



# Helendale Community Services District

26540 Vista Road, Suite C, Helendale, CA 92342

## **SPECIAL BOARD MEETING** **Thursday, March 31, 2022 at 6:30 PM**

### **SPECIAL NOTICE OF TELECONFERENCE ACCESSIBILITY**

Pursuant to the provisions of Assembly Bill 361 which amended certain provisions of the Brown Act regarding teleconference meetings during periods of statewide emergencies, and as a precaution to our Board of Directors, District staff, and general public as a result of the ongoing COVID-19 pandemic, Helendale Community Services District will hold this meeting of its Board of Directors both in-person at the District Office located at 26540 Vista Road, Suite C, Helendale, California, and via teleconference. This meeting is open to the public in person or via virtual interface and can be accessed by clicking on the link below:

[www.zoom.com](https://www.zoom.com) Meeting ID 463 173 8547 Passcode: HCSD  
(Dial-in instructions will be provided after registering at the link above)

### **Call to Order - Pledge of Allegiance**

#### **1. Approval of Agenda**

#### **2. Public Participation**

*Anyone wishing to address any matter pertaining to District business listed on the agenda or not, may do so at this time. However, the Board of Directors may not take action on items that are not on the agenda. The public comment period may be limited to three (3) minutes per person. Any member wishing to make comments may do so by filling out the speaker's card in person or using the "raise the hand" or "chat" feature. If viewing remotely a speaker's card may be filled out at the following link: <https://www.surveymonkey.com/r/HKGNLL8> or use the features referenced above. The District requests that all speaker cards be submitted at any time prior to the close of public participation.*

#### **Regular Business:**

- 3.** First Reading of Ordinance 2022-01: An Ordinance of the Board of Directors of the Helendale Community Services District Establishing Mandatory Organic Waste Disposal Reductions
- 4.** Discussion and Possible Action Regarding Approval of Property Liability Insurance for the District

#### **Other Business**

- 5.** Requested items for next or future agendas (Directors and Staff only)
- 6.** Adjournment

*Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above agenda public meeting should be directed to the District's General Manager's office at (760) 951-0006 at least 24 hours prior to said meeting. The regular session of the Board meeting will be recorded. Recordings of the Board meetings are kept for the Clerk of the Board's convenience. These recordings are not the official minutes of the Board meetings.*



# Helendale Community Services District

DATE: March 31, 2022  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
SUBJECT: Agenda item #3  
First Reading of Ordinance 2022-01: An Ordinance of the board of Directors of the Helendale Community Services District Establishing Mandatory Organic Waste Disposal Reductions

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**STAFF RECOMMENDATION:**

Review and provide comments

**STAFF REPORT:**

SB1383 which addressed “Short-Lived Climate Pollutants” is the most sweeping piece of legislation related to solid waste reductions. The intent is to reduce recyclable material going to the landfill and by so doing, help reduce the methane gas emitted by the landfill operation. Purportedly, 20 percent of the methane gas generated in California comes from landfills.

There are a host of compliance requirements that will ultimately impact our solid waste customers. Richard Nino, V.P. from Burrtec has become a subject matter expert in the complexities of SB1383 and has been helpful in guiding the District through the implementation. The adoption of the ordinance is a requirement of the legislation as it attests to the District’s obligations laid out under the legislation. These requirements include enforcement and monitoring of customer’s disposal habits as well as education.

Management envisions the need for a full-time staff member within the next year dedicated to enforcement, education and monitoring, if we are not granted the waiver requested on 2/23. The waiver would exempt the District from certain provisions of SB1838 for a five-year period after which, the District would need to address staffing to cover the requirements. Attached for the Board information is a comprehensive Checklist created by Burrtec that outlines the shared responsibilities for SB1383.

The District is required to have the First Reading of the Ordinance by April 1, 2022 in order to be compliant with the mandate. The Board will be holding a public hearing on April 7, 2022 to receive comments and consider adoption of the resolution.

**FISCAL IMPACT:** TBD

**POSSIBLE MOTION:** None

**ATTACHMENTS:** Ordinance 2022-01  
Senate Bill 1383 Checklist

# Senate Bill 1383 Checklist

<u>Program Description</u>	<u>Responsible Party</u>
<b>1. Edible Food Recovery Program</b>	
a. Identify Tier 1 & Tier 2 Generators	<i>Burrtec</i>
b. Educate and Monitor Commercial Edible Food Generators	<i>Burrtec</i>
c. Confirm compliance / Record Keeping	<i>Burrtec &amp; Jurisdiction</i>
i. Food recovery organizations list	
ii. Confirm MOUs in place	
iii. Food recovery % & Tonnage	
d. Assure capacity to recover 20% of edible food	<i>County &amp; Jurisdiction</i>
<b>2. Enforcement &amp; Monitoring</b>	
a. Adopt all applicable Mandatory Recycling Ordinances	<i>Jurisdiction</i>
i. Organics	
ii. Construction & Demolition	
iii. Water Efficient Landscape with compost / mulch application requirements	
b. Waivers	<i>Burrtec &amp; Jurisdiction</i>
i. Process and validate applications	
ii. Maintain records	
c. Issue Notice of Violation (NOV) as appropriate	<i>Jurisdiction</i>
i. 90 day follow up	
ii. Issue further NOV's or penalties until compliance is achieved	
<b>3. Procurement</b>	
a. Recycled content material	<i>Jurisdiction</i>
b. Compost and mulch	<i>Burrtec</i>
c. Renewable natural gas for fuel, heat, electricity	<i>Jurisdiction</i>
d. Biomass energy conversion	<i>Jurisdiction</i>
e. Record keeping	<i>Burrtec &amp; Jurisdiction</i>
<b>4. Inspections &amp; Reviews</b>	
a. Commercial Sector	
i. Compliance review of all commercial accounts	<i>Burrtec</i>
ii. Inspections of Tier 1 & 2 generators	<i>Burrtec &amp; Jurisdiction</i>
iii. Route Reviews or Waste Characterizations	<i>Burrtec</i>
iv. Investigating 1383 complaints	<i>Burrtec &amp; Jurisdiction</i>



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"We'll Take Care Of It"

# Senate Bill 1383 Checklist

<u>Program Description</u>	<u>Responsible Party</u>
<b>5. Collection Programs &amp; Operations</b>	
a. Hauler to identify organics processing location	<u>Burrtec</u>
b. Organics Processor to provide letter of plastic bag acceptance where applicable	<u>Burrtec</u>
c. Implement residential, multi-family and commercial food waste recycling program	<u>Burrtec</u>
d. Containers to comply with the color requirements	<u>Burrtec</u>
e. Label and/or imprint acceptable items on all new containers	<u>Burrtec</u>
f. Re-paint and relabel existing containers as required	<u>Burrtec</u>
<b>6. Outreach &amp; Education</b>	
a. Educate all affected parties annually	<u>Burrtec &amp; Jurisdiction</u>
i. Generators (residential, multifamily, commercial)	
ii. Edible Food Recovery Organizations	
iii. City/County departments	
b. Translate education materials as required	<u>Burrtec &amp; Jurisdiction</u>
c. Provide education materials to any non-compliant regulated entity	<u>Burrtec &amp; Jurisdiction</u>
<b>7. Record Keeping &amp; Reporting</b>	
a. Maintain 1383 implementation record	<u>Burrtec &amp; Jurisdiction</u>
b. Generate an electronic or written report that includes	<u>Burrtec &amp; Jurisdiction</u>
i. Inspection information	
ii. Route review	
iii. Compliance review	
c. Maintain records for the following	<u>Burrtec &amp; Jurisdiction</u>
i. 1383 Complaint date log	
ii. 1383 Complaint investigation date and outcome	
iii. Determination of compliance	
iv. Notice of violations	
d. Annual report to Cal Recycle	<u>Burrtec &amp; Jurisdiction</u>

## Senate Bill 1383 Checklist

<u>Program Description</u>	<u>Responsible Party</u>
<b>8. Materials Processing Audits</b>	
a. Inspect loads being received	<u>Burrtec</u>
b. Validate diversion % at the processing facility	<u>Burrtec</u>
c. Characterize the following material streams	<u>Burrtec</u>
i. Organics Recovered from Black & Blue Container Streams	
ii. Residue in Organics Recovered from Black & Blue Container Streams	
iii. Organics Recovered from Green & Brown Container Streams	
iv. Residue in Organics Recovered from Green & Brown Container Streams	
d. Develop Areas to Segregate Organic Waste at the Processing Facility	<u>Burrtec</u>
e. Mandatory Black Barrel WC	<u>Burrtec</u>
i. Beginning July 1, 2022 if a facility receives waste streams and more than 500 tons of waste annually from at least one jurisdiction, black barrel characterizations become mandatory	
f. Maximum Residue Allowed in Recovered Organic Waste	<u>Burrtec &amp; Jurisdiction</u>
i. Beginning Jan 1, 2022 = 20%	
ii. Beginning Jan 1, 2024 = 10%	
g. Waste Characterization Record Keeping & Reporting Requirements	<u>Burrtec &amp; Jurisdiction</u>



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**ORDINANCE NO. 2022-01**

**ORDINANCE OF THE BOARD OF DIRECTORS OF THE  
HELENDALE COMMUNITY SERVICES DISTRICT  
ESTABLISHING MANDATORY ORGANIC WASTE  
DISPOSAL REDUCTION**

**WHEREAS**, the Helendale Community Services District (“District”) is a Community Services District located within the County of San Bernardino and is organized and operates pursuant to California Government Code 61000 et seq.; and

**WHEREAS**, on or about June 21, 2006, the Local Agency Formation Commission of the County of San Bernardino (“LAFCO”) adopted Resolution No. 2927 which made determinations on, and approved the incorporation of, the District, which was subsequently approved by the electorate pursuant to an election held on November 7, 2006, and thereafter confirmed by LAFCO pursuant to its adoption of Resolution No. 2951 on December 4, 2006, all of which operated to authorize the formation of the District as the successor agency for the performance of water, sewer, streetlighting, refuse collection, parks and recreation, and graffiti abatement functions and services within the prior County Service Area 70, Improvement Zones B and C (the “District Boundaries”).

**WHEREAS**, LAFCO Resolution Nos. 2927 and 2951 authorize the District to collect, transfer, and dispose of solid waste and to provide solid waste handling services, including but not limited to source reduction, recycling, and composting activities, pursuant to Division 30 (commencing with Section 40000), and consistent with Section 41821.2 of the Public Resources Code (“Solid Waste Services”), within the District Boundaries.

**WHEREAS**, on or about July 21, 2010, LAFCO adopted Resolution No. 3099 affirming the District’s authorization to collect, transfer, and dispose of solid waste and provide Solid Waste Services within the District Boundaries pursuant to LAFCO Resolution Nos. 2927 and 2951.

**WHEREAS**, 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 local agencies to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment; and

**WHEREAS**, State recycling law, Assembly Bill 341 of 2011 (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 the District to implement a Mandatory Commercial Recycling program; and



**WHEREAS**, 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 the District to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires the District to implement a Mandatory Commercial Organics Recycling program; and

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

**WHEREAS**, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires the District 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 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.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the Helendale Community Services District, after conducting a public hearing duly noticed, as follows:

**SECTION 1: CEQA ENVIRONMENTAL DETERMINATION.**

The Board of Directors exercises its independent judgment and finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Section 15308, which exempts "actions by regulatory agencies for protection of the environment." This Ordinance is consistent with the goals of California State Assembly Bills 939, 341, and 1826, and Senate Bill 1383.

**SECTION 2: PURPOSE, INTENT, AND FINDINGS.**

A. Purpose. The management and proper disposal of Solid Waste is a matter of great importance to the District, its citizens, visitors, property owners and businesses. The District finds that the public health, safety, and well-being require the generation, accumulation, handling, collection, transportation, conversion and disposal of Solid Waste be controlled and regulated by the District through the comprehensive system provided in this Ordinance. This Ordinance is intended to ensure Solid Waste Handling Services are readily available, adhere to uniform standards, and are reliable, clean, and efficient. The District has a strong interest in reducing the harboring and breeding of rodents and insects, reducing the spread of disease, and preventing pollution and other unsightly degradation of the environment, which can occur with the improper handling of Solid Waste and the excess accumulation of Solid Waste.

B. Findings. The District finds and declares:

1. The Legislature of the State of California, by enactment of the California Integrated Waste Management Act of 1989, (“AB 939” or the “Act”) (codified at Public Resources Code §§ 4000 et seq.) established a solid waste management process that requires cities and other local jurisdictions to adopt and implement plans to reduce the amount of solid waste generated within their jurisdiction and to maximize reuse and recycling.
2. AB 939 states that the frequency of solid waste collection, the means of solid waste collection and transportation, levels of services, charges and fees for services, and the nature, location and extent of providing solid waste services, are matters of local concern.
3. AB 939 expressly allows local agencies to provide solid waste services to its residents by its own forces or by authorizing a private entity to provide those services.
4. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, which is codified at Public Resources Code §§42652-42654 and Health & Safety Code §§39730.5 – 39730.8, places requirements on multiple entities including local agencies, 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.
5. The Final Regulation Text of SB 1383 Regulations implementing SB 1383 was adopted by CalRecycle in November 2020

**SECTION 3:           DEFINITIONS**

“AB 939” or “Act” means the California Integrated Waste Management Act of 1989, codified in part at Public Resources Code, §§ 40000 et seq. as it may be amended, and as implemented by the regulations of CalRecycle or its successor agency.

“Account Holder” means the persons or entities whose name(s) are on a Solid Waste Franchisee’s account for a Premises.

“Bin” means a receptacle, typically between one and six cubic yards, provided by a Solid Waste Franchisee for the collection of Solid Waste.

“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 or Source Separated Blue Container Organic Waste.

“Brown Container” has the same meaning as in 14 CCR Section 18982(a)(5.5) and shall be used for the purpose and collection of Source Separated food waste pursuant to 14 CCR Section 18984.1(6)(A).

“Bulky Waste” means Solid Waste that would not typically fit within a Container, including, but not limited to, furniture, carpets, mattresses, automobile tires, and oversized green material such as tree trunks and large branches if no larger than two feet in diameter and four feet in length, and similar large items discarded from a single family dwelling. “Bulky Waste” does not include Covered Electronic Devices, such as televisions, radios, computers, monitors, and the like, which are regarded as Universal Waste, the disposal of which is governed by regulation of the Department of Toxic Substances Control.

“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).

“California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).

“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 implementing this Ordinance.

“Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators.

“Compliance Review” means a review of records by the District to determine compliance with this Ordinance.

“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).

“Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), as may be amended from time to time.

“Compost Facility” means a Solid Waste facility that processes Organic Waste to produce Compost or mulch.

“Construction and Demolition Material” or “C&D Material” means discarded building materials, “inert wastes” as defined in Public Resources Code § 41821.3(a)(1) (e.g., rock, concrete, brick,

sand, soil ceramics and cured asphalt), recyclable construction and demolition materials, packaging, plaster, drywall, rubble resulting from construction, remodeling, repair and demolition operations, but does not include asbestos-containing materials or Hazardous Waste.

“Container” means any container, regardless of color.

“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).

“Debris Box” means a Container, typically ten to forty cubic yards, provided by a Solid Waste Franchisee for the collection of Solid Waste that is normally tipped loaded onto a motor vehicle and transported to an appropriate facility.

“Designee” means an entity that the District contracts with or otherwise arranges to carry out any of the District’s responsibilities of this Ordinance as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.

“District” means the Helendale Community Services District, California, and all of the territory lying within the boundaries of the District as presently existing and all geographic areas which may be added or annexed to the District.

“District Premises” means District-owned or operated Premises where Solid Waste is generated or accumulated.

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

“Enforcement Action” means an action by the District to address non-compliance with this Ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

“Enforcement Official” means the general manager or their authorized designee(s) who is/are partially or wholly responsible for enforcing this Ordinance.

“Excluded Waste” means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the District and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the District, or its Designee’s reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create

or expose the District, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code.

“Food Distributor” means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).

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

“Food Recovery” means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).

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

- (1) A food bank as defined in Section 113783 of the Health and Safety Code;
- (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety Code; and,
- (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

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

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

“Food Service Provider” means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).

“Food Waste” means all food and food scraps such as but not limited to fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, eggshells, tea bags and coffee grounds. Food waste excludes fats, oils, liquids, and grease when such materials are source separated

“General Manager” means a person having that title in the employ of the Helendale Community Services District, or the General Manager’s designated representative.

“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. The lid or body of a container may be black and shall have the same meaning as Gray Container.

“Gray Container Waste” means Solid Waste that is collected in a 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). Gray Container Waste may specifically include carpet, Non-Compostable Paper and textiles.

“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.

“Green Material” and “Yard Waste” means leaves, grass clippings, brush, branches and other forms of organic materials generated from maintenance or alteration of landscapes or gardens including, but not limited to, tree trimmings, prunings, brush and weeds and incidental pieces of scrap lumber. “Green Material” includes holiday trees (except such trees which are frosted, flocked or which contain tinsel or metal).

“Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).

“Hauler Route” means the designated itinerary or sequence of stops for each segment of the District’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

“Hazardous Waste” means any waste materials or mixture of wastes defined as a “hazardous substance” or “hazardous waste” pursuant to the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§ 6901 *et seq.*, the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), 42 U.S.C. §§ 9601 *et seq.*, the Carpenter-Presley-Tanner Hazardous Substance Account Act (“HSAA”), codified at California Health & Safety Code §§ 25300 *et seq.*; the Electronic Waste Recycling Act of 2003, codified at California Health & Safety Code §§ 25214.9 *et seq.* and California Public Resources Code §§ 41516 *et seq.*, laws governing Universal Waste, all future amendments to any of them, or as defined by CalRecycle or the Department of Toxic Substances Control, or by their respective successor agencies. If there is a conflict in the definitions employed by two or more agencies having jurisdiction over hazardous or Solid Waste, the term “Hazardous Waste” shall be construed to have the broader, more encompassing definition.

“High Diversion Organic Waste Processing Facility” has the same meaning as defined in 14 CCR Section 18982(a)(33).

“Household Hazardous Waste” means Hazardous Waste, including Universal Waste or Covered Electronic Devices, generated at a Single-Family or Multifamily Residential Premises, including but not limited to dry cell household batteries; cell phones and PDAs; used motor oil; used oil filters when contained in a sealed plastic bag; cooking oil; compact fluorescent light bulbs contained in a sealed plastic bag; cleaning products; pesticides; herbicides; insecticides; painting supplies; automotive products; solvents; stripes; and adhesives; auto batteries; and Universal Waste generated at a Single-Family or Multifamily Residential Premises.

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

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

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

“Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of District or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).

“Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

“MWELo” refers to the Model Water Efficient Landscape Ordinance (MWELo), 23 CCR, Division 2, Chapter 2.7.

“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).

“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).

“Notice of Violation (NOV)” means a notice that a violation of this Ordinance has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

“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). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

“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).

“Owner” means the persons or entities listed on the last equalized assessment roll as the owner of a lot or parcel of real property within the District.

“Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).

“Person in Charge” means an Owner, tenant, occupant or other person or persons responsible for the day-to-day operation of a Premises.

“Premises” means place where any person resides, or any business is carried on or conducted, or any other place upon which Solid Waste is generated or accumulated.

“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).

“Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the District’s Blue Container; (ii) discarded materials placed in the Brown Container that are not identified as Source Separated Food Waste for the District’s Brown Container (iii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the District’s Green Container; (iv) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials, Source



Separated Food Waste, and/or Source Separated Green Container Organic Wastes to be placed in the District's Green Container, Brown Container, and/or Blue Container; and, (v) Excluded Waste placed in any container.

"Recovered Organic Waste Products" means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).

"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).

"Recycled-Content Paper" means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).

"Remote Monitoring" means the use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of Blue Containers, Brown Containers, Green Containers, and Gray Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.

"Restaurant" means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).

"Route Review" means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

"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.

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

"SB 619" means Senate Bill 619 of 2021 amending Section 42652.5 of the Public Resources Code.

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

"Solid Waste" has the same meaning as defined in State Public Resources Code Section 40191. Solid Waste and includes all discarded putrescible and non- putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, rubbish, Construction and Demolition Debris, and any other discarded solid, semisolid, and liquid waste permitted to be disposed of at a Class III landfill

and which are included within the definition of “Nonhazardous Solid Waste” set forth in the California Code of Regulations. Solid Waste does not include any of the following wastes:

- Hazardous waste, as defined in the State Public Resources Code Section 40141.
- Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
- Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.

“Solid Waste Enterprise” means any individual, partnership, joint venture, unincorporated private organization, or private corporation, which is regularly engaged in the business of providing Solid Waste Handling Services.

“Solid Waste Franchisee” means a Solid Waste Enterprise that has been granted the right and privilege by the District, or by operation of law, to perform one or more Solid Waste Handling Services within the District or a portion thereof.

“Solid Waste Handling Services” means the collection, transportation, processing, recycling, composting, conversion, retention and disposal of solid waste, construction and demolition materials, bulky waste, Household Hazardous Waste, and/or Universal Waste.

“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 Ordinance, 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.

“Source Separated Blue Container Organic Waste” means Source Separated Organic Wastes that can be placed in a Blue Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables as defined in Section 18982(a)(43), or as otherwise defined by Section 17402(a)(18.7).

“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 Source Separated Blue Container Organic Waste, carpets, Non-Compostable Paper, and textiles.

“Source Separated Recyclable Materials” means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.

“Spilled” means deposited, released, spilled, leaked, pumped, poured, emitted, emptied, discharged, injected, dumped or disposed into the environment, or which otherwise has come to be located outside an authorized container. The term “disposed into the environment” shall include, but is not limited to, the abandonment or discarding of barrels, bags, cans and other closed receptacles containing solid waste.

“State” means the State of California.

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

“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.

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

“Tier Two Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

- (1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- (2) Hotel with an on-site Food Facility and 200 or more rooms.
- (3) Health facility with an on-site Food Facility and 100 or more beds.
- (4) Large Venue.

- (5) Large Event.
- (6) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
- (7) A Local Education Agency facility with an on-site Food Facility.

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

“Universal Waste” means and includes, but is not limited to, Universal Waste Electronic Devices” or “UWEDs,” (i.e., electronic devices subject to the regulation of the Department of Toxic Substances Control, 23 CCR §§ 66273.1, *et seq.*), and other Universal Wastes, including, but not limited to non-empty aerosol cans, fluorescent tubes, high intensity discharge lamps, sodium vapor lamps, and any other lamp exhibiting a characteristic of a hazardous waste, batteries (rechargeable nickel-cadmium batteries, silver button batteries, mercury batteries, small sealed lead acid batteries [burglar alarm and emergency light batteries] alkaline batteries, carbon-zinc batteries and any other batteries which exhibit the characteristic of a hazardous waste), mercury thermometers, and mercury-containing switches.

“Wholesale Food Vendor” means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

#### **SECTION 4: COLLECTION ARRANGEMENTS REQUIRED**

In order to protect the public health, safety, and well-being, and to prevent the spread of vectors, the Person in Charge of a Premises in the District shall make arrangements with a Solid Waste Franchisee for Solid Waste Handling services, and keep such arrangement in good standing. A violation of this Section is a misdemeanor and punishable as provided in Section 36 of this ordinance.

#### **SECTION 5: CONTAINERS - USE, PLACEMENT FOR COLLECTION, STORAGE**

A. Use. Every Person in Charge of a Premises shall:

1. Keep on the Premises a sufficient number of Containers to hold all Solid Waste, including Gray Container Waste, Non-Organic Recyclables, and Organic Waste that accumulates on the Premises each week without spilling, leaking, or emitting odors.
2. Deposit or cause to be deposited all Solid Waste, including Gray Container Waste, Non-Organic Recyclables, and Organic Waste generated or accumulated on the Premises into the proper Containers in accordance with the provisions of this Ordinance.

B. Placement for Collection. To minimize interference with public rights-of-way, no person shall place a Container in a public right-of-way for collection by the appropriate Solid Waste Franchisee more than 24 hours prior to the normal collection time. Containers placed in a public right-of-way for collection shall be removed from the right-of-way within 24 hours after collection.

C. Storage. Except during the time a Container is placed for collection, no Container shall be visible from the public right of way. A Debris Box may be placed in a location that is visible from the public right of way at a Single-Family Residential Premises for up to thirty (30) consecutive days and for no more than sixty (60) total days during any twelve (12) month period.

**SECTION 6: CLEAN UP**

A. Until Solid Waste has been picked up by the appropriate Solid Waste Franchisee, each Person in Charge of a Premises shall be responsible for the cleanup of any and all Solid Waste generated, accumulated, or Spilled on the Premises. This cleanup responsibility includes the cleanup of Solid Waste Spilled for any reason, including but not limited to human or animal interference with a Container, wind or other natural forces, at any time during storage, collection, removal, or transfer of the materials.

B. The District's Solid Waste Franchisee(s) shall clean up any Solid Waste Spilled during its collection, removal, or transfer, as soon as the Spill occurs.

**SECTION 7: DISPOSAL FREQUENCY**

All Solid Waste accumulating upon a Premises must be disposed of as frequently as required to avoid an accumulation of Solid Waste in violation of this Ordinance, but in no case shall disposal occur less frequently than one (1) time per week, except that less than weekly disposal may be permitted during any period of time the Premises is temporarily unoccupied and Solid Waste is not accumulating on the Premises due to out-of-town travel or other similar situations.

**SECTION 8: MANNER, TIME, AND FREQUENCY OF COLLECTION**

A. Regular Collection. The District's Solid Waste Franchisee shall make arrangements with its Account Holders specifying the manner in which Solid Waste Handling Services are to be regularly provided, subject to the terms of its franchise.

B. Special Collections. The District's Solid Waste Franchisee may provide on-call collection of Bulky Waste and Household Hazardous Waste to its Account Holders, and shall provide its Account Holders with Debris Boxes when requested and collect the Debris Box when the Account Holder no longer requires the Debris Box. The terms and conditions upon which such special collections are provided to Account Holders shall be arranged between the Solid Waste Franchisee and the Account Holder, subject to the terms of the Solid Waste Franchisee's franchise from the District.

**SECTION 9: LIABILITY FOR SOLID WASTE COLLECTION FEES**

A. Joint and Several Liability. The Owner of a Premises and the Account Holder for a Premises are jointly and severally liable for Solid Waste Handling Services provided to the Premises by a Solid Waste Franchisee, including any related fees, charges, and penalties.

B. Billing Cycle and Penalty for Delinquent Payments. Solid waste collection fees may be billed and paid in advance on a monthly basis. Payment shall be due upon, and shall become delinquent fifteen (15) days after the date of any billing. A finance charge and late payment penalty as permitted by law shall be added at the end of each month following the delinquency date.

C. Discontinuation of Services. The District or hauler may discontinue service for any customer whose account remains unpaid for sixty (60) days after the date of billing as long as the customer has received a notice on a form approved by the General Manager or designee stating that service will be discontinued fifteen (15) days from the date of the notice if payment is not made by that time. Upon payment of the delinquent fees, collection shall resume on the next regularly scheduled collection day. Fees shall be continued to be assessed and billed notwithstanding that service has been discontinued and notice of same shall be included in the form sent to the customer.

D. Fee a Civil Debt. The fees levied for service for solid waste collection shall constitute a civil debt and liability owing to the District and/or any grantee from the person using or chargeable for such services and shall be collectible in the same manner provided by law.

E. Lien for Ninety (90) Day Delinquencies.

(1) Mandatory collection fees authorized pursuant to this Section which remain unpaid for a period of ninety (90) or more days after the date upon which they were billed may be collected thereafter by the District as provided herein.

(2) Procedure.

a. Once a year, the District's Board of Directors shall cause to be prepared a report of delinquent fees. The District's Board of Directors shall fix a time, date and place for hearing the report and any objections or protests thereto.

b. The District's Board of Directors shall cause notice of the hearing to be mailed to the landowners listed on the report not less than ten (10) days prior to the date of the hearing.

c. At the hearing, the District's Board of Directors shall hear any objections or protests of landowners liable to be assessed for delinquent fees. The Board may make such revisions or corrections to the report as it deems just, after which by resolution, the report shall be confirmed.

d. The delinquent fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the county auditor, on or before August 10, for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The

lien created attaches upon recordation, in the office of the county recorder of the county in which the property is situated, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a bonafide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the delinquency fees, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

**SECTION 10: AB 939 FEES**

Pursuant to Division 30, Part 2, Chapter 8 of the Public Resources Code, Section 41900 *et seq.*, the District may impose fees on Solid Waste Franchisees and/or Premises in amounts sufficient to pay the costs of preparing, adopting, and implementing a District-wide integrated waste management plan, including the costs of preparing, adopting and implementing the District's required Source Reduction and Recycling Element, Household Hazardous Waste Element, and Nondisposal Facility Element, and the costs of setting and collecting the fees. Any new or increased AB 939 fees imposed on a Solid Waste Franchisee shall be cause for a corresponding rate adjustment to the franchisee's then current rate structure.

**SECTION 11: RECYCLABLE MATERIALS – OWNERSHIP, RIGHT TO DISPOSE**

A. Upon placement by the owner of Non-Organic Recyclables at a designated recycling collection location, or placement of Non-Organic Recyclables in a Container provided by the appropriate Solid Waste Franchisee, the Non-Organic Recyclables becomes the property of the recycler or Solid Waste Franchisee, by operation of state law.

B. Nothing in this Ordinance shall limit the right of any person, organization or other entity to donate, sell or otherwise dispose of any Non-Organic Recyclables segregated from the Solid Waste stream owned by that person, organization or other entity, provided that the person, organization or other entity does not pay the buyer or donee any consideration for collecting, processing or transporting such Non-Organic Recyclables, or a consulting or broker's fee for recycling services.

**SECTION 12: LANDSCAPERS – DISPOSAL OF GREEN WASTE**

Landscapers may collect, transport and compost or dispose of Green Waste, provided that any such Green Waste is generated by their own specific work site and is sent to a facility or operation that is deemed to be a reduction in landfill disposal as required in 14 CCR, Division 7, Chapter 12, Article 2 Section 18983.1(b).

Landscapers shall not contract with a Solid Waste Enterprise to collect, transport and compost or dispose of Green Waste unless that Solid Waste Enterprise has a franchise from the District to perform said services.

**SECTION 13:            LICENSED CONTRACTORS – DISPOSAL OF C&D MATERIALS**

Licensed contractors performing work within the scope of their licenses/permits within the District may collect, transport and dispose or recycle of Construction and Demolition Materials generated within their own specific work sites, using their own equipment and employees, provided that the licensed contractor adheres to the standards for disposal of Construction and Demolition Material provided in the California Green Building Standards Code (California Code of Regulations Title 24, Part 11). Construction and Demolition Materials must be transported to a recycling facility permitted by CalRecycle whenever possible. Landfilling of Construction and Demolition Materials shall be a last resort.

Licensed contractors shall not contract with a Solid Waste Enterprise or Construction and Demolition Clean-Up Enterprise to collect, transport and dispose or recycle of Construction and Demolition Materials unless that Solid Waste Enterprise has a franchise from the District to perform said services.

**SECTION 14:            MANDATORY COMMERCIAL/MULTIFAMILY RECYCLING**

A.     A Commercial Premises that generates four cubic yards or more of Solid Waste per week shall arrange for recycling services for Non-Organic Recyclables by subscribing to a Solid Waste Franchisee for the pick-up of Non-Organic Recyclables.

B.     A business subject to subsection (A) and that provides customers access to the business shall provide, customers with a Non-Organic Recyclables Container to collect material purchased on the premises and that fulfills all of the requirements in Section 17 (D through N).

(1)    Full-service restaurants are exempt from the requirements of this subdivision if the full-service restaurant, provides its employees a Non-Organic Recyclables Container to collect material purchased on the premises and implements a program to collect Non-Organic Recyclables.

(2)    For a park that is subject to subsection (A), this subsection shall apply on and after January 1, 2022.

**SECTION 15:            COMPLIANCE WITH AB 341, AB 1826 and SB 1383**

Single-Family Premises and Commercial Premises shall comply with the Organic Waste recycling provisions of AB341, AB 1826 and SB 1383, and all regulations associated therewith.

**SECTION 16:            REQUIREMENTS FOR SINGLE FAMILY GENERATORS**

Single-Family Organic Waste Generators:



A. Shall subscribe to the District's three-container Organic Waste collection services. The District shall have the right to review the number, size, and location of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, generator shall adjust its service level for its collection services as requested by the District.

B. Shall participate in the District's three-container system for Source Separated Recyclable Materials, Source Separated Green Container organic materials, and Gray Container Waste collection services. Generator participation in the collection programs requires that generators place only approved materials in the appropriate colored containers. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

C. Notwithstanding the above, and in accordance with the SB 1383 Regulations, the District or its Solid Waste Franchisee are not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the color requirements of this Ordinance and the Regulations, prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first. Labels will be placed on the new containers indicating the primary materials accepted and the primary materials prohibited in the containers. Until SB 1383 compliant containers are provided (Blue Container, Green Container, and Gray Container), Single-Family Waste Generators shall comply with the container requirements.

D. Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

E. Nothing in this Ordinance shall restrict or otherwise prohibit the District from delaying requirements for single family generators and/or implementation requirements of Article 3 in 14 CCR 18984 as approved by CalRecycle, provided it complies with SB 1383, the SB 1383 Regulations, and/or any other applicable law, as may be amended from time to time, pursuant to 14 CCR 18984.12 (a).

## **SECTION 17:        **REQUIREMENTS FOR COMMERCIAL BUSINESSES****

Commercial Businesses, which includes Multi-Family Residential Dwellings, shall:

A. Subscribe to the District's Organic Waste collection services. The District shall have the right to review the number, size, and location of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Business shall adjust its service level for its collection services as requested by the District.

B. Participate in and comply with the District's collection service by placing designated materials in designated containers. Generator shall place only approved materials in the appropriate colored containers. Generators shall not place materials designated for the Gray Container into the Green Container, Brown Container, or Blue Container.

C. Notwithstanding the above, and in accordance with the SB 1383 Regulations, the District or Solid Waste Franchisee are not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the color requirements of this Ordinance and the Regulations, prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first. Labels will be placed on the new containers indicating the primary materials accepted and the primary materials prohibited in the containers. Until SB 1383 compliant containers are provided (Blue Container, Brown Container, Green Container, and Gray Container), Commercial Businesses shall comply with the container requirements.

D. Supply and allow access to adequate number, size, and location of collection containers with sufficient labels or colors (conforming with subsections (d)(1) and (d)(2) below), for employees, contractors, tenants and customers, consistent with the District's Blue Container, Brown Container, Green Container, and Gray Container collection service.

E. Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Organic Waste, and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. 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 all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:

(1) A body or lid that conforms with the container colors provided through the collection service provided by the District, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

(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 14 CCR Section 18984.8, the container labels are required on new containers commencing January 1, 2022.

F. Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirement pursuant to 14 CCR Section 18984.9(b).

G. To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the District's Blue Container, Brown Container, Green Container, and Gray Container collection service.

H. Excluding Multi-Family Residential Dwellings, periodically inspect Blue Container, Brown Container, Green Container, and Gray Containers for contamination and inform employees

if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).

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

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

K. Provide or arrange access for the District or its agent to their properties during all Inspections conducted in accordance with this Ordinance to confirm compliance with the requirements of this Ordinance.

L. If implemented, accommodate and cooperate with the District's Remote Monitoring program for Inspection of the contents of containers for Prohibited Container Contaminants, to evaluate generator's compliance with this Ordinance. The Remote Monitoring program shall involve installation of Remote Monitoring equipment on or in the Blue Containers, Brown Container, Green Containers, and/or Gray Containers.

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

N. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements of this Ordinance.

O. Nothing in this Ordinance shall restrict or otherwise prohibit the District from delaying requirements for commercial business generators operating within the District and/or implementation requirements of Article 3 in 14 CCR 18984 as approved by CalRecycle, provided it complies with SB 1383, the SB 1383 Regulations, and/or any other applicable law, as may be amended from time to time, pursuant to 14 CCR 18984.12 (a).

## **SECTION 18: WAIVERS FOR GENERATORS**

A. De Minimis Waivers: The District may, at its discretion or in concert with its Solid Waste Franchisee, waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this Ordinance if the Commercial Business:

- (1) Submits an application specifying the services that they are requesting a waiver from; and
- (2) Provides documentation that either:

(A) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,

(B) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste; and

(3) Notifies the District if circumstances change such that Commercial Business's Organic Waste exceeds the threshold required for waiver, in which case waiver will be rescinded; and

(4) Provides written verification of eligibility for de minimis waiver every 5 years, if the District has approved de minimis waiver.

B. Physical Space Waivers: The District may, at its discretion or in concert with its Solid Waste Franchisee, waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the District has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lack adequate space for the collection containers required for compliance with the Organic Waste collection requirements of this Ordinance.

A Commercial Business or property owner may request a physical space waiver through the following process:

(1) Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.

(2) Provide documentation that the premises lack adequate space for Blue Containers, Brown Containers, and/or Green Containers, including documentation from its hauler, licensed architect, or licensed engineer.

(3) Provide written verification to the District that it is still eligible for physical space waiver every five years, if the District has approved application for a physical space waiver.

C. Collection Frequency Waiver: The District, at its discretion or in concert with its Solid Waste Franchisee, and in accordance with 14 CCR Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to the District's four-container Organic Waste collection service to arrange for the collection of their Blue Container, Gray Container, or both once every fourteen days, rather than once per week.

D. If the District chooses to issue any waivers in accordance with this section, the Enforcement Official shall create an application and establish policies for the issuance of such waivers. The Board of Directors may establish an application fee for any such waivers by resolution.

**SECTION 19:        **REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD GENERATORS****

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

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

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

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

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

(3) 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 District's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.

(5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

(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.

(6) Commencing no later than January 1, 2022, for Tier One Commercial Edible Food Generators and January 1, 2024, for Tier Two Commercial Edible Food Generators, Commercial Edible Food Generators shall provide a quarterly Food Recovery report to the District which includes the information required in 14 CCR Section 18991.4 “Record Keeping Requirements for Commercial Edible Food Generators.”

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).

**SECTION 20:            REQUIREMENTS FOR FOOD RECOVERY ORGANIZATIONS AND SERVICES**

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

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

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

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

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

C. Commencing January 1, 2022, Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the District and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the District the total pounds of Edible Food 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), as applicable.

D. Food Recovery Services and Food Recovery Organizations operating in the District shall provide information and consultation to the District, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the District and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the District shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the District.

E. Commencing no later than January 1, 2022, Food Recovery Services and Organization shall provide a quarterly report to the District which includes the information required in 14 CCR Section 18991.5 "Food Recovery Services and Organizations."

**SECTION 21: REQUIREMENTS FOR SOLID WASTE FRANCHISEE, SELF – HAULERS, FACILITY OPERATORS, AND COMMUNITY COMPOSTING OPERATIONS**

A. Requirements for Haulers.

(1) Solid Waste Franchisee providing residential, Commercial or Organic Waste collection services to generators within the District's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the District to collect Organic Waste:

a. Through written notice to the District annually on or before July 1, identify the facilities to which they will transport Organic Waste including the facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste, as applicable.

b. Transport Source Separated Recyclable Materials and Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste, as defined in 14 CCR, Division 7, Chapter 12, Article 2.

c. Obtain approval from the District to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D Material in a manner that complies with 14 CCR Section 18989.1.

d. Solid Waste Franchisee shall comply with education, equipment, signage, container labelling, container color, contamination monitoring, reporting, and other

requirements contained within its franchise agreement, as may be amended from time to time.

e. Notwithstanding any the foregoing, nothing in this Ordinance shall restrict or otherwise prohibit Solid Waste Franchisee from meeting its compliance requirements by any alternative methods or procedures, provided it complies with SB 1383, the SB 1383 Regulations, and/or any other applicable law, as may be amended from time to time or being relieved of, or delaying compliance with such requirement pursuant to SB 619

f. A Hauler is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of this ordinance prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first

#### B. Requirements for Self-Haulers

(1) Self-Haulers shall Source Separate all Recyclable Materials and Organic Waste (materials that the District otherwise requires generators to separate for collection in the District's organics and recycling collection program) generated on-site from Solid Waste 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.

(2) Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.

(3) Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the District. The records shall include the following information:

- A. Delivery receipts and weight tickets from the entity accepting the waste.
- B. The amount of material in cubic yards or tons transported by the generator to each entity.
- C. 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 Organic Waste.



(4) Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in Section 21 (B)(3) to District quarterly.

(5) A residential Organic Waste Generator that self-hauls Organic Waste is not required to record or report information in Section 21 (B)(3) and (4).

C. Requirements for 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 the District'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. Entities contacted by the District shall respond within 60 days.

(2) Community Composting operators, upon District request, shall provide information to the District to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the District shall respond within 60 days.

**SECTION 22: COMPLIANCE WITH CALGREEN BUILDING CODE STANDARDS**

A. Persons applying for a permit from the County of San Bernardino for new construction and building additions and alterations shall comply with the requirements of this Section and all required components of the California Green Building Standards Code, 24 CCR, Part 11, known as CALGreen, as amended, if its project is covered by the scope of CALGreen or more stringent requirements of the District. If the requirements of CALGreen are more stringent then the requirements of this Section, the CALGreen requirements shall apply.

B. For projects covered by CALGreen or more stringent requirements of the District, the applicants must, as a condition of the District's permit approval, comply with the following:

1. Where five (5) or more Multi-Family dwelling units are constructed on a building site, provide readily accessible areas that serve occupants of all buildings on the site and are identified for the storage and collection of Blue Container, Brown Container, and Green Container materials, consistent with the collection program offered by the District, or comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.

2. New Commercial construction or additions resulting in more than 30% of the floor area shall provide readily accessible areas identified for the storage and collection of Blue Container, Brown Container, and Green Container materials, consistent

with the collection program offered by the District, or shall comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.

3. Comply with Title 24 Building Standards Code, CALGreen requirements, and applicable law related to management of C&D Material, including diversion of Organic Waste in C&D Material from disposal. Comply with all written and published District policies and/or administrative guidelines regarding the collection, recycling, diversion, tracking, and/or reporting of C&D Material.

**SECTION 23:        MODEL WATER EFFICIENT LANDSCAPING ORDINANCE REQUIREMENTS**

- A. Property owners or their building or landscape designers, including anyone requiring landscape design review from the District, who are constructing a new project with a landscape area greater than 500 square feet, or rehabilitating an existing landscape with a total landscape area greater than 2,500 square feet, shall comply with Sections 492.6(a)(3)(B) (C), (D), and (G) of the State Model Water Efficient Landscape Ordinance, as amended September 15, 2015, and as it may be amended in the future.”
- B. The following Compost and mulch use requirements that are part of the MWELO are now also included as requirements of this ordinance. Other requirements of the MWELO are in effect and can be found in 23 CCR, Division 2, Chapter 2.7.
- C. Property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in Section 23(A) above shall:
  1. Comply with Sections 492.6 (a)(3)(B)(C), (D) and (G) of the MWELO, which requires the submittal of a landscape design plan with a soil preparation, mulch, and amendments section to include the following:
    - i. For landscape installations, Compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.
    - ii. For landscape installations, a minimum three- (3-) inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas,

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

- iii. Organic mulch materials made from recycled or post-consumer materials meeting procurement requirements under 14 CCR, Division 7, Chapter 12, Article 12 shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.

- 2. The MWELO compliance items listed in this Section are not an inclusive list of MWELO requirements; therefore, property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in Section 23(A) shall consult the full MWELO found in Title 23 Division 2 Chapter 2.7 Model Water Efficient Landscape Ordinance for all requirements.

**SECTION 24:        REMOVAL OF SOLID WASTE**

No person other than the Person in Charge of any Premises or a District Solid Waste Franchisee shall:

- A.     Remove any Container from the location where the Container was placed for storage or collection by the Person in Charge of the Premises; or
- B.     Remove any Solid Waste from any Container; or
- C.     Move a Container from the location in which it was placed for storage or collection without the prior written approval of the Person in Charge of the Premises.

**SECTION 25:        BULKY WASTE**

No person shall place Bulky Waste adjacent to or in a street or public right-of-way for collection or removal purposes without first making arrangements with the appropriate Solid Waste Franchisee for the collection or removal of such Bulky Waste.

**SECTION 26:        HAZARDOUS WASTE**

No person shall place or deposit Hazardous Waste, Household Hazardous Waste, or Universal Waste in any Container provided by a Solid Waste Franchisee, or deposit, release, spill, leak, pump, pour, emit, empty, discharge, inject, dump or dispose into the environment any Hazardous Waste, Household Hazardous Waste or Universal Waste.

**SECTION 27:        SOLID WASTE BURNING AND BURIAL**

A. No person shall burn any Solid Waste within the District, except in an approved incinerator or transformation facility or other device for which a permit has been issued, and which complies with all applicable permit and other regulations of air pollution control authorities, and provided any such act of burning in all respects complies with all other laws, rules and regulations.

B. Solid Waste is prohibited from being buried within District boundaries. This prohibition shall not be interpreted to prohibit the composting of yard waste.

**SECTION 28: FRANCHISE REQUIRED**

No person except a Solid Waste Franchisee, a landscaper hauling green waste, or a licensed contractor performing work within the scope of that license, shall collect or remove any Solid Waste from any Premises within the District.

**SECTION 29: PUBLIC NUISANCE**

It is unlawful and a public nuisance if any one of the following conditions exists at a Premises:

A. The Person in Charge of the Premises has not made arrangements with the appropriate Solid Waste Franchisee for Solid Waste Handling Services;

B. The Person in Charge of the Premises has made arrangements with the appropriate Solid Waste Franchisee for Solid Waste Handling Services, but the Solid Waste Franchisee has terminated services to the Premises due to the Account Holder's failure to pay for such services.

**SECTION 30: UNAUTHORIZED DISPOSAL**

No person shall place anything in another person's Containers without the permission of such other person.

**SECTION 31: SPILLS**

It is unlawful for any person transporting Solid Waste not to clean up, or arrange for the cleanup, of any Solid Waste during removal or transport within the District by such person. If any person transporting Solid Waste Spills any such materials and does not clean up or arrange for the cleanup of the Spill, the District may clean up the Spill and charge the person responsible for the Spill 100 percent of the costs the District incurred in cleaning up the Spill.

**SECTION 32: UNLAWFUL DUMPING**

It is unlawful for any person to negligently or intentionally Spill upon any property within the District any Solid Waste, or to cause, suffer, or permit Solid Waste to be located upon any property in the District, except as authorized by law.

**SECTION 33: SOLID WASTE FACILITIES**

No person shall construct or operate a Solid Waste management facility, including but not limited to a materials recovery facility, Solid Waste transfer or processing station, composting facility, a buy-back or drop-off center, disposal facility or a recycling center without first satisfying all District requirements for land use, environmental and other approvals.

**SECTION 34:           INSPECTIONS AND INVESTIGATIONS BY THE DISTRICT**

A. District employees, Designee, and/or its Solid Waste Franchisee are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this Ordinance, subject to applicable laws. This Section does not allow the District to enter the interior of a private residential property for Inspection. For the purposes of inspecting Commercial Business containers for compliance with this Ordinance, the District may conduct container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses shall accommodate and cooperate with the Remote Monitoring, where applicable.

B. Persons in Charge shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with District employees, Designee, and/or its Solid Waste Franchisee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this Ordinance described herein. Failure to provide or arrange for: (i) access to an entity's premises; (ii) installation and operation of Remote Monitoring equipment, where required; or (ii) access to records for any Inspection or investigation is a violation of this Ordinance and may result in penalties described.

C. Any records obtained by a District 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.*

D. District employees, Designee, and/or its Solid Waste Franchisee are authorized to conduct any Inspections, Remote Monitoring or other investigations as reasonably necessary to further the goals of this Ordinance, subject to applicable laws.

E. The District shall receive written complaints from persons regarding an entity that may be potentially non-compliant with this Ordinance, including receipt of anonymous complaints.

**SECTION 35:           ENFORCEMENT**

A. Any violation of this Ordinance may be enforced in any manner authorized by law, including but not limited to an administrative citation, criminal citation, nuisance abatement action, or civil action.

B. Nothing in this Ordinance shall restrict or otherwise prohibit the District from delaying enforcement and/or implementation requirements of Article 3 in 14 CCR 18984 as approved by CalRecycle, provided it complies with SB 1383, the SB 1383 Regulations, and/or any other applicable law, as may be amended from time to time, pursuant to 14 CCR 18984.12 (a).

**SECTION 36:           ENFORCEMENT OFFICER**

The General Manager is hereby declared and appointed as the enforcement officer of this Ordinance, and shall be empowered to take such other actions as authorized herein, or as may

otherwise be authorized by the District's Board of Directors or be reasonably necessary, for enforcement of the Ordinance.

**SECTION 37:           LIABILITY FOR VIOLATION**

Any person violating any of the provisions of this Ordinance, or permitting or maintaining any property in violation of any of this Ordinance, shall be liable to the District for any expense, loss or damage, occasioned by the District by reason of such violation. Such liability shall be in addition to any other civil or criminal penalties imposed under this Ordinance or under any other provision of law.

**SECTION 38:           PENALTIES AND FINES**

A. Pursuant to Government Code Section 61064(c), the General Manager is hereby authorized to issue citations for violations of this Ordinance. Any person violating any provision of this Ordinance, as determined by the Board, may be prosecuted, by the applicable law enforcement agency or the General Manager in the name of the people of the State of California, as committing either a misdemeanor or an infraction, or may be the subject of redress by civil action.

B. Pursuant to Government Code Section 61064(a), a person violating any provision of this Ordinance shall be guilty of a misdemeanor, and shall be punishable by imprisonment in the County jail for not more than thirty (30) days, or by a fine of not more than one thousand dollars (\$1,000), or by both such fine and imprisonment as may be allowed by law. Each and every violation of this Ordinance and each day during which such violation is committed or continued shall constitute a separate offense.

C. Pursuant to Government Code Section 61064(b), any citation issued by the General Manager for a violation of this Ordinance may be processed as an infraction, and shall be punishable by (a) a fine not exceeding one hundred dollars (\$100) for a first violation of this Ordinance, (b) a fine not exceeding five hundred dollars (\$500) for a second violation of this Ordinance within one year, and (c) a fine not exceeding one thousand dollars (\$1,000) for each additional violation of this Ordinance within one year.

**SECTION 39:           APPEAL AND HEARING**

A. Any person against whom a fine or penalty is levied pursuant to this Ordinance shall have a right to a hearing. A written request for a hearing before the General Manager shall be filed with the General Manager within ten (10) business days after notification by the District of the alleged violation.

B. Any person against whom a fine or penalty is levied may appeal the General Manager's decision to the District's Board of Directors. Such appeal shall be filed within ten (10) business days of issuance of the General Manager's decision. Subject to applicable notice requirements, the appeal shall be scheduled at the next regularly scheduled meeting of the District's Board of Directors; provided that, the District's Board of Directors may continue the appeal hearing in order to carry out an investigation of the dispute and/or to receive additional information relating to the

dispute. The appealing party may appear and present any evidence in support of his/her position to the District's Board of Directors.

C. The District's Board of Directors may affirm, reverse, or modify the decision of the General Manager in its discretion. The decision of the District's Board of Directors shall be final. Should the District's Board of Directors not render a decision within thirty (30) days of submittal of the appeal to the District's Board of Directors, this failure to act shall be deemed to be a denial of the appeal unless both parties have agreed to extend the resolution period.

**SECTION 40: INJUNCTION**

In addition to the remedies set forth in this Ordinance, the District may file a civil action to compel compliance with this Ordinance, including but expressly not limited to, an action to enjoin any pending or future violations of the Ordinance, or for the issuance of an order stopping or disconnecting a service if the charges for that service are delinquent or unpaid.

**SECTION 41: RESERVATION OF RIGHTS**

All remedies set forth in this Ordinance are herein declared to be cumulative and non-exclusive, and shall not preclude the District from enforcing any other rights or remedies available under the law or any other rules and regulations of the District.

**SECTION 42: ATTORNEYS' FEES**

In any action or proceeding brought to enforce a violation of this Ordinance, including but not limited to a nuisance abatement action and an action to foreclose on a special assessment, the prevailing party shall recover its reasonable attorney's fees and costs.

**SECTION 43: SEVERABILITY.**

If any Section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The District's Board of Directors hereby declares that it would have adopted this Ordinance, and each Section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more Sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 44: PUBLICATION AND POSTING.**

The General Manager is hereby directed to cause a summary of this Ordinance to be published at least five (5) days prior to the date of adoption hereof in a newspaper of general circulation within the District Boundaries and a copy of the full text of this Ordinance must be posted at the District office at least five (5) days prior to the meeting. Within fifteen (15) days after adoption, the General Manager is hereby directed to cause said summary of this Ordinance to be published in a newspaper of general circulation within the District Boundaries and a copy of the full text of this Ordinance must be posted at the District office.

**SECTION 45:        EFFECTIVE DATE.**

This Ordinance shall take effect thirty (30) days after adoption by the District's Board of Directors.

**INTRODUCED FOR FIRST READING** this 31st day of March, 2022.

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Tim Smith, President, Board of Directors

AYES:        \_\_\_\_\_

NOES:        \_\_\_\_\_

ABSTAIN:    \_\_\_\_\_

ABSENT:     \_\_\_\_\_

**ATTEST:**

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Sandy Haas, Secretary







# Helendale Community Services District

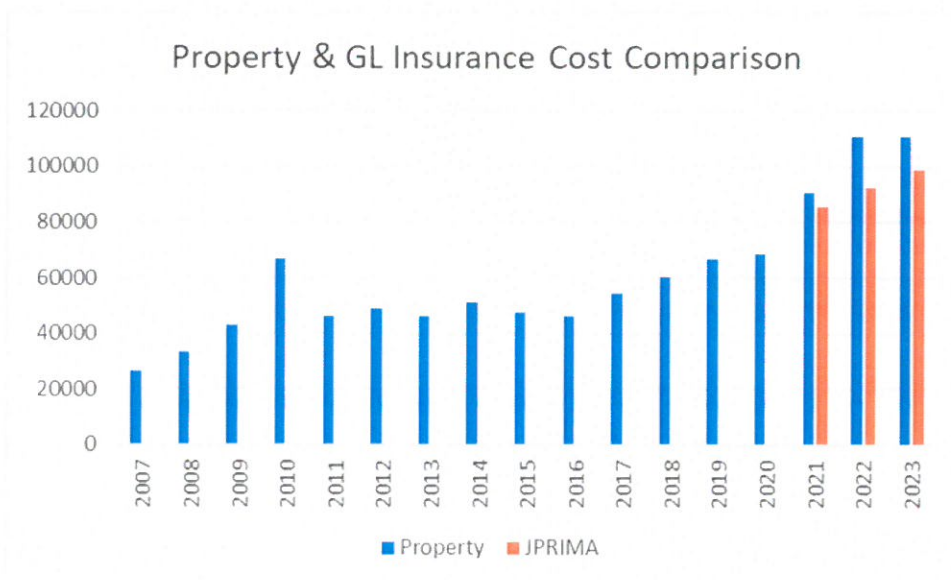
DATE: March 31, 2022  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
SUBJECT: Agenda item #4  
Discussion and Possible Action Regarding Approval of Property Liability Insurance for the District

## STAFF RECOMMENDATION:

Staff recommends approval of this item.

## STAFF REPORT:

Two years ago the District changed from SDRMA for insurance coverage to JPRIMA, a similar JPA for California Mutual water districts. As shown on the graph below, SDRMA's charges had increased significantly for FY 21. District staff received a quote from JPRIMA that showed significant savings over SDRMA. The Board concurred with the cost savings and the District departed a long-standing relationship with SDRMA. The graph below shows the comparison with what SDRMA (assuming they had no increase in FY23) and the costs from JPRIMA which still reflects a savings.



The package from JRPIMA for the current year reflects an 8% increase. The District auto coverage dropped by \$34,000 and changes in the fleet are represented in the new policy. As the District

acquires new vehicles or equipment during the year, the policy may increase slightly to account for the addition. The new maintenance buildings are covered in the proposed policy.

**FISCAL IMPACT:** \$99,211

**POSSIBLE MOTION:** Approve Insurance Policy for Property and Liability coverage

**ATTACHMENTS:** Participation Certificate



**CALIFORNIA ASSOCIATION OF MUTUAL WATER COMPANIES  
JOINT POWERS RISK AND INSURANCE MANAGEMENT AUTHORITY (JPRIMA)  
MEMORANDUM OF COVERAGE (MOC)**

**PARTICIPATION CERTIFICATE**

**ISSUER:**

California Association of Mutual Water Companies Joint Powers Risk and Insurance Management Authority (JPRIMA)  
(No Joint and Several Liability for Members)

**REINSURER:**

Allied World Insurance Company or affiliate  
A XV (Excellent) A.M. Best Rating  
100% Reinsurance for JPRIMA

<b>ENROLLED NAMED MEMBER:</b> Helendale Community Services District	<b>EFFECTIVE DATE:</b> 4/1/2022
<b>INSURANCE ADMINISTRATOR:</b> Allied Community Insurance Services, LLC 11452 El Camino Real Suite 250 San Diego, CA 92130 National Producer Number: 17536322	<b>BROKER:</b> Allied Community Insurance Services 11452 El Camino Real San Diego, CA 92130

Coverage	Y / N	Participation Number	Contribution
Property	Yes	JPAPKG-00291-02	\$ 15,298.00
Crime	Yes	JPAPKG-00291-02	\$ 1,100.00
General Liability	Yes	JPAPKG-00291-02	\$ 32,613.00
Public Officials & Management Liability	Yes	JPAPKG-00291-02	\$ 6,495.00
Business Auto	Yes	JPAAUT-00291-02	\$ 18,102.00
Excess Liability	Yes	JPAEXS-00291-02	\$ 16,491.00

	<b>\$ 90,099.00</b>
<b>JPRIMA Administration Fee</b>	<b>\$ 9,112.00</b>
<b>Total Amount Due</b>	<b>\$ 99,211.00</b>
<b>Payment Plan Selected</b>	<b>Quarterly</b>

**NOTES:**

Refer to proposal for coverage detail.

Issue Date: 3/25/2022

Authorized Signature: \_\_\_\_\_

Paul R. Fuller, CPCU  
Allied Community Insurance Services, LLC  
JPRIMA Insurance Administrator  
California License #0L01269