

ORDINANCE NO. 920

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON AMENDING THE CITY OF RIPON MUNICIPAL CODE, TITLE 8, CHAPTER 8.12 ENTITLED "GARBAGE COLLECTION AND DISPOSAL" PROVIDING CLARIFICATION TO ASSIST IN THE IMPLEMENTATION OF THE CITY SOLID WASTE AND RECYCLING PROGRAMS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY COUNCIL OF RIPON AS FOLLOWS:

**SECTION 1. AMENDING CHAPTER 8.12 TO THE RIPON MUNICIPAL CODE.**

Chapter 8.12 to the Ripon Municipal Code is hereby amended to read in full as follows:

**Chapter 8.12**

**GARBAGE COLLECTION AND DISPOSAL**

**Sections:**

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- 8.12.010 Definitions**
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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Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their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41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste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42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling,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.

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.

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 ( $\frac{1}{2}$ ) 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 ( $\frac{1}{2}$ ) 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)

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)

#### **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.

#### **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 1/2 CY ±)	\$40.00
1/2 truck load (7 CY ±)	\$45.00
3/4 truck load (10 1/2 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)

#### **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.

#### **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)

#### **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)

#### **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)

### **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)

### **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)

**SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)** The City Council hereby finds that the adoption of this Ordinance does not constitute the approval of a "project" under the California Environmental Quality Act (CEQA) pursuant to section

15060(c)(2) and (3), 15061(b)(3), 15262, and 15378 of the State of California CEQA Guidelines. Specifically, this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment because it does not authorize the construction of any new structures or other physical changes to the environment.

**SECTION 3. NO MANDATORY DUTY OF CARE** This Ordinance is not intended to, and shall not be construed or given effect in a manner that imposes upon the City or any officer, agent, employee or volunteer, thereof a mandatory duty of care towards persons and property, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

**SECTION 4. SEVERABILITY** If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed the ordinance codified in this Chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this Chapter would be subsequently declared invalid or unconstitutional.

**SECTION 5. EFFECTIVE DATE AND PUBLICATION.** This ordinance shall go into effect 30 days after its adoption and a summary of this ordinance shall be published five (5) days prior to and within fifteen (15) days following its adoption in the Manteca Bulletin, the official paper of the City of Ripon.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Ripon this 11th day of April, 2023, by the following vote:

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Leo Zuber, Vice Mayor

**SECONDER:** Dean Uecker, Council Member

**AYES:** Restuccia, Zuber, de Graaf, Barton, Uecker

THE CITY OF RIPON,  
A Municipal Corporation

By   
MICHAEL RESTUCCIA, Mayor

ATTEST:

By:   
LISA ROOS, City Clerk