

ORDINANCE NO. 3523

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTERS 8.24 AND 8.25 OF THE CHULA VISTA MUNICIPAL CODE TO COMPLY WITH THE STATE OF CALIFORNIA'S SHORT-LIVED CLIMATE POLLUTION REGULATIONS

WHEREAS, California's Short-Lived Climate Pollutant Reduction Act of 2016, Senate Bill 1383 (SB 1383) requires jurisdictions to adopt and enforce an ordinance to implement regulations to divert organics disposal (green waste and food waste) from landfills and increase recycling efforts to reduce organic materials into landfills; and

WHEREAS, in November 2020, the State's Department of Resources, Recycling, and Recovery (CalRecycle) issued Short-lived Climate Pollution (SLCP) regulations that prescribe specific actions local jurisdictions need to take to reduce short-lived climate pollutants related to solid waste collection and processing in accordance with SB 1383; and

WHEREAS, the amended Chapters 8.24 and 8.25 of the Chula Vista Municipal Code provided in this ordinance are intended to bring the City of Chula Vista into compliance with SB 1383 regulations and mandates.

NOW, THEREFORE, the City Council of the City of Chula Vista does ordain as follows:

Section I.

Chapter 8.24 of the Chula Vista Municipal Code is hereby amended to read as follows:

Chapter 8.24 SOLID WASTE

Sections:

- 8.24.010 Purpose and intent.**
- 8.24.020 Definitions.**
- 8.24.030 Accumulation of materials constituting a fire hazard prohibited.**
- 8.24.040 Solid waste – Disposal in public places prohibited.**
- 8.24.045 Solid waste generated off-site – Placement in City trash containers – Prohibited.**
- 8.24.050 Solid waste – Disposal on private property prohibited – Exception.**
- 8.24.060 Owner or occupant responsibility to maintain sanitary premises.**
- 8.24.070 Solid waste – Collection prohibited when – Burning prohibited.**

- 8.24.080 Solid waste – Containers approved for use by small quantity generators (single-family residential and small businesses with cart service) and large quantity generators (bin or roll-off service) for solid waste, organic waste and recyclables.**
- 8.24.090 Solid waste – Placement in containers or bundles – Restrictions.**
- 8.24.100 Solid waste – Placement of containers for collection – Times.**
- 8.24.110 *Reserved.***
- 8.24.120 *Reserved.***
- 8.24.130 *Reserved.***
- 8.24.140 *Reserved.***
- 8.24.150 *Reserved.***
- 8.24.160 *Reserved.***
- 8.24.170 *Reserved.***
- 8.24.180 Payment of solid waste collection charges – Penalty for delinquency.**
- 8.24.190 *Reserved.***
- 8.24.195 Mandatory recycling for exempt and reduced rate customers.**
- 8.24.200 Interference with collection and scavenging prohibited when.**
- 8.24.210 Littering – By private persons prohibited where.**
- 8.24.220 Littering – By corporations or persons prohibited where.**
- 8.24.230 Owner or occupant duty to keep sidewalks free of litter.**

8.24.010 Purpose and intent.

The accumulation, Storage, Collection, transportation, Processing and disposal of Solid Waste is a matter of public concern, in that improper control of such matters creates a public Nuisance and can lead to air Pollution, fire hazards, illegal dumping, insect breeding, rodent infestation and other problems affecting the health, welfare and safety of the residents of this and surrounding cities. The minimum weekly collection of Solid Waste from all residences and places of business in the City benefits all occupants of residences and businesses within the City. Accordingly, the collection of Solid Waste in the City is a mandatory service and shall not be discontinued. The regulations provided in this Chapter are designated to eliminate or alleviate such public health and safety concerns, and provide minimum standards for the accumulation, Storage, Collection, transportation, and Processing of Solid Waste.

8.24.020 Definitions.

For the purpose of this Chapter, the definitions contained in CVMC 8.25.020 shall govern, unless the context otherwise requires or indicates.

8.24.030 Accumulation of materials constituting a fire hazard prohibited.

It is unlawful for any individual or Entity to create or allow to be created or maintained, upon any premises or property in the City owned or controlled by such individual or Entity, any accumulation of materials that are dangerous as fire menace or hazard.

8.24.040 Solid waste – Disposal in public places prohibited.

It is unlawful for any individual or Entity to place, dump, deposit, or throw any Solid Waste including, but not limited to, plastic, glass, metal, paper, Recyclables, Organic Waste, other food waste, automobile parts, or liquid wastes of any kind or character whatsoever, upon or along the right-of-way of any public highway, street, lane, alley, or other public place within the corporate limits of the City.

8.24.045 Solid waste generated off-site – Placement in City trash containers – Prohibited.

City Solid Waste Containers are placed in City parks, at bus stops, and other public areas for the use of the public to control Solid Waste that is generated at or near the location where the Solid Waste Containers are located; they are not to be used as disposal sites for Solid Waste which is generated off-site, except as defined as Incidental Waste in CVMC 8.25.020. Therefore, it is unlawful for any individual or Entity to place, dump, deposit, or throw away Solid Waste of any kind or character whatsoever other than Incidental Waste in City Solid Waste containers, if such was generated at a location other than where the Solid waste Container is located.

8.24.050 Solid waste – Disposal on private property prohibited – Exception.

It is unlawful for any individual or Entity to place, dump, deposit or throw away any Solid Waste or other waste discards of any kind or character whatsoever, upon any private property adjacent to or abutting upon any public highway, or public place, or upon any private property whatsoever, within the corporation limits of the City, unless such individual or Entity first obtains the written permission of the owner of such property so to do. It is further unlawful for such individual or Entity to deposit or place such materials in any Solid Waste Container owned or used by the owner of such property, unless such individual or Entity first obtains the written permission of the owner so to do. This section is not intended to preclude an individual or Entity from disposing of waste generated at a Commercial Business in Containers provided for customers of the Commercial Business, such as empty food containers being placed in public Solid Waste Containers at a fast food restaurant.

8.24.060 Owner or occupant responsibility to maintain sanitary premises.

Every individual or Entity owning or having the care or control of any premises or property in the City shall keep said premises or property in a clean and sanitary condition, and no individual or Entity shall permit any Garbage or any other substance which may be or will become offensive to be deposited or to remain in or upon any premises or property owned or occupied by them or under their care or control, except as otherwise expressly permitted by this Chapter. It shall be the responsibility of such individual or Entity to provide for weekly scheduled Garbage Collection service by means of the City's Authorized Collector and pay for such services pursuant to this Chapter. However, any such individual or Entity subject to the mandatory requirement may remove or convey their own waste to a state-permitted Landfill or Transfer Station by applying for an exemption in writing in advance and receiving such exemption pursuant to CVMC 8.24.180. Any dispute as to such exemption may be appealed to the City Manager.

8.24.070 Solid waste – Collection prohibited when – Burning prohibited.

A. No individual or Entity shall collect, remove, or convey, or cause or permit to be collected, removed or conveyed, any Residential, Commercial or Industrial Solid Waste upon or along any public street, alley, or any other public place in the City; provided, however, the prohibitions of this section shall not apply to authorized employees of the City, or to any individual or Entity, with whom the City or a local school district has entered into a contract or franchise for the Collection, Removal, or disposal of Solid Waste, or to the occupant or owner of any residence personally removing their own Solid Waste from said residence or Commercial Business or as may otherwise be permitted or required by federal or state laws that legally supersede the provisions of this Chapter. Occupants or owners removing or conveying their own waste shall comply with the provisions of this Chapter and all local, state, and federal regulations regarding the safe transportation and disposal of wastes.

B. It is unlawful for any individual or Entity to burn or bury any Solid Waste as a means of disposing of said waste.

8.24.080 Garbage – Containers approved for use by small quantity generators (single-family residential and small businesses with cart service) and large quantity generators (bin or roll-off service) for garbage.

A. It is unlawful for any Small Quantity Generator in a Residential area to keep or store any Garbage within Containers except those provided by the City's Authorized Collector . Large Quantity Generators shall utilize Containers provided by the City's Authorized Collector . Compactor Containers or other receptacles provided by Large Quantity Generators, such as Commercial and Industrial customers, must be approved by the City's Authorized Collector for compatibility with Collection equipment before use. Use of incompatible compactors or other Containers is not allowed and the purchase or lease of such equipment will not be considered grounds for an exemption from mandatory service.

B. Every individual or Entity having the care or control of any premises or property within the City where Garbage accumulates or exists shall cause such Garbage to be placed and kept in

watertight Containers, with lids securely fitted, and in a number adequate to contain the total amount of Garbage accumulating during the maximum allowed one-week interval between each Collection or Removal thereof.

C. Enclosures for Garbage Containers must be of adequate size to hold the number of Containers required to temporarily store the Garbage generated in between service intervals, pursuant to subsection (A) of this section. The enclosures shall also be adequate in size to accommodate other ancillary Collection and Removal services, i.e., grease rendering as defined in CVMC 19.58.340.

8.24.090 Garbage – Placement in containers or bundles – Restrictions.

All Garbage shall be kept within sturdy Containers made of metal or plastic, and no Garbage shall be placed in any Container so that it protrudes or extends beyond such Containers. Containers shall also have tight-fitting lids sufficient to keep out the rain and prevent litter. Every owner, tenant, occupant, individual, or Entity having responsibility for a premises or property shall subscribe for adequate service and maintain the number of rigid Containers and lids sufficient to separately hold their weekly Garbage. Cardboard containers shall not be used as Garbage containers and should be emptied, broken down, and placed at the Designated Collection Location for Collection with Recyclables.

A. The following actions are approved for Garbage by Small Quantity Generators (Single-Family Residential and small businesses with curbside Collection service):

1. Color-coded and specially marked Containers will be provided upon request by the City's Authorized Collector for used oil and oil filters, at no additional charge.
2. Any individual or Entity desiring to receive different, additional, or more frequent service may do so through the Authorized Collector, on mutually agreeable terms and conditions, by contacting the Authorized Collector at least two days before their regular Garbage Collection service day.

B. The following actions are prohibited for Small Quantity Generators:

1. Use of severely damaged Containers or Containers with jagged or sharp edges (said Containers will be appropriately tagged by the Authorized Collector the first time observed and will be Collected by the Authorized Collector if used subsequently to being so tagged);
2. Placement of Hazardous or Toxic Wastes, such as solvents, paints, pesticides, fuels, explosives and medical wastes, at the Designated Collection Location for Collection by the City or the Authorized Collector. This prohibition is not intended to exclude the door-to-door Collection of any Hazardous Waste, by appointment, by a contractor licensed by the City and permitted by the State Department of Toxic Substances or the County environmental health department;
3. Placement of Construction and Demolition Waste at the Designated Collection Location for service by the Authorized Collector, which may resist compaction or damage equipment, such as large metal objects, concrete blocks, dirt, or tires. This prohibition is not intended to prevent a resident from making an appointment for free bulky pick-up, free used oil and filter collection, or contracting with the Authorized Collector for a temporary bin for construction debris or metals;
4. Deposit of Garbage or any other material in waste Containers intended for use by, or belonging to, others;
5. The disposal of Garbage in Recyclables and Organic Waste Containers.

C. Enforcement.

1. Generators that fail to place Garbage out for Collection in proper Containers will be tagged with a notice and provided with proper instructions.
2. Repeated violation of proper set-out and/or separation after notification by the City or the Authorized Collector will be subject to additional enforcement measures as specified in CVMC 8.25.105.

8.24.100 Garbage – Placement of containers for collection – Times.

No Garbage shall be placed for Collection in an alley or on the curb or the streets before 6:00 p.m. on the day immediately prior to the scheduled Collection day. No individual or Entity shall permit Garbage containers to remain on the street or alley after 8:00 p.m. of the Collection day.

Collection point shall be in front of the Residential property at the curblineline or as close thereto as possible without creating an obstacle on the sidewalk. All Garbage placed at such Collection points shall be deemed a request for service by the Authorized Collector. Carts shall be placed at least 1.5 feet apart, with wheels against the gutter; manually collected items, such as bulky pick-up items, standard yard waste containers and designated used-oil recycling containers shall also be 1.5 feet from carts.

8.24.110 Reserved.

(Ord. 2992 § 1, 2005).

8.24.120 Reserved.

(Ord. 2992 § 1, 2005).

8.24.130 Reserved.

(Ord. 2992 § 1, 2005).

8.24.140 Reserved.

(Ord. 2992 § 1, 2005).

8.24.150 Reserved.

(Ord. 2992 § 1, 2005).

8.24.160 Reserved.

(Ord. 2992 § 1, 2005).

8.24.170 Reserved.

(Ord. 2992 § 1, 2005).

8.24.180 Payment of solid waste collection charges – Penalty for delinquency.

A. *Payment Obligation.* The regular Collection of Solid Waste, including Garbage, Organic Waste, and Recyclable Materials, and the disposal or processing thereof by the Authorized Collector from all places in the City, is a part of the Integrated Solid Waste Management service to the premises or property from which it is collected. All owners and occupants of premises or property within the City shall be responsible for paying the monthly Collection service rate charged by the City or its Authorized Collector, or shall comply with the provisions of this Chapter for an exemption from mandatory service as set forth in subsection (H) of this section. No individual or Entity that has not previously applied for and received an exemption shall willfully fail, neglect, or refuse, after demand by the City or its Authorized Collector, to pay the service fees.

B. *Billing and Payment.* All Solid Waste service charges shall be billed upon a monthly or bimonthly basis as determined by the City Council, and shall be due and payable by the owner or occupant at the time indicated in the billing statement. The City's Authorized Collector will provide Solid Waste Billing services, and, subject to the provisions of this Chapter, be primarily responsible for the collection of payments. The due date for each class of Generator shall be clearly indicated on the bill or invoice. If the due date falls on a Saturday, Sunday, or legal holiday, the customer will have until the end of the next regular business day to make payment. Payments made by mail must be postmarked no later than midnight of the due date on the invoice. Payments may be made in person on or before the due date between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays, at the Authorized Collector's Chula Vista office.

C. *Billing Cycles, Classifications and Due Dates.* All Solid Waste service charges for Small Quantity Generators (Residential dwellings and businesses with curb or alley cart service) shall be billed bimonthly in advance. The due date for Small Quantity Generator invoices shall be the last day of the bimonthly billing cycle. Solid Waste service charges for Large Quantity Generators shall be billed monthly in arrears. The due date for Large Quantity Generator

invoices shall be 15 days after the last day of the monthly billing cycle. The cost of temporary services such as Industrial roll-off boxes may be applied to the monthly or bimonthly billing statements of existing customers, secured by a line of credit or paid for as "Cash On Delivery" (COD) as mutually agreed by the Authorized Collector and the customer. The City will direct the Authorized Collector to deliver invoices to the Postal Service in a manner that will provide the customer no less than 15 days for delivery and payment of their invoice without penalty.

D. *Service Rates.* The Authorized Collector shall set service rates subject to a maximum rate established by the City Council. A complete schedule of maximum rates shall be kept on file with the City Clerk and is available for public review. Maximum rates may be subject to increase pursuant to the terms of the City's contract or franchise with the Authorized Collector. Subject to the terms of the then-in-effect contract or franchise, the City Council may establish such rates by resolution, including the establishment of rates for different classifications of Generators (Residential, Commercial, Industrial or subclassifications thereof) or types of materials generated, including preferential or discounted rates for senior citizens or low-income families or other classifications which are deemed to be in the public interest.

E. *Penalties for Delinquency – Notification.*

1. *Delinquent Accounts – Generally.* A bill shall be considered delinquent if payment in full is not received by the close of business or postmarked before midnight of the due date as shown on the bill. However, when the final day falls on a Saturday, Sunday, or legal holiday, payment may be made without penalty on the next regular business day.

2. *Late Notice.* In the event the owner or occupant of any premises, property, or business shall be delinquent in payment of any part or all of the Solid Waste fees and delinquency continues for a period of 10 days after the due date shown on the bill or invoice, the Authorized Collector shall send notification ("late notice") to the owner and occupant informing both of the amount owed and the schedule of penalties and costs accrued at each stage of delinquency as defined below. The notification to the owner shall be mailed to the name and address listed on the last available property tax assessment roll and shall include the potential delinquency amount to be assessed as a lien and collected on the owner's property tax bill. If payment in full is not received by the due date on the bill or invoice, the City or its Authorized Collector may impose a one-time late/processing fee equal to 10 percent of the charges owed for Large Quantity Generators or \$10.00 for Small Quantity Generators. In addition, for each 30 days the delinquent bill remains unpaid, the

City or its Authorized Collector may impose additional late/processing fees equal to one and one-half percent of the outstanding debt. If the bill or invoice is not paid within 15 days of the bill or invoice due date, the City or its Authorized Collector may charge an additional restart fee of \$10.00. (The penalties and restart fee are designated for administrative convenience only in the master fee schedule.) The City or its Authorized Collector must at minimum send one bill or invoice at least 10 days before the due date and one notification letter by first class mail to the owner or occupant prior to assessing a penalty.

3. *Final Late Notice.* In the event that the owner or occupant of any premises, property, or business is delinquent in payment of all or any part of the Solid Waste bill or invoice, other than that for which they have applied for and received an exemption from the City, for a period of 90 days after the due date of the bill or invoice, the City or its Authorized Collector shall send a second notification ("final late notice") to the owner and occupant. The notification shall include the total current amount due, a description of the potential penalties for delinquent amounts, and a description of the potential lien process, the location where the bill or invoice may be paid in person during regular business hours and a self-addressed return envelope for payment by mail.

4. *Final Notice of Delinquency.* Prior to setting a hearing to consider a lien pursuant to the process set forth below, the City or its Authorized Collector will send notification ("final notice of delinquency") to the property owner and occupant with a detailed description of the amount owed, the penalty schedule, lien procedure and associated costs, and administration fees (the penalties and fees are designated for administrative convenience only in the master fee schedule).

When the full amount for said Solid Waste service charge is not paid within 15 days after the final notice of delinquency, the City or its Authorized Collector shall assign the delinquent account to the City for collection. Upon such assignment, the delinquent charges, penalties and fees may be collected by the City:

- a. Pursuant to a lien imposition and property tax bill process provided below;
- b. By suit in any court of competent jurisdiction; or
- c. By any other manner permitted by law or equity at the City's discretion.

F. *Lien Process for Solid Waste Services.*

1. *Hearing and Lien – Notice.* When the full amount for said Solid Waste service charge is not paid within 15 days after the final notice of delinquency, the City Clerk may set said delinquent account for hearing by the City Council at a regular or adjourned regular meeting, which will be held at least seven calendar days after such 15-day period has expired. The owner of the property shall be mailed notice of the time and place of the hearing at least 10 days in advance of the hearing. The notice shall also inform the property owner that failure to pay said delinquent account will result in a lien upon the property, and the amount owed will be charged to the property owner on the next regular tax bill. Notice of the public hearing shall also be published once at least 10 days in advance thereof in a newspaper of general circulation published in the City of Chula Vista. The City Clerk shall post a copy of such notice of the time and place of hearing, in a conspicuous place at or near the entrance of the Council chambers in the City Hall.

2. *Delinquent Accounts – Hearing and Assessment.* The City Council shall consider said delinquent accounts at the time set for hearing, together with any objections or protests by interested parties. Any owner of land or person affected by the charges may present a written or oral protest or objection to the delinquency of said account or the amount owed thereon. At the conclusion of the hearing, the City Council shall either approve the delinquency and amount owed on the account as submitted or as modified or corrected by the City Council. The decision of the City Council on the charges and on all protests or objections shall be final and conclusive. The amounts so approved shall reflect the entire amount due, including all penalties, interest, and administrative fees that have accrued against the account as of the date of the hearing plus any county fees (for processing and collecting the lien). The amount shall be charged to the property owner on the next regular tax bill and shall be a lien upon the property involved. The City Council shall confirm such assessment and cause the same to be recorded on the assessment roll and, thereafter, such assessment shall constitute a special assessment and lien upon the property. The City Council shall adopt a resolution assessing such amounts as liens upon the respective parcels of land as they are shown upon the last available assessment roll.

3. *Delinquent Accounts – Administrative Fee.* All delinquent accounts that are not paid within 10 days after the final delinquency notice has been posted may be charged an administrative processing fee to offset the costs incurred by the City in administering the provisions of this Chapter. The administrative processing fee (designated for administrative convenience only in the master fee schedule) shall be added to the amount that shall be

charged to the property owner on the next regular tax bill under subsection (F)(2) of this section.

G. *Solid Waste Service Deposits Required When – Amount.* The City or its Authorized Collector has the right to require deposits from the owner or occupant of any premises or property who has allowed their bill or invoice for Solid Waste service charge to become delinquent or who does not have an acceptable credit rating. Deposits shall be equal to the estimated amount of the Solid Waste service charges for two billing cycles, but in no event shall the deposit be less than \$25.00.

H. *Request for Exemption from Fees or Services – City – Approved Exception.*

1. *Duration of Exemption.* All exemptions and extensions granted will be for a period of not more than 180 days. Applicants that have been cited with a notice of violation or administrative citation and those that have been late on Solid Waste fee payments within the past six months will not be qualified for an exemption.

2. *Process for Making Request.* Requests for an exemption from mandatory Solid Waste services shall be made on a form provided by the City. Requests on the required form shall be completed by the applicant and submitted to the City or its Authorized Agent, as outlined on the form. An exemption request will only be considered if the applicant demonstrates that it meets one of the bases set forth in subsections (H)(4)(a) through (H)(4)(d) of this section.

3. *Conditions of an Approved Application.* Applicants shall agree to an inspection of their premises to verify compliance with Solid Waste Processing. Failure to notify the City or the Authorized Collector in writing prior to reoccupying the premises, or otherwise altering compliance with the exemption conditions, shall constitute delinquency of payment for Collection charges, and charges and penalties shall be retroactive to the first day of the exemption period. In all cases, property owners or their agents will be expected to maintain sanitary premises pursuant to CVMC 8.24.060 including, but not limited to, litter abatement, clean sidewalks and gutters, and Solid Waste Processing requirements (as applicable), , throughout the exemption period.

4. *Bases for Granting Exemption, and Special Terms.* Exemptions will not apply retroactively except as stated in subsection (H)(4)(a) of this section (vacancy exemption). All exemptions requested by tenants shall also be signed by the property owner. An

exemption will only be granted if the City or its Authorized Collector determines that the exemption request meets the criteria of subsection (H)(4)(a), (H)(4)(b), (H)(4)(c), or (H)(4)(d) of this section. The City retains the right to review and modify any decision made by the Authorized Collector.

- a. *Vacancy Exemption for Unoccupied Premises.* In the event that the premises or property are unoccupied and all water, sewer, electricity, and gas are also disconnected or in the case of military deployment of all occupants, an owner or occupant of a residence or business may request a vacancy exemption. Should the premises be unoccupied due to a death or similar hardship, the executor, beneficiary or County probate Administrator may request a retroactive exemption. It is the responsibility of the occupant and/or the property owner to cancel an exemption for vacancy and restart service if the property is to be occupied before the end of the exemption period.
- b. *Self-Haul.* Occupants or tenants of premises or property may apply for an exemption from fees for all or part of the Solid Waste services and remove or convey Solid Waste for processing and disposal which they generate themselves. Such individuals or Entities must provide weekly receipts for disposal at a state-permitted Landfill or Transfer Station and/or appropriate Recycling facility at the end of each billing cycle or upon demand by the City or its Authorized Collector. Individuals or Entities provided an exemption are still subject to state-mandated Organic Waste and Recycling diversion goals and may not: (i) dispose of their waste in the Container of another Generator in Chula Vista or another jurisdiction, or in a park or street litter bin, (ii) contract with a third party to remove and convey their waste, (iii) burn their waste in their fireplace or by other means, (iv) dispose of Organic Waste or Recyclables, or otherwise improperly dispose of Solid Waste as established in CVMC 8.24.040, 8.24.045 and 8.24.050. A Self-Hauler exemption is not a permit to haul Solid Waste generated by a second party.
- c. *Source Reduction, Recycling and Composting Exemption.* The occupant or owner of any premises or property may apply for an exemption from all or part of the Solid Waste fees for 100 percent diversion (no disposal of any kind, anywhere). Such individual or Entity must provide a written description of their Solid Waste

management plans, to comply with the state-mandated Landfill diversion goal, the City's Integrated Solid Waste Management plan, and State Waste Laws.

d. Property owners and occupants within an area newly annexed to the City that was not currently using the Authorized Collector may use the service of a private refuse collection service other than the Authorized Collector for a period not to exceed one billing cycle. If the owner or occupant was under a preexisting franchise agreement with a private refuse collection service other than the City's Authorized Collector, they may remain with that service to the extent required by law until the end of the agreement period, less any extensions in that agreement, for a period not to exceed 180 days.

e. The City or its Authorized Collector may suspend collection service and/or charges from a Large Quantity Generator for:

i. Vacancy;

ii. Delinquency of payment subsequent to implementation of subsection (E) of this section; or

iii. *Mutual agreement by the City and Authorized Collector.* The Authorized Collector shall notify the City quarterly of all suspended accounts that did not result in payment.

8.24.190 Reserved.

(Ord. 2992 § 1, 2005; Ord. 2764 § 1, 1998).

8.24.195 Mandatory recycling for exempt and reduced rate customers.

Where a Solid Waste fee reduction or exemption is granted hereunder, the affected individual or Entity shall not be exempted from and shall remain subject to the mandatory Recycling and Organic Waste obligations of Chapter 8.25 CVMC. Each individual or Entity receiving a fee reduction or exemption shall be responsible for doing his or her equitable share to assist the

City with the Landfill diversion goals mandated by the State Waste Laws including, but not limited to, participation in source reduction, reuse, Recycling and Composting of Solid Waste as applicable. Failure to comply with this Chapter, Chapter 8.25 CVMC, or State Waste Laws at a site other than the premises or property where the Solid Waste was generated shall be cause for termination of the exemption or reduced fee and shall subject the individual or Entity to paying the full cost of service for the full period of the exemption or reduced fee, plus any applicable penalty for violation of this Chapter or Chapter 8.25 CVMC.

8.24.200 Interference with collection and scavenging prohibited when.

It is unlawful for any individual or Entity, other than the Authorized Collector, to interfere in any manner with any Solid Waste or household Hazardous Waste Container or the contents thereof, whether owned by individuals or Entities, the City, or by the Authorized Collector, or to remove any such Container or its contents from the location where the same was placed by the owner thereof. This provision is not intended to prohibit any individual or Entity generating a reusable, Recyclable, or Compostable commodity from selling or giving the same as they may desire; provided, that the commodity(ies) shall be removed and conveyed in a manner strictly in accordance with the rules and regulations of the County Department of Environmental Health, this Chapter and Chapters 8.23 and 8.25 CVMC, and that such commodities shall be diverted from a Landfill, transformation facility, or other land application or other use not expressly recognized as diversion by the City or the State Waste Laws.

8.24.210 Littering – By private persons prohibited where.

No individual or Entity shall leave, discard, deposit, throw away, or cause to be left, discarded, deposited, or thrown away, any Solid Waste, Hazardous Waste, or medical waste of any type including, but not limited to, paper, wood, glass, plastic, metals, Organic Waste, upon any street, alley, gutter, sidewalk, parkway, park, or recreational area in the City.

8.24.220 Littering – By corporations or persons prohibited where.

It is unlawful for any individual or Entity to deposit upon any sidewalk or street within the City

any sweepings from any sidewalk, stairway, or other opening leading to the street or sidewalk. All such sweepings or material from any sidewalk or any other opening leading to the street or sidewalk within the City shall be removed in a pan, shovel, or other container and placed in a Container for Solid Waste, including an Organics Container or Recycling Container as appropriate.

8.24.230 Owner or occupant duty to keep sidewalks free of litter.

It shall be the duty of all owners and occupants of buildings in the City and the duty of all owners of vacant lots in the City to keep the sidewalks adjacent to such premises clean and free of any Solid Waste of any type including paper, wood, glass, plastic, metals, Organic Waste, noxious weeds or vegetation, or other organic matter.

Section II.

Chapter 8.25 of the Chula Vista Municipal Code is hereby amended to read as follows:

Chapter 8.25

RECYCLING, ORGANIC WASTE, AND EDIBLE FOOD RECOVERY

Sections:

- 8.25.010 Purpose and intent.**
- 8.25.020 Definitions.**
- 8.25.025 Authority to administer.**
- 8.25.030 Collection and fees.**
- 8.25.035 Waivers.**
- 8.25.040 Storage and containers.**
- 8.25.050 Separation of recyclable materials and organic waste.**
- 8.25.055 Commercial education and outreach programs.**
- 8.25.060 Commercial edible food generator requirements.**
- 8.25.065 Food recovery organization and service requirements.**
- 8.25.070 Reports.**
- 8.25.075 Self-haulers.**
- 8.25.080 Scavenging.**

- 8.25.090 Composting.**
- 8.25.095 Construction and demolition debris recycling.**
- 8.25.100 Inspections and investigation.**
- 8.25.105 Violations and penalty.**
- 8.25.110 Severability.**

8.25.010 Purpose and intent.

The purpose of this Chapter is to provide for regulation of the Storage, separation, Collection, transportation, and Recovery of Recyclable Materials, Organic Waste, and Edible Food.

8.25.020 Definitions.

When used in this Chapter, the following words and phrases shall have the meanings ascribed to them below. Words and phrases not specifically defined below shall have the meanings ascribed to them elsewhere in this Code, or shall otherwise be defined by common usage. For definitions of nouns, the singular shall also include the plural; for definitions of verbs, all verb conjugations shall be included. Any reference to State Laws, including references to any California statutes or regulations, is deemed to include any successor or amended version of the referenced statute or regulations promulgated thereunder consistent with the terms of this Chapter.

"Authorized Collector" means an individual or Entity authorized under and by virtue of a contract, franchise, or permit with the City to collect, remove, or dispose of Solid Waste, including Garbage, Recyclable Materials, and Organic Waste generated in the City.

"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.

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

"Cardboard" means post-consumer waste paper grade corrugated Cardboard (grade No. 11), kraft (brown) paper bags, or solid fiber boxes which have served their packaging purposes and are discarded and can later be reclaimed for collection and Recovery for recycling.

"City" means the City of Chula Vista, a municipal corporation of the State of California, in its present incorporated form or in any later reorganized, consolidated, enlarged, or reincorporated form.

"City Manager" means the City Manager of the City of Chula Vista, or the City Manager's designee.

"Collection" means the act of removing and conveying nonhazardous and noninfectious Solid Waste, commingled or Source-Separated materials, from Residential, Commercial, Industrial, or Institutional Generators to a facility for Processing, Composting, transfer, disposal, or transformation.

"Commercial" means of or relating to businesses, whether for profit or non-profit, and their activities.

"Commercial Business" means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for profit or non-profit, strip mall, Industrial facility, hotel, motel, and other transient occupancy facility, or as otherwise defined in 14 CCR Section 18982(a)(6). Multi-Family premises or properties are considered Commercial Businesses for purposes of this Chapter.

"Commercial Edible Food Generator" means a Tier One or a Tier Two Commercial Edible Food Generator as defined in this Chapter or as otherwise 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 pursuant to 14 CCR Section 18982(a)(7).

"Commercial Recyclables" means Recyclable Materials from the two Commercial subcategories of "Office" and "Hospitality", including Organic Waste, office paper, Cardboard, newspaper, and aluminum from Offices; and Cardboard, Glass Bottles and Jars, Plastic Bottles, aluminum, tin and bimetal cans, and White Goods.

"Compactor Containers" means those fully enclosed metal Containers of two to 40 cubic yards provided by the Authorized Collector or customer.

"Compost" means the product resulting from the controlled biological decomposition of Source Separated Organic Waste.

"Composting" means the controlled and monitored process of converting Organic Waste into Compost.

"Container" means a durable, corrosion-resistant, non-absorbent, leak-proof, watertight, odor-proof, rodent-resistant box, barrel, bin, canister, cart, dumpster, receptacle, or other approved device used for the purpose of holding Garbage, Recyclable Materials, or Organic Waste for Collection.

"Construction" means the building of any facility or structure or any portion thereof including any tenant improvements to an existing facility or structure.

"Construction and Demolition Waste" means used or discarded materials removed from the premises or property during demolition, dredging, grubbing, or building, resulting from Construction, remodeling, repair, or Demolition activities on Residential or Commercial premises or properties, governmental buildings, or other structures and pavement.

"Conversion Rate" means the rate set forth in the standardized Conversion Rate table approved by the City pursuant to this Chapter for use in estimating the volume or weight of materials identified in a WMR.

"Demolition" means the decimating, deconstructing, razing, ruining, tearing down, or wrecking of any facility, structure, pavement, or building, whether in whole or in part, whether interior or exterior.

"Designated Collection Location" means a place designated by the City Manager for Storage or Collection of Solid Waste, including Garbage, Organic Waste, and Recyclables, pursuant to CVMC 8.24.100. Designated locations include the curb, alley, waste/Recycling enclosure, a loading dock, or basement of a Commercial Business or Multi-Family premises or property where Solid Waste is placed for Collection or temporary storage prior to collection by the City's Authorized Collector.

"Diversion Requirement" means the diversion of 100 percent of Inert Waste, to include asphalt, concrete, bricks, tile, trees, stumps, rocks, or associated vegetation or soils resulting from land clearing, and not less than 50 percent of the remaining waste generated, via reuse or Recycling, unless a partial or full diversion exemption has been granted pursuant to CVMC 8.25.095, in

which case the Diversion Requirement shall be the maximum feasible diversion rate established by the WMR Compliance Official for the Project.

“Divert” means to use material for any purpose other than disposal in a Landfill or transformation facility.

“Edible Food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Chapter 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 Chapter 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 of the City to address non-compliance with this Chapter including issuing administrative citations, fines, penalties, or using other remedies.

“Enforcement Agency” or “enforcement agent” means any individual, Entity, or governmental agency authorized or directed by the City Manager to enforce any provision of this Chapter or Chapter 8.24 CVMC, including any peace officer. Employees or agents of an Enforcement Agency may carry out Inspections and enforcement activities pursuant to this Chapter or Chapter 8.24 CVMC. The City is an Enforcement Agency for all sections of this Chapter and Chapter 8.24 CVMC. The City may choose to additionally delegate enforcement responsibility for certain sections to other governmental agencies.

“Entity” means any firm, partnership, joint venture, association, social club, fraternal organization, establishment, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, non-profit organization, or any other group or combination acting as a unit.

“Food Distributor” means an individual or Entity that distributes food to entities including Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).

“Food Facility” has the same meaning as set forth 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 individual or 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:

- (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.

"Food Recovery Service" means an individual 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 Chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

"Food Waste" means all food, including fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells.

"Food Service Provider" means an individual or Entity primarily engaged in providing food services to Institutional, 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).

"Garbage" means all Solid Waste, except Recyclable Materials, Organic Waste, and Edible Food.

"Garbage Container" means a Container provided by the Authorized Collector for the purpose of Storage and Collection of Garbage. Garbage Container has the same meaning as "gray container" in 14 CCR Section 18982(a)(28).

"Generator" means an individual or Entity that is responsible for the initial creation of Solid Waste.

"Glass Bottles and Jars" means food or beverage containers made from silica or sand, soda ash, and limestone, the product being transparent or translucent and being used for packaging or

bottling, including container glass designated redeemable under the California Beverage Container Recycling and Litter Reduction Law, Division 12.1 (commencing with Section 14500) of the California Public Resources Code, as well as Glass Jars and Bottles without redeemable value ("scrap"), but excluding household, kitchen, and other sources of non-container glass such as drinking glasses, ceramics, light bulbs, window pane glass, and similar glass products that are not bottles or jars.

"Grocery Store" means an Entity 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 bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).

"Hazardous or Toxic Waste" means any waste material or mixture of wastes which is toxic, corrosive, flammable, explosive, an irritant, a strong sensitizer, or which generates pressure through decomposition, heat, or other means, if such a waste or mixture of wastes may cause substantial personal injury, serious illness, or harm to humans, domestic animals, or wildlife, during, or as an approximate result of, any disposal of such wastes or mixtures of wastes as defined in Section 25117 of the California Health and Safety Code, which is not legally disposable at a Class III Landfill.

"Hospitality" means dining services, food, or beverage sales. This includes such services at taverns, bars, cafeterias, and Restaurants, as well as motels and hotels (temporary housing of less than one month duration), hospitals, schools, colleges, and other such establishments that have dining services, or a Restaurant or bar, on their premises.

"Incidental Waste" means less than one pound of waste deposited in a public Garbage bin or Container to prevent litter, such as waste from a fast food meal deposited in a Container or public litter bin by a pedestrian or vehicle operator.

"Industrial" means any form of mechanized manufacturing facilities, factories, refineries, or Construction or Demolition operations, excluding Hazardous Waste operations.

"Industrial Generator" means any property or Generator that is engaged in the manufacture of products including Construction or Demolition. Industrial Generators are typically serviced by roll-off box containers of 10-yard to 40-yard capacities and typically generate inert materials such as asphalt, concrete, building debris, and some wood and dry Organic Waste.

"Industrial Recyclables" means Recyclables from Industrial, Construction, or Demolition operations, including asphalt, concrete, dirt, land-clearing brush, sand, and rock.

"Industrial Solid Waste" means Solid Waste originating from mechanized manufacturing facilities, factories, refineries, Construction or Demolition Projects, or publicly operated treatment works, excluding Recyclables and Organic Waste, if properly handled and treated, and excluding Hazardous or Toxic Waste.

"Inert Waste" means materials such as concrete, soil, fully cured asphalt, bricks, rocks, slag, ceramics, earthen cooking ware, clay and clay products, crushed glass, fiberglass, roof shingles, and plaster. Inert Waste does not include materials containing putrescible waste or Compostable waste.

"Inspection" means a site visit where City or Enforcement Agent reviews records, Containers, and an individual or Entity's Collection, handling, recycling, or Landfill disposal of Solid Waste handling to determine if the Entity is complying with requirements set forth in this Chapter and State Waste Laws.

"Institutional" means any premises owned or occupied by local, State, or federal agencies, typically Office or education facilities with a common waste stream.

"Integrated Solid Waste Management" means a planned program for effectively controlling the Storage, collection, transportation, Processing and reuse, conversion, or disposal of Solid Waste, Recyclables, or Organic waste in a safe, sanitary, aesthetically acceptable, environmentally sound, and economical manner. It includes all administrative, financial, environmental, legal, and planning functions as well as the operational aspects of Solid Waste handling, disposal, litter control, and resource Recovery systems necessary to achieve established objectives.

"Landfill" means a disposal system by which Solid Waste is deposited in a specially prepared area which provides for environmental monitoring and treatment pursuant to the California Code of Regulations, California Public Resources Code, and the Federal Resource Conservation and Recovery Act.

"Large Event" means an event, including 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 a public, nonprofit, or

privately owned park, parking lot, golf course, street system, or other open space when being used for an event.

“Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this Chapter 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 to this Chapter.

“Large Quantity Generator” means those Residential, Commercial, Industrial, or institutional Entities that generate more than 300 gallons of waste per week excluding Source Separated Recyclables Diverted from disposal or transformation.

“Multi-Family” means of, from, or pertaining to Residential premises or property with five (5) or more dwelling units. Multi-Family premises or properties do not include hotels, motels, or other transient occupancy facilities.

“Nuisance” means anything which is injurious to human health, or is indecent or offensive to the senses, and interferes with the comfortable enjoyment of life or property, and affects at the same time an entire community or neighborhood, or any number of individuals, although the extent of annoyance or damage inflicted upon the individual may be unequal, and includes conditions that occur as a result of the Storage, Removal, transport, Processing, or disposal of Solid Waste, including Organic Waste, Compost, or Recyclables, and Edible Food. A condition upon or use of real property within the City that violates the Municipal Code or state law shall also constitute a Nuisance.

“Office” means any Office, combination of Offices, or connected building or Office space regardless of Office affiliation, ownership, or occupancy. This includes businesses used for retail, wholesale, professional services, legal services, financial services (to include banks), medical services, shipping and receiving areas, churches, schools, colleges, and libraries.

"Organic Waste" means material originated from living organisms and their metabolic waste products, including food, green material, Yard 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). Organic Waste does not include incidental dirt or rock, plastic, glass, metal, painted or treated lumber, plywood, particle board, or other manufactured products that contain glue, formaldehyde, or nonorganic or nonbiodegradable materials.

"Organic Waste Generator" means an Individual or Entity that is responsible for the initial creation of Organic Waste.

"Organic Waste Processing" means the accumulation and Storage of Organic Waste in a manner that leads to the intentional or unintentional thermophilic decomposition of Organic Waste. The acceptance of payment for Organic Waste and the accumulation of more than 15 yards or three tons per year of unprocessed, shredded, ground, or Composted material shall constitute Organic Waste Processing and is subject to the City, County, and State requirements regulating Compost or Solid Waste facilities.

"Organics Container" means a Container provided by the Authorized Collector for the purpose of Storage and collection of Organic Waste. Organics Container has the same meaning as "green container" in 14 CCR Section 18982(a)(29).

"Performance Deposit" means cash, money order, check, or surety bond in the amount set forth in CVMC 8.25.095(B)(3).

"Plastic Bottle" means a plastic container with narrow neck or mouth opening smaller than the diameter of the container body, used for containing milk, juice, soft drinks, water, detergent, shampoo, or other substances intended for household or Hospitality use; to be distinguished from non-bottle containers (e.g., deli or margarine tub containers) and from non-household plastic bottles such as those for containing motor oil, solvents, or other non-household substances.

"Pollution" means the condition caused by the presence in or on a body of water, soil, or air of any Solid Waste or substance derived therefrom in such quantity, or such nature and duration, or under such condition, that the quality, appearance, or usefulness of the water, soil, land, or air is significantly degraded or adversely altered.

"Prohibited Container Contaminants" means non-Organic Waste placed in an Organics Container, or non-Recyclable Materials placed in a Recycling Container.

"Processing" means the reduction, separation, Recovery, conversion, or recycling of any component(s) of Solid Waste.

"Project" means any activity which requires an application for a Construction or Demolition permit, or any similar permit from the City.

"Putrescible Wastes" means the waste in organic material with the potential decomposition capacity to emit noticeable quantities of odor and gas by-products including , kitchen waste, dead animals, and food from containers, except Organic Wastes separated therefrom and used in Composting.

"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).

"Recyclables" and "Recyclable Materials" has the same meaning as Source Separated Recycling Materials.

"Recycling" means the process of collecting and forming used products into new products by reprocessing or remanufacturing them.

"Recycling Container" means a Container provided by the Authorized Collector for Recyclable Materials for the purpose of Storage and collection of Recycling Material. Recycling Container has the same meaning as "blue container" in 14 CCR Section 18982(a)(5).

"Removal" means the act of taking Solid Waste from the place of generation either by the Authorized Collector or by an individual or Entity in control of the premises.

"Renovation" means any change, addition, or modification in an existing structure.

"Residential" means any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more individuals, including Single-Family and Multi-Family premises or properties, apartment-hotels, boarding and lodging houses. "Residential" does not include short-term residential uses, such as motels, tourist cabins, or hostels which are regulated as Hospitality establishments.

"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).

"Roll-off Service" means service provided for the collection, Removal, and disposal of Industrial waste such as Construction, Demolition, or other primarily inert, putrescible, or non-Putrescible Wastes and Organic Wastes. Roll-off Service is usually provided using metal containers of 10 to 40 cubic yards that are open on the top with doors on one end.

"Rubbish" means non-putrescible Solid Wastes such as ashes, paper, glass, bedding, crockery, plastics, rubber by-products, or litter. Such materials that are designated as Recyclable or Compost may be exempt from categorizing as Rubbish; provided, such materials are handled, processed and maintained in a properly regulated manner.

"Salvaging" means the authorized collection and Storage or Removal of Solid Waste, including Recyclables, Organic Waste, or Edible Food.

"SB1383" 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..

"SB1383 Regulations" means 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.

"Scavenging" means the uncontrolled or unauthorized Removal of Solid Waste, Source Separated Recyclable Materials, or Source Separated Organic Waste.

"Self-Hauler" means an individual or Entity that hauls Solid Waste, including Source Separated Organic Waste or Source Separated Recyclable Materials, they have generated to another individual or Entity. Self-Hauler also includes an individual or Entity that back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). "Back-haul" means generating and transporting Organic Waste to a destination owned or operated by the Generator using the Generator's own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).

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

"Small Quantity Generator" means those Residential, Commercial, Industrial and institutional entities that generate less than 300 gallons of waste per week excluding Source Separated Recyclables Diverted from disposal or transformation.

"Solid Waste" means all putrescible and non-putrescible solid, semisolid, and liquid wastes, including Garbage, Rubbish, ashes, Industrial wastes, Demolition and Construction wastes, abandoned vehicles and parts thereof, discarded home and Industrial appliances, Organic Waste, Recyclable Materials, and discarded Edible Food. Solid Waste also includes dewatered, treated, or chemically fixed sewage sludge that is not Hazardous Waste; and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

- (1) Hazardous Waste, as defined in Section 40141 of the State Public Resources Code;
- (2) radioactive waste regulated pursuant to the State Radiation Control Law of Part 9 of Division 104 of the State Health and Safety Code;
- (3) medical waste regulated pursuant to the State Medical Waste Management Act 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 Section 40195.1 of the State Public Resources Code. 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.

"State" shall mean the state of California.

"Storage" means the interim containment of Solid Wastes in an approved manner after generation and prior to disposal, collection, or Processing. For purposes of this definition, "interim" means for one week or less.

"Source Separated" means materials that have been kept separate from other materials in the Solid Waste stream at the point of generation, for the purpose of additional sorting or Processing 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).

"Source Separated Organic Waste" means those organics that can be placed in an Organics Container for Compost Processing, including food scraps, food soiled paper and landscaping and pruning waste, and any other items as determined by the City. The Authorized Collector may, in its discretion, designate additional categories of non-hazardous or toxic materials accepted in the Organics Container.

"Source Separated Recyclable Materials" means those Recyclable Materials that can be placed in the Recycling Container, including: glass and Plastic Bottles; aluminum, tin and steel cans; metals; unsoiled paper products; printing and writing paper; Cardboard; and any other items as determined by the City. The Authorized Collector may, in its discretion, designate additional categories of nonhazardous or toxic materials accepted in the Recycling Container.


"State Waste Laws" means the California Integrated Waste Management Act of 1989, the California Global Warming Solutions Act of 2006, SB 1016 of 2008, the Jobs and Recycling Act of 2011 (AB 341), the Mandatory Commercial Organics Recycling Act of 2014 (AB 1826), the Short-Lived Climate Pollutant Reduction Act of 2016 (SB 1383), and the SB 1383 Regulations adopted in 2020.

"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.

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

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- (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.

"Total Project Costs" means the total value of a Project as calculated using Chula Vista's standard valuation multipliers.




"Transfer Station" or "Processing Station" means those State-permitted facilities utilized to receive Solid Wastes and to temporarily store, separate, convert, or otherwise process the Organic Waste or Recyclables.

"Waste Management Report (WMR)" means a WMR form, approved by the City Manager for the purpose of compliance with this Chapter.

"WMR Compliance Official" means the designated staff person(s) authorized by the City Manager and responsible for implementing the Construction and Demolition debris recycling program.

"White Goods" means kitchen or other large enameled appliances which include refrigerators, washers, and dryers.

"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).



"Vector" means any Nuisance such as odor, unsightliness, sound, or a carrier, usually insects or rodents, that is capable of transmitting a disease.

"Yard Waste" means the leaves, grass, weeds, or wood materials from trees and shrubs from Single-Family and Multi-Family premises or properties of the City's Organic Waste (to include landscape haulings from Residential sources). Acceptable materials for collection include all Yard Waste as herein defined, excluding treated or processed wood or lumber, bulky waste, or any other materials as shall be determined by the City as to not be salvageable. All acceptable Yard Waste shall be void of nails, wire, rocks, dirt, or any other material that is not considered Yard Waste.

8.25.025 Authority to administer.

A. The City Manager is authorized and directed to administer the provisions of this Chapter and Chapter 8.24 CVMC, subject to such administrative rules and regulations consistent with the Chapters as may be promulgated by the City Council or the City Manager. Administrative rules and regulations promulgated by the City Council or City Manager shall be published on the City's website and maintained and available to the public in the office of the City Clerk. Such rules and regulations shall become effective and enforceable upon date of publication on the City's website.

B. The City Manager shall further administer the provisions of this Chapter and Chapter 8.24 CVMC subject to the terms of any agreement entered into by the City pertaining to Solid Waste Collection.

8.25.030 Collection service and fees.

A. A Recyclable Material and Organic Waste Collection service program is established and shall be available to all individuals, residents, businesses, and institutions in the City for the purpose of providing for the orderly and regular collection of Recyclable Material and Organic Waste within the City under this program.

B. All owners or occupants of a premises or property within the City, except those Single-Family Generators who meet the self-haul requirements contained in this Chapter, shall be required to subscribe with the Authorized Collector for Recycling Container and Organics Container collection; comply with the applicable sections of this Chapter, Code, and State and local laws; and pay for the collection and disposal of such Containers, unless granted a waiver or exemption as provided in this Code.

C. No provision of this Chapter shall be construed to prevent any individual or Entity from self-hauling their own waste in their own vehicles or Composting in the rear yard of their residence, provided that such Composting does not constitute a Nuisance to neighboring property because it is injurious to health or is offensive to the senses. Nor shall any provision of this Chapter limit the right of any individual or Entity to donate or sell Recyclable Materials.

D. All owners or occupants of a premises or property within the City generating Recyclables or Organic Waste shall pay the monthly collection fee charged by the Authorized Collector, not to exceed the City-approved maximum rates. A schedule of maximum rates shall be kept on file with the City Clerk and shall be available for public review. Maximum rates may be subject to increase pursuant to the terms of the City's contract or franchise with the Authorized Collector and applicable law. Subject to the terms of the then-in-effect contract or franchise, the City Council may establish such rates by resolution, including the establishment of rates for different classifications of quantity Generators (Small quantity Generators, Large Quantity Generators, Residential, Commercial, or Industrial, or subclassifications thereof) or types of materials generated or other classifications which are deemed to be in the public interest.

E. Pursuant to California Public Resources Code Section 41900, et seq., the City may, by resolution of the City Council, impose fees on Generators to pay the actual costs incurred by the City in preparing, adopting, or implementing an Integrated Waste Management plan in accordance with State mandates.

F. The Authorized Collector shall provide billing service and be primarily responsible for the collection of such fees as specified in CVMC 8.24.180. No individual or Entity shall willfully fail, neglect, or refuse, after demand by the Authorized Collector to pay the fees provided for herein. All delinquent accounts shall be subject to the provisions of CVMC 8.24.180, including procedures for the assessment of fees, penalties, and a lien against the property.

8.25.035 Waivers.

A. *De Minimis Waivers.* The City may waive a Commercial Business' obligation to comply with some or all of the Organic Waste requirements of this Chapter if documentation is provided demonstrating that the Commercial Business generates below a certain amount of Organic Waste material, (de minimis) as described below.

1. A Commercial Business requesting a de minimis waiver shall:

a. Submit an application to the City specifying the service or requirements for which it is requesting a waiver. Applicant must supply all required proof of qualifications in writing together with the application submittal. Applicants may be required to provide information in forms provided by the City. Applicants may be subject to one or more site Inspection(s) prior to approval of a waiver.

b. Provide documentation with the de minimis waiver application that either:

i. The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Recycling Container or Organics Container comprises less than twenty gallons per week per applicable Container of the business' total waste; or,

ii. The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Recycling Container or Organics Container comprises less than ten gallons per week per applicable Container of the business' total waste.

For the purposes of subsections (b)(i) and (ii) above, total Solid Waste shall be the sum of weekly Garbage, Source Separated Recyclable Materials, and Source Separated Organic Waste measured in cubic yards.

2. If the de minimis waiver is granted, the Commercial Business shall notify the City if circumstances change such that the conditions under which the waiver was granted are no longer being met, in which case the waiver will be rescinded.

3. If the de minimis waiver is granted, the Commercial Business shall provide written verification of continued eligibility for de minimis waiver to the City every five years.

B. *Physical Space Waivers.* The City may waive a Commercial Business' or property owner's obligation to comply with some or all of the Organic Waste collection service requirements of this Chapter if the City has evidence from a licensed contractor, licensed architect, licensed engineer, or other individual or Entity authorized by the City demonstrating that the premises or property lacks adequate space for the collection containers required for compliance with the Organic Waste collection service requirements set forth in this Chapter.

A Commercial Business or property owner requesting a physical space waiver shall:

1. Submit an application to the City specifying the service or requirements for which it is requesting a waiver.
 2. Provide documentation with the application for a physical space waiver that the premises or property lacks adequate space for Recycling Containers or Organics Containers, which shall include documentation from its licensed contractor, licensed architect, licensed engineer, or other individual or Entity authorized by the City.
 3. If the physical space waiver is granted, notify the City if the Commercial Business' physical space configurations or amounts of Solid Waste generation change, in which case the physical space waiver may be rescinded.
 4. If the physical space waiver is granted, provide written verification to the City of continued eligibility for a physical space waiver every five years.
- C. Change of ownership of a Commercial Business or property automatically revokes a waiver and the new owner must comply with this Chapter or obtain its own waiver.
- D. Upon the determination of the City, a written notification of the approval or denial of a waiver shall be issued to the applicant.

8.25.040 Storage and containers.

- A. All owners and occupants of premises or property within the City shall be responsible for the safe and sanitary Storage of all Solid Waste accumulated on such premises or property. All owners and occupants of a premises within the City shall store Recyclables and Organic Waste separately from Garbage. All owners and occupants of premises or property within the City shall store such Recyclables and Organic Waste on the premises or property in such a manner so as not to constitute a fire, health, or safety hazard, and shall require it to be handled in such a manner so as not to promote the propagation, harborage, or attraction of Vectors, or the creation of litter or other Nuisances.
- B. Pursuant to the terms and conditions of any contract or franchise between the City and the Authorized Collector, the Authorized Collector shall provide suitable and sufficient Containers for all premises and property to sufficiently store Source Separated Recyclable Materials and Source Separated Organic Waste to be made available for curbside pickup. The color, style, and markings of the Containers shall be determined by the Authorized Collector and subject to approval by City. Commercial Businesses shall cause all Commercial Recycling Containers to

remain locked at all times in order to discourage Scavenging and prevent dumping of Garbage in the Container, unless exempted by the City Manager in conjunction with the Authorized Collector.

C. Recyclable Material and Organic Waste for donation, sale, or collection by or to any individual or Entity other than the Authorized Collector, may not be stored or transferred in Containers provided by the Authorized Collector. Storage of Recyclable Materials and Organic Waste at the Designated Collection Location other than for pickup by the Authorized Collector is prohibited.

D. Containers which do not comply with the requirements of this Section shall be presumed to be Garbage and may be taken by the Authorized Collector.

E. It shall be unlawful for any individual or Entity to dispose, dump, or otherwise place material other than Recyclables in a Recycling Container or at a Designated Collection Location.

8.25.050 Separation of Recyclable Materials and Organic Waste.

A. Generators subject to the requirements of State Waste Laws shall fully comply with all applicable requirements of the State Waste Laws and this Chapter.

B. All Generators in the City, except those that meet Self-Hauler requirements set forth in this Chapter, or Commercial Businesses or property owners that obtain a waiver pursuant to requirements in this Chapter shall:

1. Prepare and separate Recyclable Materials and Organic Waste from Garbage.
2. Participate in the collection services provided by the Authorized Collector by placing Source Separated Recyclable Materials in the Recycling Container, and placing Source Separated Organic Waste in the Organics Container. Generators shall not place Prohibited Container Contaminants in Recycling Containers or in Organics Containers.
3. Obtain and utilize a sufficient number of Containers to adequately store all Source Separated Recyclable Materials and Source Separated Organic Waste generated in connection with the residence or business between the times designated for Collection. The City shall have the right to review the number and size of such Containers to evaluate the adequacy of capacity provided for each type of Collection service and to require additional or larger Containers (or additional service days) and to review the

separation and containment of materials. Generators shall adjust service levels for their Collection services as requested by the City in order to meet the standards set forth in this Chapter.

4. Place Recycling Containers and Organics Containers at the Designated Collection Location for collection by the Authorized Collector; Generators shall not place such Containers in an alley or on the curb or on the street before 6:00 p.m. on the day immediately prior to the collection day, nor permit Containers to remain in an alley or on a curb or on the street after 8:00 p.m. on the collection day.
5. Maintain Recycling Containers and Organics Containers in a sanitary condition at all times. Any bulky material must be reduced in size so that it may be placed in the appropriate Container not overflowing and with the cover tightly closed and without excessive tamping, so that the Container may be easily emptied. Brush and limbs of trees may be placed outside of Organics Containers, tied with natural fiber (compostable) twine into bundles of not more than four feet in length, 18 inches in diameter and 35 pounds in weight.

C. Notwithstanding the requirements in Subsection B above, Generators may manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, or using a community Composting site pursuant to 14 CCR Section 18984.9(c) to the extent permitted by other applicable laws.

D. Notwithstanding the requirements in Subsection B above, Organic Waste may be fed to animals on the premises or property where such Organic Waste is produced, provided that such premises or property are always kept in a sanitary condition to the satisfaction of the City Manager; and provided further that the keeping and feeding of such animals shall at all times conform to the applicable regulations of those entities governing the same now in force or which thereafter may be enacted or promulgated.

E. In addition to the requirements in Subsection B above, Commercial Businesses shall also:

1. Provide or arrange for Garbage Container, Organics Container, and Recycling Container Collection service for employees, contractors, tenants, and customers, and supply and allow access to an adequate number, size, and location of Containers with sufficient labels or colors as noted in this Chapter or, if self-hauling, in compliance with self-hauling requirements set forth in this Chapter. The requirements of this provision shall apply to Multi-Family premises or properties.

2. Provide or arrange for Containers for the collection of Source Separated Organic Waste and Source Separated Recyclable Materials in all areas where the Commercial Business provides Garbage Containers for employees, contractors, tenants, customers and other users of the premises. Containers for Source Separated Organic Waste and Source Separated Recyclable Materials do not need to be provided in restrooms. If a Commercial Business does not generate, or has a waiver pertaining to, any of the materials that would be collected in one type of Container, then the business does not have to provide that particular type of Container in all areas where Garbage Containers are provided. Pursuant to 14 CCR Section 18984.9(b), the Containers provided by the business shall have either:

a. A body or lid that conforms with the following Container colors, with either lids conforming to these color requirements or bodies conforming to these color requirements, or both lids and bodies conforming to these color requirements: gray or black Containers for Garbage, blue Containers for Source Separated Recyclable Materials, and green Containers for Source Separated Organic Waste.

Notwithstanding the foregoing, a Commercial Business is not required to replace functional Containers, including Containers purchased prior to codification of this Chapter, that do not comply with the color requirements of this Section prior to the end of the useful life of those Containers, or prior to January 1, 2036, whichever comes first; or

b. Container labels that include language or graphic images, or both, indicating the primary materials 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. The Container labeling requirements are required on new Containers commencing as of the date provided in the State Waste Laws.

The requirements of Section 8.25.050(E) shall not apply to Multi-Family premises or properties.

8.25.055 Commercial education and outreach requirements.

All Commercial Business owners are required to:

A. Prohibit employees, to the extent practical through education, training, inspection, or other measures, from placing Prohibited Container Contaminants in a Container not designated for

those materials. The requirements of this paragraph shall not apply to Multi-Family premises or properties.

B. Periodically inspect Recycling Containers, Organics Containers, and Garbage Containers for contamination and inform employees if Containers are contaminated and of the requirements to keep contaminants out of those Containers. The requirements of this paragraph shall not apply to Multi-Family premises or properties.

C. Provide information annually to employees, contractors, tenants, building residents, and customers about Organic Waste Recovery requirements and about proper sorting of Organic Waste and Recyclable Materials. A copy of such instructions shall be provided to the City or designee, upon request. The requirements of this paragraph shall apply to Multi-Family premises or properties.

D. Provide information to new tenants within fourteen days of new occupation of the premises that describes requirements to keep Organic Waste and Recyclable Materials separate from each other and from Garbage, identifies the location of Recycling Containers, Organics Containers, and Garbage Containers, and the rules governing their use at the premises or property. The requirements of this paragraph shall apply to Multi-Family premises or properties.

E. Prominently post and maintain one or more signs where Recyclable Materials or Organic Waste are collected or stored that set forth what materials are required to be Source Separated, in addition to collection procedures for such materials. The requirements of this paragraph shall apply to Multi-Family premises or properties.

8.25.060 Commercial edible food generator requirements.

A. Tier One Commercial Edible Food Generators must comply with the requirements of 14 CCR Section 18991.3 commencing on the date provided by the Act. Tier Two Commercial Edible Food Generators must comply with the requirements of 15 CCR Section 18991.3 commencing January 1, 2024, or such later deadline established by State law or regulations.

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, or such later deadline established by State law or regulations.

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

1. Arrange to safely recover for human consumption the maximum amount of Edible Food that would otherwise be disposed.
2. Enter into a contract or other written agreement with Food Recovery Organizations or Food Recovery Services for: (a) the collection for Food Recovery of Edible Food that would otherwise be disposed; or, (b) acceptance of Edible Food that would otherwise be disposed that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
3. Use best efforts to abide by all contractual or written agreement requirements specified by the Food Recovery Organizations or Food Recovery Services on how Edible Food should be prepared, packaged, labeled, handled, stored, distributed, or transported to the Food Recovery Organizations or Food Recovery Services.
4. Not intentionally donate food that has not been prepared, packaged, handled, stored or transported in accordance with the safety requirements of the California Retail Food Code.
5. Not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
6. Allow the City or an Enforcement Agent to review records upon request, including by provided electronic copies or allowing access to the premises or property.
7. 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.

8. If it has not entered into a contract or written agreement with Food Recovery Organizations or Food Recovery Services, a record that describes:

- a. Its direct donation of Edible Food to end recipients (including employees); or
- b. Its Food Waste prevention practices that result in it generating no surplus Edible Food that it can donate.

D. Nothing in this Chapter shall be construed to limit or conflict with:

- 1. 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; or
- 2. Otherwise applicable food safety and handling laws and regulations.

E. Nothing in this Chapter prohibits a Commercial Edible Food Generator from donating Edible Food directly to end recipients for consumption, pursuant to Health and Safety Code Section 114432(a).

8.25.065 Food Recovery Organizations and Services requirements.

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:

- 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.

5. All other records required by 14 CCR Section 18991.5(a)(1).

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:

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.

4. All other records required by 14 CCR Section 18991.5(a)(2).

C. Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City 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 City the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with (regardless of whether those Commercial Edible Food Generators are located in the City) according to the following schedule: no later than March 31, 2023, and no later than every March 31 thereafter, covering the period of January 1 to December 31 of the previous calendar year.

D. In order to support Edible Food Recovery capacity planning assessments and similar studies, Food Recovery Services and Food Recovery Organizations operating in the City shall provide, upon request, information and consultation to the City and San Diego County regarding existing, or proposed new or expanded, Food Recovery capacity in a form that can be provided to or that can be accessed by the City and County and Commercial Edible Food Generators. A

Food Recovery Service or Food Recovery Organization contacted by an Enforcement Agency shall respond to such request for information within sixty days, unless a shorter timeframe is otherwise specified by the Enforcement Agency.

8.25.070 Reports.

A. All Commercial and Industrial Entities shall submit Recycling tonnage documentation on an annual basis to the City's Environmental Services Manager or City Manager, due on or before January 31 for the previous calendar year. Annual reporting shall be on the form promulgated by the City Manager, and commence on the first anniversary of the date set forth in the mandatory recycling implementation schedule as established in this Chapter as of July 1, 1993.

B. All Commercial Edible Food Generators and Food Recovery Organizations and Food Recovery Services shall submit reports to the City's Environmental Services Manager or City Manager, in accordance with the requirements set forth in Sections 8.25.060 and 8.25.065 of this Chapter, respectively.

C. All applicants for a Construction or Demolition permit for a Covered Project must submit a Waste Management Report (WMR) to the WMR Compliance Official for approval, prior to permit issuance, per CVMC 8.25.095.

8.25.075 Self-Haulers

A. Self-Haulers shall:

1. Source Separate their Recyclable Materials and Organic Waste generated on-site from Garbage in a manner consistent with this Chapter; and

2. Haul their Source Separated Recyclable Materials to a facility that recovers those materials; and

3. Haul their Source Separated Organic Waste to a facility, operation, activity, or property that processes or recovers Source Separated Organic Waste or to a high diversion Organic Waste Processing facility; and

4. Haul their Garbage to a fully permitted Solid Waste facility.

B. Self-Haulers that are Commercial Businesses, including Multi-Family premises or properties, 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 City. The records shall include the following information:

1. Delivery receipts and weight tickets from the Entity accepting the waste.
2. The amount of material in cubic yards or tons transported by the Generator to each Entity.
3. If the material is transported to an Entity that does not have scales on-site or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.

C. Self-Haulers that are Commercial Businesses, including Multi-Family premises or properties, shall provide these records to City within sixty days of request by City.

D. Landscapers, who self-haul Organic Waste generated at a customer's site, must also meet the requirements in this Section.

E. A Single-Family Organic Waste Generator that self-hauls Organic Waste is not required to record or report this information.

8.25.080 Scavenging.

A. It shall be unlawful for any individual or Entity other than authorized City personnel or an Authorized Collector to remove any Recyclable Material or salvageable commodity from any Designated Collection Location or Recycling Container. However, the original Generator of the Recyclable Materials may, for any reason, remove the Recyclable Materials placed by said Generator from the Recycling Container or designated Collection Location in which said Generator had originally placed them.

B. It shall be unlawful for any individual or Entity to disturb, modify, harm, or otherwise tamper with any Container containing Recyclable Materials or Organic Waste, or the contents thereof, or to remove any such Container from the location where the same was placed by the Generator thereof, or to remove the contents of any such Container, unless authorized by the Generator of such Recyclable Materials or Organic Waste, or duly authorized City personnel or Authorized Collector.

8.25.090 Composting.

- A. Every establisher of a Composting pile, bin, holding area, or other such Composting system shall first obtain a permit from the City, if the total volume used within the boundaries of the premises or property for Composting is 15 cubic yards or greater.
- B. Every Composting pile, bin, holding area, or other such Composting system shall be maintained so as to not create a public or private Nuisance through visual, odor, safety, or other means, or as prescribed in Chapter 19.66 CVMC. Without constituting a limitation on the foregoing, no such Composting pile, bin, holding area, or other such Composting system shall be maintained within six feet from an exterior window, exterior door, or other exterior entrance to an inhabited residential structure other than one owned by the owner of such Composting system.
- C. The owner, operator, or occupier of a premises or property containing a Composting pile, bin, holding area, or other such Composting system that is greater than five feet high, five feet wide, and five feet in length shall weekly monitor temperature, through utilization of a thermometer designed for such purposes.
- D. No single Compost pile, bin, holding area, or other such Composting system on a Single-Family (as defined in Ordinance No. 2492) premises or property shall be more than five feet in height or greater than six feet in width or length.

8.25.095 Construction and demolition debris recycling.

The provisions of this Section shall outline the means of achieving compliance with California Green Building Standards Code (Title 24, Part II, Sections 4.408 and 5.408) and this Section. Where this Section is more stringent, this Section applies.

A. Projects.

1. *Covered Projects.* The following Project categories are Covered Projects and must comply with this Section:
 - a. Any Project requiring a permit for Demolition or Construction, unless defined as a Non-Covered Project in Subsection (A)(4) of this Section.
 - b. Any sequenced developments, such as housing subdivision Construction or subdivision Demolition, must be considered as a Project in its entirety for purposes of this Section, and not as a series of individual Projects.

c. Any individually built Single-Family home.

2. *City-Sponsored Projects.* All City Construction and Demolition Projects shall be considered Covered Projects and shall submit a Waste Management Report to the City Manager prior to issuance of any Construction or Demolition permits.

3. *Tenant Improvements.* All tenant improvements less than 10,000 square feet, and individual Single-Family home Construction, remodel, addition or Renovation, shall submit a Waste Management Report only. No Performance Deposit is required.

4. *Non-Covered Projects.* A Performance Deposit and Waste Management Report shall not be required for the following:

- a. Work for which a Construction or Demolition permit is not required.
- b. Roofing Projects that do not include tear-off of existing roof.
- c. Work for which only a plumbing, only an electrical, or only a mechanical permit is required.
- d. Seismic tie-down Projects.
- e. Emergency required to protect public health and safety.

B. *Submission of Waste Management Report.*

1. *Construction and Demolition Waste Management Report Forms.* Applicants for any Covered Project shall complete and submit a Construction and Demolition Waste Management Report on a Waste Management Report form (WMR) approved by the City for this purpose. The WMR may be administratively updated by the Public Works Director or designee to meet the requirements of the City and California Green Building Standards Code. The purpose of the WMR is to illustrate how the applicant plans to comply with the Diversion Requirements per CVMC 8.25.020 and the California Green Building Standards Code Sections 4.408 and 5.408. Upon Project completion, the WMR will illustrate how the applicant complied with the Diversion Requirements.

2. *Initial Application.* Notwithstanding any other provision of this code and California Green Building Standards Code, no Construction or Demolition permit may be issued until the initial Construction and Demolition Waste Management Report has been approved by

the WMR Compliance Official. The WMR Compliance Official will respond to the applicant's WMR submittal within 10 business days with an approval, denial, or request for clarification. If the WMR Compliance Official does not respond within 10 business days, the applicant should notify the WMR Compliance Official. After notification by the applicant, the WMR Compliance Official will then have three business days to complete the review. If the review is not completed within three business days after the notification, the deposit requirement will be waived.

3. *Amount of Performance Deposit.* The applicant for any Covered Project shall submit to the City a Performance Deposit, with the exception of City-sponsored Projects, tenant improvements greater than 1,000 square feet but less than 10,000 square feet, and individual Single-Family home Construction, remodel, addition, or Renovation Projects. The amount of the Performance Deposit shall be calculated as the lesser of three-quarters of one percent of the Total Project cost for new Construction and one and one-half percent of the Total Project costs for Demolition Projects or \$30,000 maximum. Acceptable forms of payment include cash, money order, check, or surety bond. All bonds shall be in the form prescribed by the City and by such sureties which are admitted insurers in the state of California, are subject to regulation by the Department of Insurance, and which satisfy all state requirements. The City shall not accept a surety bond for any Project with a Performance Deposit calculated at \$10,000 or less.

Performance Deposit funds in the form of cash, money order, or check will be placed in a secured account. The Performance Deposit shall be returned to the applicant upon acceptance of proof of compliance in full. If partial compliance, the Performance Deposit will be refunded on a prorated basis dependent on the degree of compliance.

4. *Documentation.* Within 30 days after Demolition is completed (if a Demolition permit only) or 30 days after the issuance of a certificate of occupancy or at the time of issuing the last certificate of occupancy for premises or properties within a phased Project of any Covered Project, the applicants shall submit to the WMR Compliance Official documentation that it has met the Diversion Requirement for the Project, unless applicant has been granted an exemption pursuant to Subsection (C) of this Section. The documentation shall include all of the following:

- a. Receipts from the vendor or facility that received each material, showing the actual weight or volume of that material;

- b. A copy of the completed waste management report form, in its entirety;
- c. Photographs and narrative documentation of the applicant's reuse activities.

5. *Weighing of Wastes.* Applicants shall make reasonable efforts to ensure that all Construction, Renovation, and Demolition waste Diverted for reuse or disposed of is measured and recorded using the most accurate method of measurement available. To the extent practical, all Construction, Renovation and Demolition waste shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For Construction, Renovation, and Demolition waste for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the applicant shall use the standardized rates established by the Conversion Rates table approved by the City for this purpose. Conversion Rate tables will be included with the Waste Management Report form.

6. *Determination of Compliance and Release of Performance Deposit.* The WMR Compliance Official shall review the information submitted under this Section and determine whether the applicant has complied with the Diversion Requirement, as follows:

- a. *Compliance.* If the WMR Compliance Official determines that the applicant has fully complied with the Diversion Requirement applicable to the Project, they shall cause the release of the Performance Deposit to the applicant within 60 days of the applicant's submission of the documentation required under this Section. If the applicant has complied in part, a portion of the Performance Deposit will be withheld. The amount withheld will be proportional to the percentage of materials that are not recycled/Diverted.
- b. *Noncompliance.* If the WMR Compliance Official determines that the applicant failed to submit the documentation within the required time period, then the performance deposit shall be forfeited to the City. All forfeited or unrecovered funds shall be used for waste reduction and recycling activities.

C. *Exemption.*

- 1. *Application.* If an applicant for a Covered Project experiences unique circumstances that the applicant believes make it infeasible to comply with the Diversion Requirement, the

applicant may request an exemption at the time that they submit the WMR. The applicant shall indicate on the WMR the maximum rate of diversion they believe is feasible for each material and the specific circumstances that they believe make it infeasible to comply with the Diversion Requirement.

2. *Meeting with WMR Compliance Official.* The WMR Compliance Official shall review the information supplied by the applicant and may meet with the applicant to discuss possible ways of meeting the Diversion Requirement.

3. *Granting of Exemption.* If the WMR Compliance Official determines that it is infeasible for the applicant to meet the Diversion Requirement due to unique circumstances, the WMR Compliance Official shall determine the maximum feasible diversion rate for each material and shall indicate this rate on the WMR submitted by the applicant. The WMR Compliance Official shall return a copy of the WMR to the applicant marked "Approved with Exemption." The applicant shall then be responsible for Diverting the revised rate noted by the WMR Compliance Official on the approved WMR, in compliance with the provisions of this Section.

4. *Denial of Exemption.* If the WMR Compliance Official determines that it is possible for the applicant to meet the Diversion Requirement, the WMR Compliance Official shall so inform the applicant in writing. The applicant shall resubmit a WMR form in full compliance with this Section. If the applicant fails to resubmit the WMR, or if the resubmitted WMR does not comply with this Section, the WMR Compliance Official shall deny the WMR.

D. *Appeal.* Appeals of a determination made by the WMR Compliance Official under this Section shall be made to the City Manager. The appeal shall be in writing and filed with the City Clerk within 10 business days of issuance of the WMR Compliance Official's decision. The appeal shall be limited to the following issues: (1) the granting or denial of an exemption; and (2) the amount of security to be released. The City Manager shall set the matter for hearing before a hearing officer and notify the parties of the date and location of the hearing at least 10 business days prior to such date. The fee to request an appeal of the determination made by the WMR Compliance Official shall be in the form of a deposit, the amount to be determined by the City Manager based on the anticipated cost to conduct the hearing and in accordance with any applicable law. If the cost of the hearing or appeal exceeds the deposited amount, the requesting party shall be responsible for payment of the additional costs incurred. If the hearing officer determines that the determination made by the WMR Compliance Official is not

supported by the evidence, the entire deposited amount will be returned to the party that requested the appeal. The appeal hearing shall be conducted in accordance with regulations promulgated by the City Manager. The hearing officer's determination shall be final.

8.25.100 Inspections and investigations.

- A. The City Manager shall be designated as an Enforcement Agent for purposes of enforcing this Chapter and may deputize one or more employees of the City to carry out the duties of an Enforcement Agent.
- B. The City and each Enforcement Agent is authorized to conduct any Inspections, remote monitoring, or other investigations as reasonably necessary to further the goals of this Chapter, subject to applicable laws. This may include Inspections and investigations, at random or otherwise, of any Container, collection vehicle load, or transfer, Processing, or disposal facility to confirm compliance with this Chapter, subject to applicable laws. For the purposes of inspecting Commercial Business Containers for compliance, the City and each Authorized Agent may conduct Container Inspections for Prohibited Container Contaminants using remote monitoring, and Commercial Businesses shall accommodate and cooperate with the remote monitoring.
- C. An individual or Entity subject to the requirements of this Chapter shall provide or arrange for access during all Inspections (with the exception of the interior a private Residential premises or properties) and shall cooperate with the City or Enforcement Agent during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in Containers, Inspection of Edible Food Recovery activities, review of required records, or other verification or Inspection to confirm compliance with any other requirement of this Chapter, Inspection of County-run Transfer Stations, Otay Landfill and any other Landfills that the County may establish or acquire. It is a violation of this Chapter to fail to provide or arrange for:
 - 1. Access to the premises or property;
 - 2. Installation and operation of remote monitoring equipment, if a remote monitoring program is adopted; or
 - 3. Access to records for any Inspection or investigation.
- D. Any records obtained by the City or Authorized Agent during Inspections, remote monitoring, and other reviews shall be subject to the requirements and applicable

disclosure exemptions of the California Public Records Act as set forth in Government Code Section 6250 et seq.

- E. The City or Authorized Agent shall accept written complaints from individuals regarding an individual or Entity that may be potentially noncompliant with this Chapter. Written complaints may be submitted using the City form for code complaints.
- F. This section shall not be construed to deprive any individual or Entity of any privileges guaranteed by the Constitutions of the United States or the State of California, or any other statutory privileges.

8.25.105 Violations and penalty.

A. It shall be unlawful for any individual or Entity to violate any provision or fail to comply with the requirements of this Chapter or any regulation adopted hereunder. Each day that a violation continues is deemed to be a new and separate offense. Any Section of this Chapter may be enforced by the City, or, if agreed to, by another Enforcement Agency designated by the City.

B. Violations of any provisions of this Chapter, unless otherwise specified, shall constitute an infraction and shall be subject to Enforcement Action pursuant to Title 1 of the Chula Vista Municipal Code.

C. Scavenging in violation of Section 8.24.200, Section 8.25.080, or Government Code section 41950 may be charged as a misdemeanor punishable by a fine not to exceed one thousand dollars or imprisonment for a period not to exceed six months or both, or as otherwise provided by law. D. Any condition caused or allowed to exist in violation of any of the provisions of this Chapter or any regulation adopted hereunder is a public Nuisance. Such violation may be abated by the City, or by the City Attorney on behalf of the people of the State, as a Nuisance in any manner provided for by this code, including summary abatement, or otherwise provided by law or equity, including a restraining order, injunction, or any other order or judgment in law or equity issued by a court of competent jurisdiction. The City, or the City Attorney on behalf of the People of the State of California, may seek injunctive relief to enjoin violations of, or to compel compliance with, this Chapter or seek any other relief or remedy available at law or equity, including the imposition of monetary civil penalties. All expenses incurred by the City in connection with any action to abate a public Nuisance will be chargeable as authorized by law to the individuals or Entities creating, causing, committing, or maintaining the public Nuisance.

E. An Enforcement Agent may issue an administrative penalty for violation of any of the provisions of this Chapter or any regulation adopted hereunder in amounts that shall not exceed the following:

1. For a first violation, the amount of the base penalty shall be fifty to one hundred dollars per violation.
2. For a second violation, the amount of the base penalty shall be one hundred to two dollars per violation.
3. For a third or subsequent violation, the amount of the base penalty shall be two hundred fifty to five hundred dollars per violation of the same provision within a twelve-month period. This remedy is not exclusive and is in addition to any other remedy or penalty provided by law.

F. The maximum penalties described in Subsection (E) of this Section shall be increased automatically if the maximum penalties established 14 CCR Section 18997.2 are amended.

G. Each criminal citation and administrative penalty issued for a violation of any provision of this Chapter may be issued, levied, or assessed against the Generator, Authorized Collector account holder, and any other individual or Entity, including the owners or occupants of premises or properties within the City, that caused, created, committed, or maintained the violation.

H. An individual or Entity issued an administrative penalty may appeal such penalty within 10 calendar days from the date the penalty is issued. The appeal shall be in writing and filed with the City Clerk upon forms provided by the City. The appeal shall specify therein that the penalty was issued in error and identify facts and circumstances on which the claim of error is based. The City Manager shall set the matter for hearing before a hearing officer and notify the parties of the date and location of the hearing at least 10 business days prior to such date. The scope of the appeal hearing shall be limited to whether the penalty was issued in error. The fee to request an appeal of the penalty shall be in the form of a deposit, the amount to be determined by the City Manager based on the anticipated cost to conduct the hearing and in accordance with any applicable law. If the cost of the hearing or appeal exceeds the deposited amount, the requesting party shall be responsible for payment of the additional costs incurred. If the hearing officer determines that the penalty is not supported by the evidence, the entire deposited amount will be returned to the party that requested the appeal. The appeal hearing

shall be conducted in accordance with regulations promulgated by the City Manager. The hearing officer's determination shall be final.

I. Nothing in this Section shall be construed as preventing the City from revoking, suspending, or denying a permit, registration, license, or other authorization consistent with local requirements in addition to the imposition of penalties authorized under this Section.

J. The remedies specified in this Section are cumulative and in addition to any other remedies available under State or local law for violation of this Chapter.

8.25.110 Severability.

If any provision, clause, sentence, or paragraph of this Chapter or the application thereof to any individual or Entity or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are hereby declared to be severable.

Section III. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section IV. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.


Section V. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

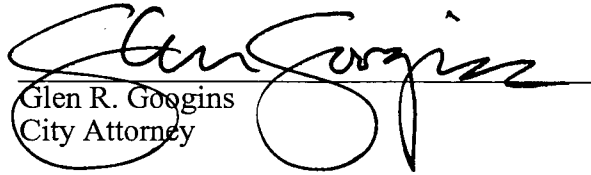
Section VI. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by


Eric C. Crockett
Deputy City Manager/Director of Economic
Development

Approved as to form by

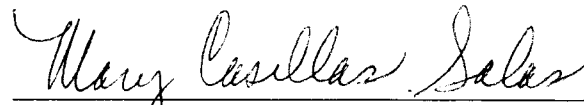

Glen R. Goggins
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 14th day of June 2022, by the following vote:

AYES: Councilmembers: Cardenas, McCann, Padilla, and Casillas Salas

NAYS: Councilmembers: None

ABSENT: Councilmembers: Galvez


Mary Casillas Salas, Mayor

ATTEST:


Kerry K. Bigelow, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Kerry K. Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3523 had its first reading at a regular meeting held on the 7th day of June 2022, and its second reading and adoption at a regular meeting of said City Council held on the 14th day of June 2022; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

6/14/22
Dated


Kerry K. Bigelow, MMC, City Clerk