permit or permits for any collectors not previously authorized by the City Council shall be issued upon majority vote of the City Council. The fee for the issuance of each commercial waste permit shall be the sum of Eight Thousand Dollars (\$8,000) and the fee for the issuance of each industrial waste permit shall be the sum of Eight Thousand Dollars (\$8,000). Thereafter, the annual renewal fee for said permit(s) shall be the Four Thousand Dollars (\$4,000) each. Any such permit issued pursuant to this Section shall not be transferable to another person, firm, or corporation and, in the case of corporations, the permit shall become void whenever there may occur a transfer of the majority interest in said corporation. (Ord. 570 §1, 1997, Ord. 920 §1, 2023)

#### **8.12.140 Commercial and Industrial Waste Collector-Permit Fee**

In addition to the initial permit fee mentioned in Section 8.12.130 for the privilege to provide service pursuant to permit, the commercial and industrial waste collectors shall pay to the City of Ripon eight percent (8 %) of the gross revenue collected for performing commercial and industrial waste collection services.

For the purpose of this Section only, no such additional fees will be due and payable to City for revenues derived from the direct or indirect sale of reclaimed solid waste or its derivations. However, this provision shall not be construed to exempt revenue from any element of the services to collect such commercial waste. On or before the fifteenth day of each month, the waste collectors shall submit to the Finance Director a statement of gross revenues collected pursuant to the permit for the preceding month, with the appropriate remittance in full. Such statement shall separately show gross revenue from the sale of reclaimed refuse for the preceding month.

The waste collector shall, from the sources of revenue available to the collector through the granting of the permit, pay all fees and charges due the City as provided for in this Subsection. A five percent (5%) penalty shall apply to a delinquent payment for the first month, and a one percent (1%) penalty shall be added for each succeeding month thereafter until the delinquent balance is paid in full. (Ord. 570 §1, 1997, Ord. 920 §1, 2023)

#### **8.12.150 Commercial and Industrial Waste Collector-Financial Reports to City**

Every waste collector who has obtained a permit to provide commercial and industrial waste collection services within the City of Ripon, shall at any time deemed necessary by the City Administrator make available to City all accounting records that pertain to any portion of the waste collector's operations within the scope of the permit issued pursuant to Section 8.12.130.

Upon request the waste collector shall provide City its annual audited financial statements prepared by an independent certified or public accountant. The statements shall be prepared by the independent auditor in conformance with accepted accounting principles. Such statements shall be provided to the City within one hundred twenty (120) days after the close of the collector's fiscal year. The financial statements shall clearly indicate the waste collector's activities within the City, and the City shall insist that the financial statements do not reflect any other business activities that are carried on by the collector in any other area or jurisdiction other than the City of Ripon. The City reserves the right to request, and the commercial and industrial waste

collector shall provide any additional documentation, itemization, or detail as requested by City, to verify any amounts reported in monthly revenue reports and annual financial statements. (Ord. 570 §1, 1997, Ord. 920 §1, 2023)

**8.12.160 (rescinded Ord. 920 §1, 2023)**

**8.12.170 (rescinded Ord. 920 §1, 2023)**

**8.12.175 Permitted Waste Collectors and Organic Waste Facility Operators**

A. Requirements for Permitted Waste Collectors:

1. A Permitted Waste Collector, as a condition for authorization to collect Waste within the City of Ripon, shall comply with all collection requirements contained in SB 1383 Regulations, including but not limited to: providing approved collection systems; providing education to customers; providing equipment, container labeling, and correct container colors; performing contamination monitoring; and meeting prescribed reporting requirements.
2. A Permitted Waste Collector shall:
  - a. Obtain written approval from City to collect Organic Waste within the City, pursuant to 14 CCR Section 18988.2.
    - i. For non-franchised Permitted Waste Collectors, a written statement from the Department of Public Works shall constitute approval.
  - b. Keep a record of the documentation of its approval by City to collect Organic Waste within the City.
  - c. Identify, through written notice to the City annually on or before October 31 of each year, the facilities to which it will transport each material type from its collection activities in the City in the following year. Reported material types shall be identified by the following categories: Source Separated Recyclable Materials, Source Separated Green Container Organic Waste, Mixed Waste, or Gray Container Waste.
  - d. Provide container collection services in the City as specified in 14 CCR, Division 7, Chapter 12, Article 3.
  - e. Transport Source Separated Recyclable Materials to a facility that recovers all Source Separated Recyclable Materials collected in the designated container.
  - f. Transport Source Separated Green Container Organic Waste to a facility that recovers Source Separated Organic Waste.
  - g. Transport Mixed Waste to a High Diversion Organic Waste Processing Facility.
  - h. Perform either Route Reviews or Waste Evaluations on all Commercial Business Collection Routes within the City of Ripon pursuant to Section 8.12.255(C) of this Chapter and the Container Contamination monitoring requirements of 14 CCR Section 18984.5.
  - i. Submit a Route Review or Waste Evaluation plan and methodology annually or as requested by City for approval.
  - j. Submit annually a report to City summarizing the results of each Route Review with location of each violation identified.
  - k. Submit annually to City an overall SB 1383 customer compliance report in a format approved by City, including a list of non-compliant customer names, addresses and service levels.
  - l. Develop SB 1383 educational materials, pursuant to 14 CCR Section 18985.1, for issue to Commercial Businesses for general education and for violations of SB 1383 requirements. City shall approve such materials prior to issue.
  - m. Issue SB 1383 educational materials annually to all Commercial Businesses that are provided Organic Waste collection service, pursuant to 14 CCR Section 18985.1.
  - n. Receive annually from City a list of Commercial Businesses with waivers from SB 1383 requirements.
  - o. Provide annually, to the extent of the Permitted Waste Collector's knowledge, to City a list of

Commercial Businesses without collection service, in order to assist City in monitoring SB 1383 Self-Hauler requirements.

p. Provide, at request of City, any information necessary for City to fulfill its SB 1383 reporting obligations to CalRecycle as specified in 14 CCR Sections 18994.1 and 18994.2.

3. City may establish, through Resolution by the City Council, a fee paid by the Permitted Waste Collector to offset costs incurred by City related to compliance with this Chapter.

B. Requirements for Organic Waste Facility Operators and Community Composting Operations:

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

2. Community Composting Operators, upon City's request, shall provide information to City to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. All such entities contacted by City shall respond within 60 days. (Ord. 912 §1, 2022)

### **8.12.180 Monthly Rates and Charges**

A. Established. Rates, fees and charges for the collection services specified in this Chapter are established, and shall be charged for the collection of services. The amounts of the rates, fees and charges for collection services shall be set by resolution of the City Council. .

1. For the health, safety and welfare of the residents of the City, the ninety (90) gallon containers must not be overloaded so that the lids will not close. If more volume is needed, a second ninety (90) gallon container must be used. If containers are so overloaded that the lid is not able to be closed, the garbage and refuse producer may be cited by the City, and the garbage and refuse producer charged a surcharge equal to one-half (½) the normal monthly rate for each violation of residential customers.

2. For commercial and industrial containers where commercial or industrial users overload any container, the City may cite the garbage and refuse producer, and for those commercial and industrial solid wastes which are collected by the City shall charge a surcharge of one-half (½) the normal monthly rate for each violation of commercial users.

B. Rate Schedule. The rate schedule for commercial and industrial solid waste collections by licensed collectors other than the City shall be set by negotiation between the licensed collectors and the customer.

C. Rate Reduction. A discount of 20% shall be granted to qualified Owners or Occupants whose household income qualifies as “very low income” as defined in California Code of Regulations, Title 25, Section 6926 as may be amended. A discount of 10% shall be granted to qualified Owners or Occupants whose household income qualifies as “lower income” as defined in California Code of Regulations, Title 25, Section 6928, as may be amended. Owners or Occupants seeking the discount set forth in this subsection shall present adequate proof of income status to the City Clerk, whose decision shall be final. (Ord. 727 §1, 2005, Ord. 920 §1, 2023)

D. Special Charges. When in the opinion of the City the minimum charge, as provided in this Section, is insufficient to cover the cost of the service provided to any commercial or individual solid waste operator by reason of volume or other special circumstances, the City may propose a monthly charge for collection at the establishment and agree with the owner thereof as to the particular charge to be made in each case. Commercial and industrial solid waste operators shall pay the full price for each ninety (90) gallon container used.

E. Rate Modifications. Any fees or charges set forth in this Chapter may be modified, changed, or eliminated at any time by the adoption of a resolution of the City Council. The amount of any such increase



or decrease shall be annually added to or subtracted from the applicable fees as provided for in this Chapter. (Ord. 570 §1, 1997, Ord. 912 §1, 2022, Ord. 920 §1, 2023)

**8.12.185 Advanced payment discount**

A discount not to exceed five percent (5%) may be given by the Administrative Officer for garbage accounts paid in February. This payment shall be for fees for the period of February through the following January and must be received by February 11th of any calendar year. (Ord. 920 §1, 2023)

**8.12.190 Commingling of Materials-Separation of Garden Refuse**

Garden refuse placed within the designated container must be cut or trimmed not to exceed two (2) foot lengths or two inches (2") in diameter.

Between January 8th and October 14th of each year, collection of garden refuse which has not been placed within a designated garden refuse container may be collected on a weekly basis only if arrangements have been made by contacting City Hall. Garden refuse placed at the curb for collection must be cut or trimmed not to exceed four (4) foot lengths or six inches (6") in diameter. The cost for collection is as follows:

1/4 truck load	(3 ½ CY ±)	\$40.00
1/2 truck load	(7 CY ±)	\$45.00
3/4 truck load	(10 ½ CY ±)	\$50.00
Full truck load	(14 CY ±)	\$55.00

Truckload quantities are not compacted and shall be determined by city staff. Garden refuse which has been left at the curb without collection arrangements shall be ticketed. Refuse producers will be required to properly dispose of, or make arrangements for collection of ticketed garden refuse prior to the next designated garden refuse collection day. If garden refuse remains, it shall be collected and the owners will be charged the designated rate. Ownership of garden refuse will be established as the residential or commercial unit directly adjacent to the refuse. (Ord. 570 §1, 1997, Ord. 912 §1, 2022, Ord. 920 §1, 2023)

**8.12.200 Collection of Prunings and Leaves-Time Period Designated**

Between October 15th and January 7th of each year, or such other period of time as may from time to time be designated by the City Council, the following special handling provisions shall apply for pruning and leaves only. No other solid waste of any kind shall be deposited among the pruning or leaves. During the period, all pruning and leaves may be placed in the gutters curbside without the necessity of placing the pruning or leaves in containers. All pruning, however, must still be cut into lengths not exceeding four (4) feet and six inches in diameter, and need not be tied in bundles. Pruning shall be placed separately from the leaves immediately adjacent thereto. Other than during the period as set forth in this Section for the special handling of pruning and leaves, the regular provisions of this Chapter shall apply at all times on their handling for the balance of the year. (Ord. 570 §1, 1997)

**8.12.210 Unacceptable Material**

Any material which may be deemed to be not acceptable by the City as provided in this Chapter, such as large accumulations from yard cleaning, tree trimmings and removal, and major house cleaning or wrecking or remodeling debris, may be removed by the City as a special collection upon request. All special requests shall be directed to City Hall. The special pickup charge to be made therefor shall be based upon volume, the difficulty of handling, the time required for the City crew to make the collection, haul it to the disposal site, and return to the City corporation yard. In no event shall this ordinance be construed as to authorize the disposal by any person of hazardous materials in any manner other than in strict compliance with all applicable laws and regulations pertaining thereto. (Ord. 570 §1, 1997)

**8.12.220 Payment and Collection of Garbage Bills**

The charge for the collection of solid waste by the City as set forth in this Chapter, shall be charged and collected from all occupied premises served by the City within the corporate limits of the City. The charges for collection of such solid waste shall be paid at the same time and in the same manner as City water bills are paid. All rules and regulations governing the payment and collection of water bills shall apply in every particular in the payment and collection of garbage bills. (Ord. 570 §1, 1997)

**8.12.225 Temporary Interruption of Garbage Collection Service**

If a residential dwelling unit is vacant and uninhabited for a period of at least ninety (90) consecutive days and no residential waste will be generated on the site, the customer may request a temporarily interruption of garbage collection service upon payment of a fee. It is the customer's responsibility to immediately restore garbage collection service when the dwelling unit is again occupied. If the City finds that someone has inhabited the residence at any time during this temporary interruption, the customer will be obligated to pay the garbage collection service fees for the entire period along with the request fee. (Ord. 920 §1, 2023)

**8.12.230 Ownership of Garbage Containers**

All waste containers supplied by the City to each household unit or commercial or industrial solid waste operator shall remain the property of the City. Any damage to the container due to the negligence of the user, so as to require a repair or replacement of the container, shall be the responsibility of the property owner. The cost to replace or repair stolen or damaged containers shall be paid by the property owner. (Ord. 570 §1, 1997, Ord. 920 §1, 2023)

**8.12.232 Requirements for Commercial Edible Food Generators**

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

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

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

1. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
2. Contract or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
3. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
4. Allow the City or designated enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.
5. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
  - a. A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
  - b. A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
  - c. A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
    - i. The name, address and contact information of the Food Recovery Service or Food Recovery Organization

- ii. The types of Food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
- iii. The established frequency that Food will be collected or self-hauled.
- iv. The quantity of Food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.

D. Nothing in this section shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or Share Table and school Food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to Food safety, as amended, supplemented, superseded and replaced from time to time). (Ord. 912 §1, 2022, Ord. 920 §1, 2023)

### **8.12.234 Requirements for Food Recovery Organizations, Services, and Jurisdictions**

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

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

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

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

C. Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City of Ripon and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the Jurisdiction it is located in the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than January 31 of each year.

D. Food Recovery Capacity Planning

- 1. Food Recovery Services and Food Recovery Organizations. In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the County, City, special district that provides solid waste collection services, or its designated entity, Food Recovery Services and Food Recovery Organizations operating in the City shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the City shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the Jurisdiction. (Ord. 912 §1, 2022)

**8.12.238 Procurement**

City of Ripon departments, and direct service providers to the City, as applicable, must comply with the procurement requirements required by SB 1383 Regulations (14 CCR, Division 7, Chapter 12, Article 12) and shall be detailed in the City of Ripon Procurement Policy. (Ord. 912 §1, 2022)

**8.12.240 Failure to Pay Charges**

It is unlawful for any person having solid waste collected and disposed of by the City as provided in this Chapter, to willfully fail, neglect, or refuse to pay for the collecting and disposing of same, the rate provided in this Chapter to be paid for such service. (Ord. 570 §1, 1997)

**8.12.250 Modification of Rates or Rules and Regulations.**

For the purpose of carrying out the collection of solid waste in the City, the City Council may, by resolution, change the rates for the services contained in this Chapter, or establish any other rules and regulations necessary to carry out the intent and purposes of this Chapter. (Ord. 570 §1, 1997, Ord. 920 §1, 2023)

**8.12.253 Inspections and Investigations by City or its Designees**

A. City representatives and their Designees are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility to confirm compliance with this Chapter. This shall apply to Organic Waste Generators, Commercial Businesses, property owners, Commercial Edible Food Generators, Permitted Waste Collectors, and Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws.

B. For the purposes of inspecting Commercial Business containers for compliance with Section 8.12.085(b) of this Chapter, City may conduct container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses shall accommodate and cooperate with the Remote Monitoring pursuant to Section 8.12.085(k) of this Chapter.

C. Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with City employees or their Designees during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, records, Edible Food Recovery activities, or any other requirement of this Chapter. Failure to provide or arrange for access to an entity's premises or access to records for any Inspection or investigation is a violation of this Chapter.

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

E. City representatives and Designees are authorized to conduct any Inspections, Remote Monitoring, or other investigations as reasonably necessary to further the goals of this Chapter, subject to applicable laws.

F. City shall receive written complaints from persons regarding any entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints. (Ord. 912 §1, 2022)

**8.12.255 Enforcement**

A. With the exception of Prohibited Container Contaminants violations, as addressed under Section 8.12.255(C)(2), violation of any provision of this Chapter may subject the violator to Enforcement Actions indicated

B. City may choose to delay Enforcement Action until such time as a sufficiently large number of violations, or cumulative size of violations, exist such that Enforcement Action is a reasonable use of City staff and resources.

### C. Process for Determining Compliance with this Chapter

1. The City shall monitor compliance with this Chapter through Compliance Reviews, Route Reviews, Waste Evaluations, investigation of complaints, and an Inspection program (that may include Remote Monitoring).

2. For any incident of Prohibited Container Contaminants found in a Route Review of commercial or residential containers, the City or Permitted Waste Collector, as City's Designee, shall notice the Generator that a violation has occurred. Such notice shall be provided immediately via a cart tag upon identification of the Prohibited Container Contaminants, or by other communication within fourteen (14) days after determining that a violation has occurred.

If City or its Designee observes Prohibited Container Contaminants in a Generator's containers on more than three (3) consecutive occasions, or six (6) total occasions in any twelve (12) month period, City may issue a formal Notice of Violation, followed by civil penalties.

3. With the exception of violations of Container Contamination addressed under Section 8.12.255(C)(2), for any violation of this Chapter City may issue a Notice of Violation requiring compliance within 60 days of issuance of the Notice of Violation, or a shorter time period if the City determines the violation constitutes a risk to public health and safety or a longer time period if City determines that extenuating circumstances exist that make compliance with the deadline impracticable.

4. The City or its designee shall administer and enforce any and all provisions in this Chapter related to Edible Food waste, including Sections 8.12.232 and 8.12.234.

5. Absent compliance by the violator within the deadline set forth in the Notice of Violation, City may commence an action to impose penalties and fines. Any Notice of Violation shall be sent to the listed "owner" at their address of record. If no such address is available, the Notice of Violation shall be sent to the owner at the address where the violation occurred or to the party responsible for paying for the collection services, depending upon available information.

### D. Education Period for Non-Compliance

Beginning January 1, 2022 and through December 31, 2023, City shall conduct Inspections, Remote Monitoring, Route Reviews, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance with this Chapter. If City determines that an entity is not in compliance, City shall provide educational materials to the entity describing its obligations under this Chapter and that violations may be subject to civil penalties starting on January 1, 2024.

### E. Enforcement Table

With the exception of Container Contamination violations addressed under Section 8.12.255(C)(2), violation of any provision of this Chapter, including but not limited to the violations listed below, may commence an action by the City to impose penalties and fines.

Code Section	Description of Violation
Single-Family Generator Requirement: Section 8.12.035	Single-Family Organic Waste Generator fails to source separate waste materials into appropriate containers in accordance with City or Permitted Waste Collector's collection system.
Commercial Business Requirement: Sections 8.12.085	Commercial Business that does not self-haul, fails to provide or arrange for Organic Waste collection service through a Permitted Waste Collector.
Commercial Business Requirement: Sections 8.12.085	Commercial Business fails to supply and allow access to adequate numbers, size, and location of containers and sufficient signage, labelling, and container color.
Commercial Business Requirement: Section 8.12.085	Commercial Business fails to provide or arrange for access to its premises for any Inspection or investigation by City.
Permitted Collector Requirement: Section 8.12.175	A Permitted Waste Collector providing residential, commercial or industrial Organic Waste collection service fails to transport Organic Waste to a facility, operation, activity, or property that recovers Organic Waste, as prescribed by this Chapter.
Permitted Collector Requirement: Section 8.12.175	A Permitted Waste Collector providing residential, commercial, or industrial Organic Waste collection service fails to obtain approval issued by City to haul Organic Waste as prescribed by this Chapter.
Permitted Collector Requirement: Section 8.12.175	A Permitted Waste Collector fails to keep a record of the applicable documentation of its approval by City to collect Organic Waste, as prescribed by this Chapter.
Organic Waste Facility Operator Requirement: Section 8.12.175	An entity fails to respond within 60 days to City's request for information necessary for organics Recovery capacity planning. Such information may include available, potential new or expanded capacity at entity's facility, including information about throughput and permitted capacity.
Self-Hauler Requirement: Section 8.12.090	A Self-Hauler fails to comply with the requirements of this Chapter, such as failing to source separate Organic Waste or failing to deliver such waste to a facility that will recover it.

Commercial Edible Food Generator Requirement Section 8.12.232	Tier One Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and comply with this Section commencing Jan. 1, 2022.
Commercial Edible Food Generator Requirement Section 8.12.232	Tier Two Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and comply with this Section commencing Jan. 1, 2024.
Commercial Edible Food Generator Requirement Section 8.12.232	Tier One or Tier Two Commercial Edible Food Generator intentionally spoils Edible Food that is capable of being recovered by a Food Recovery Organization or Food Recovery Service.
Commercial Business, Commercial Edible Food Generator, Food Recovery Organization or Food Recovery Service Sections 8.12.232 and 8.12.234	Failure to provide or arrange for access to an entity's premises for any Inspection or investigation.
Recordkeeping Requirements for Commercial Edible Food Generator Section 8.12.232	Tier One or Tier Two Commercial Edible Food Generator fails to keep records, as prescribed by Section 8.12.232.
Recordkeeping Requirements for Food Recovery Services and Food Recovery Organizations Section 8.12.234	A Food Recovery Organization or Food Recovery Service that has established a contract or written agreement to collect or receive Edible Food directly from a Commercial Edible Food Generator pursuant to 14 CCR Section 18991.3(b) fails to keep records, as prescribed by 8.12.234.

(Ord. 912 §1, 2022, Ord. 920 §1, 2023)

### **8.12.260 Violation - Penalty**

#### **A. Penalty Amounts**

The penalty levels are as follows:

1. First penalty amount shall be \$50 per violation.
2. Second penalty amount shall be \$100 per violation.
3. Third or subsequent penalty amount shall be \$250 per violation.

B. Penalties assessed may be added to the utility bills and collected in the same manner as any unpaid garbage service charges as specified in Section 8.12.220, including discontinuance of service.

C. Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Chapter 1.08 of this Code. (Ord. 570 §1, 1997, Ord. 912 §1, 2022, Ord. 920 §1, 2023)