

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING THE TITLE OF CHAPTER 8.60, AMENDING SECTIONS 8.60.010, 8.60.020, 8.60.025, 8.60.060, 8.60.087.5, 8.60.140, 18.67.030, AND 18.67.070; AND, BY ADDING SECTIONS 8.60.370, 18.67.100 AND 21.42.060, ALL TO COMPLY WITH THE STATE MANDATED LEGISLATION SB 1383, THE "SHORT-LIVED CLIMATE POLLUTANTS REDUCTION ACT"

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Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their Cities to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

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41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste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

1 WHEREAS, state organics recycling law, Assembly Bill 1826 of 2014
2 (approved by the Governor of the State of California on September 28, 2014, which
3 added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the
4 Public Resources Code, relating to Solid Waste, as amended, supplemented,
5 superseded, and replaced from time to time), requires businesses and Multi-Family
6 property owners that generate a specified threshold amount of Solid Waste, Recycling,
7 and Organic Waste per week to arrange for recycling services for that waste, requires
8 Cities to implement a recycling program to divert Organic Waste from businesses subject
9 to the law, and requires Cities to implement a Mandatory Commercial Organics Recycling
10 program; and

11 WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of
12 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a
13 source of methane. The regulations place requirements on multiple entities including
14 Cities, residential households, Commercial Businesses and business owners,
15 Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery
16 Organizations, and Food Recovery Services to support achievement of Statewide
17 Organic Waste disposal reduction targets; and

18 WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of
19 2016, requires Cities to adopt and enforce an ordinance or enforceable mechanism to
20 implement relevant provisions of SB 1383 Regulations. This ordinance will also help
21 reduce food insecurity by requiring Commercial Edible Food Generators to arrange to
22 have the maximum amount of their Edible Food, that would otherwise be disposed, be
23 recovered for human consumption; and

24 WHEREAS, requirements in this ordinance are consistent with other
25 adopted goals and policies of the City including ameliorating the effects of climate change
26 as articulated in the City's Climate Action and Adaptation Plan (the "CAAP");

27 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
28 follows:

Section 1. The Title of Chapter 8.60 of the Long Beach Municipal Code is amended to read as follows:

Chapter 8.60
SOLID WASTE, RECYCLING AND LITTER PREVENTION AND MANDATORY
ORGANIC WASTE DISPOSAL REDUCTION

Section 2. Chapter 8.60.010 of the Long Beach Municipal Code is amended to read as follows:

8.60.010 Definitions.

For the purpose of this Chapter, unless the context clearly requires a different meaning, the words, terms and phrases set forth in this Section are defined as follows:

A. "Account" means any property owner or occupant of any dwelling unit, dwelling, building, premises, lot or parcel designated for City solid waste collection services by the Director of Public Works.

B. "Apartment" means each dwelling unit in a multiple-family dwelling containing three (3) or more dwelling units. Three (3) or more dwelling units constructed as separate buildings but located on a common lot or parcel shall be considered as apartments for the purpose of this Chapter.

C. "Automated collection" means solid waste collection service using a receptacle (cart) which requires limited or no manual moving and no manual lifting by City personnel or their designee.

D. "Building construction refuse" means waste material resulting from the construction, remodeling, repair and demolition operations on houses, commercial buildings, other structures, and any surrounding grounds.

E. "CalRecycle" means California's Department of Resources

1 Recycling and Recovery, which is the Department designated with
2 responsibility for developing, implementing, and enforcing all recycling and
3 waste diversion regulations, including SB 1383 Regulations on Cities (and
4 others).

5 F. "California Code of Regulations" or "CCR" means the State of
6 California Code of Regulations. CCR references in this ordinance are
7 preceded with a number that refers to the relevant Title of the CCR (e.g.,
8 "14 CCR" refers to Title 14 of CCR).

9 G. "Cart" means a receptacle of one hundred one (101) gallons
10 or less provided by the City or its designee for the automated or semi-
11 automated collection of refuse, recycling or organics.

12 H. "City" means the City of Long Beach, a municipal corporation.

13 I. "City Enforcement Official" means the City Manager, or their
14 authorized Designee(s) who is/are partially or whole responsible for
15 enforcing the ordinance.

16 J. "Commercial bin(s)" means receptacles with a capacity
17 greater than one hundred one (101) gallons that require minimal manual
18 moving but no manual lifting.

19 K. "Commercial Business" or "Commercial" means a firm,
20 partnership, proprietorship, joint-stock company, corporation, or
21 association, whether for-profit or nonprofit, strip mall, industrial facility, or a
22 multifamily residential dwelling, or as otherwise defined in 14 CCR Section
23 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than
24 five (5) units is not a Commercial Business for purposes of implementing
25 this ordinance.

26 L. "Commercial Edible Food Generator" includes a Tier One or a
27 Tier Two Commercial Edible Food Generator as defined in Sections
28 3(SSSS) and 3(TTTT) of this ordinance or as otherwise defined in 14 CCR

1 Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food
2 Recovery Organizations and Food Recovery Services are not Commercial
3 Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).

4 M. "Commercial service" means solid waste collection services
5 provided by City crews or its designee for nonresidential or mixed use
6 accounts.

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

14 O. "Compliance Review" means a review of records by a City to
15 determine compliance with this ordinance.

16 P. "Compost" has the same meaning as in 14 CCR Section
17 17896.2(a)(4), which stated, as of the effective date of this ordinance, that
18 Compost means the product resulting from the controlled biological
19 decomposition of organic Solid Wastes that are Source Separated from the
20 municipal Solid Waste stream, or which are separated at a centralized
21 facility.

22 Q. "Compostable Plastics" or "Compostable Plastic" means
23 plastic materials that meet the ASTM D6400 standard for compostability, or
24 as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or
25 18984.2(a)(1)(C).

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

1 S. “C&D” means construction and demolition debris.

2 T. “Daily charge” means the daily cost to each classification of
3 dwelling unit or commercial unit as prescribed by the rate schedule
4 applicable to that service.

5 U. “Designated Source-Separated Organic Waste Facility” as
6 defined in 14 CCR Section 18982(14.5), means a Solid Waste facility that
7 accepts a Source Separated Organic Waste collection stream as defined in
8 14 CCR Section 17402(a)(26.6) and complies with one of the following:

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

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

22 2. The facility is a “composting operation” or “composting
23 facility” as defined in 14 CCR Section 18815.2(a)(13), that pursuant to the
24 reports submitted under 14 CCR Section 18815.7 demonstrates that the
25 percent of the material removed for landfill disposal that is Organic Waste is
26 less than the percent specified in 14 CCR Section 17409.5.8(c)(2) or
27 17409.5.8(c)(3), whichever is applicable, and, if applicable, complies with
28 the digestate handling requirements specified in 14 CCR Section 17896.5.

1 a. If the percent of the material removed for landfill
2 disposal that is Organic Waste is more than the percent specified in 14
3 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3), for two (2) consecutive
4 reporting periods, or three (3) reporting periods within three (3) years, the
5 facility shall not qualify as a “Designated Source Separated Organic Waste
6 Facility.” For the purposes of this ordinance, the reporting periods shall be
7 consistent with those defined in 14 CCR Section 18815.2(a)(49). Guidance:
8 The reporting periods identified in the above Section 3(l)(2)(A) are
9 consistent with reporting that facilities must submit to CalRecycle under
10 RDRS regulations and not reporting to be submitted under this ordinance.

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

16 W. “Director of Public Works” means the Director or such other
17 person designated by the City Manager to direct refuse, recycling, and
18 organics operations or their designee.

19 X. “Duplex” means any dwelling containing only two (2) dwelling
20 units. Two (2) dwelling units constructed as separate buildings located on a
21 common lot or parcel shall be considered as duplex units for the purpose of
22 this Chapter.

23 Y. “Dwelling” means any building, including one-family, two-
24 family, and multiple-family dwellings, designed or used for residential
25 occupancy by one (1) or more persons.

26 Z. “Dwelling unit” means one (1) or more rooms designed as a
27 unit of occupancy as separate living quarters. No single dwelling unit may
28 contain more than one (1) kitchen. Any self-contained area with more than

1 one (1) room, an independent exterior exit, combined with a bathtub or
2 shower and a sink shall also be considered a dwelling unit.

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

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

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

California Public Resources Code. Excluded Waste does not include used motor oil and filters, household batteries, universal wastes, and/or latex paint when such materials are defined as allowable materials for collection through the City's collection programs and the generator or customer has properly placed the materials for collection pursuant to instructions provided by City or its Designee for collection services.

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

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

FF. "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).

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

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

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

1 If the definition in 14 CCR Section 18982(a)(25) for Food
2 Recovery Organization differs from this definition, the definition in 14 CCR
3 Section 18982(a)(25) shall apply to this ordinance would be disposed, or as
4 otherwise defined in 14 CCR Section 18982(a)(24).

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

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

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

21 KK. "Food-Soiled Paper" is compostable paper material that has
22 come in contact with food or liquid.

23 LL. "Grocery Store" means a store primarily engaged in the retail
24 sale of canned food; dry goods; fresh fruits and vegetables; fresh meats,
25 fish, and poultry; and any area that is not separately owned within the store
26 where the food is prepared and served, including a bakery, deli, and meat
27 and seafood departments, or as otherwise defined in 14 CCR Section
28 18982(a)(30).

1 MM. "Hauler Route" means the designated itinerary or sequence of
2 stops for each segment of the City's collection service area, or as otherwise
3 defined in 14 CCR Section 18982(a)(31.5).

4 NN. "High Diversion Organic Waste Processing Facility" means a
5 facility that is in compliance with the reporting requirements of 14 CCR
6 Section 18815.5(d) and meets or exceeds an annual average Mixed Waste
7 organic content Recovery rate of fifty percent (50%) between January 1,
8 2022 and December 31, 2024, and seventy-five percent (75%) after
9 January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for
10 Organic Waste received from the "Mixed waste organic collection stream"
11 as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in
12 14 CCR Section 18982(a)(33).

13 OO. "Improved alley" means a public or private way that is twenty
14 feet (20') or less in width which is paved and which the Director of Public
15 Works has determined may be safely negotiated by solid waste collection
16 vehicles.

17 PP. "Incidental waste" means up to one (1) cubic foot of refuse
18 which is deposited at a location other than the business, residence or
19 premises where generated.

20 QQ. "Inspection" means a site visit where City reviews records,
21 containers, and an entity's collection, handling, recycling, or disposal of
22 Organic Waste or Edible Food handling to determine if the entity is
23 complying with requirements set forth in this ordinance, or as otherwise
24 defined in 14 CCR Section 18982(a)(35).

25 RR. "Large Event" means an event, including, but not limited to, a
26 sporting event or a flea market, that may or may not charge an admission
27 price, or is operated by a local agency, and serves an average of more than
28 two thousand (2,000) individuals per day of operation of the event, at a

1 location that includes, but is not limited to, a public, nonprofit, or privately
2 owned park, parking lot, golf course, street system, or other open space
3 when being used for an event. If the definition in 14 CCR Section
4 18982(a)(38) differs from this definition, the definition in 14 CCR Section
5 18982(a)(38) shall apply to this ordinance.

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

20 TT. "Litter receptacle" means any receptacle serviced by the City
21 or designee that is placed on public property for incidental refuse, refuse or
22 recycling generated as part of the routine use of public facilities.

23 UU. "Local Education Agency" means a school district, charter
24 school, or county office of education that is not subject to the control of city
25 or county regulations related to Solid Waste, or as otherwise defined in 14
26 CCR Section 18982(a)(40).

27 VV. "Manual collection" means solid waste collection service using
28 a receptacle which requires manual moving and manual lifting by City

1 personnel or its designee.

2 WW. "Mixed use" means a building, structure or premises occupied
3 by or used by two (2) or more principal types of use, including but not
4 limited to residential and commercial uses.

5 XX. "Mixed Waste Organic Collection Stream" or "Mixed Waste"
6 means Organic Waste collected in a container that is required by 14 CCR
7 Sections 18984.1, 18984.2 or 18984.3 to be taken to a High Diversion
8 Organic Waste Processing Facility or as otherwise defined in 14 CCR
9 Section 17402(a)(11.5).

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

14 ZZ. "MWELO" refers to the Model Water Efficient Landscape
15 Ordinance (MWELO), LBMC Sections 21.42.035 and 21.42.060, as may be
16 amended and updated by 23 CCR, Division 2, Chapter 2.7.

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

20 BBB. "Non-Local Entity" means entities that are not subject to the
21 City's enforcement authority, or as otherwise defined in 14 CCR Section
22 18982(a)(42), including but not limited to federal facilities, including military
23 installations, located within the boundaries of the City, including the
24 Veterans Administration; and public universities (including community
25 colleges) located within the boundaries of the City, including California
26 State University Long Beach and Long Beach City College.

27 CCC. "Non-Organic Recyclables" means non-putrescible and non-
28 hazardous recyclable wastes including but not limited to bottles, cans,

metals, plastics and glass, or as otherwise defined by the City.

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

EEE. "Offal" means dead animals, parts of animals, animal byproducts and cooking grease.

FFF. "Organic Waste" means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a). This definition should not be referred to for purposes of determining what may be placed in a Source-Separated Organic Waste Container.

GGG. "Organics Waste Container" means any receptacle(s) provided by the City or authorized agent(s) for the storage and collection of Source-Separated Organic Waste.

HHH. "Organic Waste Generator" means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

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

JJJ. "Printing and Writing Papers" include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout

1 paper, white wove envelopes, manila envelopes, book paper, note pads,
2 writing tablets, newsprint, and other uncoated writing papers, posters, index
3 cards, calendars, brochures, reports, magazines, and publications, or as
4 otherwise defined in 14 CCR Section 18982(a)(54).

5 KKK. "Prohibited Container Contaminants" mean:

6 1. Three-container or three-plus-container collection
7 service: "Prohibited Container Contaminants" means the following: (i)
8 discarded materials placed in the Source Separated Recycling Container
9 that are not identified as acceptable Source Separated Recyclable
10 Materials for the City's Container; (ii) discarded materials placed in the
11 Source-Separated Organics Container that are not identified as acceptable
12 Source Separated Organic Waste for the City's Container; (iii) discarded
13 materials placed in the Refuse Container that are acceptable Source
14 Separated Recyclable Materials and/or Source Separated Organic Wastes
15 to be placed in City's Container(s); and, (iv) Excluded Waste placed in any
16 container.

17 2. Two-container collection service for Source Separated
18 Organic Waste and mixed materials): "Prohibited Container Contaminants"
19 means the following: (i) discarded materials placed in a Source-Separated
20 Organic Waste Container that are not identified as acceptable Source
21 Separated Organic Waste for the City's Container; (ii) discarded materials
22 placed in the Refuse Container that are identified as acceptable Source
23 Separated Organic Waste, which are to be separately collected in City's
24 Organic Waste Container; and, (iii) Excluded Waste placed in any
25 container.

26 3. Two-container collection service for Source Separated
27 Recyclable Materials and mixed materials): "Prohibited Container
28 Contaminants" means the following: (i) discarded materials placed in a

1 Source-Separated Recyclable Container that are not identified as
2 acceptable Source Separated Recyclable Materials for City's Container; (ii)
3 discarded materials placed in the Refuse Container that are identified as
4 acceptable Source Separated Recyclable Materials, which are to be
5 separately collected in City's Container; and, (iii) Excluded Waste placed in
6 any container.

7 4. One-container collection service: "Prohibited Container
8 Contaminants" means Excluded Waste placed in any container.

9 LLL. "Receptacle" means any container approved by the Director of
10 Public Works or designee for removing and conveying refuse, recyclable or
11 organic materials.

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

16 NNN. "Recovery" means any activity or process described in 14
17 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section
18 18982(a)(49).

19 OOO. "Recyclables" means materials designated by the Director of
20 Public Works for source separation, collection and recycling pursuant to the
21 California Integrated Waste Management Act of 1989 (AB 939).

22 PPP. "Recycled-Content Paper" means Paper Products and
23 Printing and Writing Paper that consists of at least thirty percent (30%), by
24 fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section
25 18982(a)(61).

26 QQQ. "Recycling bins" means any receptacle(s) provided by the City
27 or an authorized agent for the source separation and collection of
28 recyclable materials which are designated by the Director of Public Works.

1 RRR. "Recycling service" means the collection, processing and
2 marketing of materials designated by the City or its agent from accounts
3 designated by the Director of Public Works.

4 SSS. "Refuse" means all noninfectious and nonhazardous material
5 accumulating or resulting from the use, pre-occupancy or occupancy of
6 buildings, premises, dwellings, lots or parcels.

7 TTT. "Refuse Container" means a container used for the storage
8 and collection of Refuse.

9 UUU. "Refuse Container Waste" means all noninfectious and
10 nonhazardous material accumulating or resulting from the use, pre-
11 occupancy or occupancy of buildings, dwellings, lots or parcels, not
12 including Recyclables or Organic Waste.

13 VVV. "Refuse not collected by the City" includes material not
14 compatible with the City's Southeast Resource Recovery Facility (SERRF)
15 operation and/or materials designated by the Director of Public Works. This
16 includes but is not limited to: infectious waste, hazardous waste,
17 noncombustible construction/demolition debris, large metal items, lead acid
18 batteries, other noncombustible materials, materials from industrial and
19 manufacturing processes, food processing wastes or large quantities of
20 condemned food products, explosives, liquids, offal and any substances
21 such that exposure to them may pose a threat to human health or the
22 environment.

23 WWW. "Regional Agency" means regional agency as defined in
24 Public Resources Code Section 40181.

25 XXX. "Regional or County Agency Enforcement Official" means a
26 regional or county agency enforcement official, designated by the City with
27 responsibility for enforcing the ordinance in conjunction or consultation with
28 City Enforcement Official.

1 YYY. "Remote Monitoring" means the use of the internet of things
2 (IoT) and/or wireless electronic devices to visualize the contents of
3 containers for purposes of identifying the quantity of materials in containers
4 (level of fill) and/or presence of Prohibited Container Contaminants.

5 ZZZ. "Renewable Gas" means gas derived from Organic Waste
6 that has been diverted from a California landfill and processed at an in-
7 vessel digestion facility that is permitted or otherwise authorized by 14 CCR
8 to recycle Organic Waste, or as otherwise defined in 14 CCR Section
9 18982(a)(62).

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

13 BBBB. "Roll-out service" means the movement by City personnel
14 or its agent of any refuse, organics or recycling receptacle which is not
15 immediately adjacent to public streets or alleys.

16 CCCC. "Route Review" means a visual Inspection of containers
17 along a Hauler Route for the purpose of determining Container
18 Contamination, and may include mechanical Inspection methods such as
19 the use of cameras, or as otherwise defined in 14 CCR Section
20 18982(a)(65).

21 DDDD. "SB 1383" means Senate Bill 1383 of 2016 approved by
22 the Governor on September 19, 2016, which added Sections 39730.5,
23 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added
24 Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of
25 the Public Resources Code, establishing methane emissions reduction
26 targets in a Statewide effort to reduce emissions of short-lived climate
27 pollutants as amended, supplemented, superseded, and replaced from time
28 to time.

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

FFFF. “Self-Hauler” means a person, who hauls Solid Waste, Organic Waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).

GGGG. “Semi-automated collection” means collection service using a cart which may require manual moving but no manual lifting by City personnel.

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

IIII. “Single-family dwelling” means any dwelling containing only one (1) dwelling unit located on a single lot or parcel.

JJJJ. “Solid Waste” has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the

1 following wastes:

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

14 KKKK. "Source separated" means materials, including
15 commingled recyclable materials, that have been separated or kept
16 separate from the Solid Waste stream, at the point of generation, for the
17 purpose of additional sorting or processing those materials for recycling or
18 reuse in order to return them to the economic mainstream in the form of raw
19 material for new, reused, or reconstituted products, which meet the quality
20 standards necessary to be used in the marketplace, or as otherwise defined
21 in 14 CCR Section 17402.5(b)(4). For the purposes of the ordinance,
22 Source Separated shall include separation of materials by the generator,
23 property owner, property owner's employee, property manager, or property
24 manager's employee into different containers for the purpose of collection
25 such that Source Separated materials are separated from Refuse Container
26 Waste/Mixed Waste or other Solid Waste for the purposes of collection and
27 processing.

28 LLLL. "Source-Separated Recycling Container" means any

receptacle(s) provided by the City or its designee for the storage and collection of Source-Separated Recyclable Materials which are designated by the Director of Public Works.

MMMM. "Source Separated Recyclable Container Organic Waste" means Source Separated Organic Wastes that can be placed in a Recyclable Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables, such as Paper Products and Printing and Writing Paper, as defined in Section 18982(a)(43), or as otherwise defined by Section 17402(a)(18.7).

NNNN. "Source Separated Green Container Organic Waste" means Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Recyclable Container Organic Waste, carpets, Non-Compostable Paper, and textiles.

OOOO. "Source Separated Recyclable Materials" means Source Separated Non-Organic Recyclables and Source Separated Recyclable Container Organic Waste.

PPPP. "State" means the State of California.

QQQQ. "Street sweeping debris" means material collected by City street sweeping vehicles or like mechanisms.

RRRR. "Sufficient capacity" means able to contain all the refuse, recyclables, and organics in a manner which prevents such material from dropping on the ground, being blown from the container, or otherwise causing a nuisance.

SSSS. "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).

TTTT. “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 ten thousand (10,000) square feet.
3. Food Service Provider.
4. Food Distributor.
5. Wholesale Food Vendor.

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

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

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

If the definition in 14 CCR Section 18982(a)(74) of Tier Two

1 Commercial Edible Food Generator differs from this definition, the definition
2 in 14 CCR Section 18982(a)(74) shall apply to this ordinance.

3 VVVV. “Uncontainerized Green Waste and Yard Waste Collection
4 Service” or “Uncontainerized Service” means a collection service that
5 collects green waste and yard waste that is placed in a pile or bagged for
6 collection on the street in front of a generator’s house or place of business
7 for collection and transport to a facility that recovers Source Separated
8 Organic Waste, or as otherwise defined in 14 CCR Section 189852(a)(75).

9 WWW. “Unimproved alley” means any public or private way which
10 is twenty feet (20') or less in width and is not paved or which the Director of
11 Public Works has determined cannot be safely negotiated by refuse,
12 recycling, or organics collection vehicles.

13 XXXX. “Use” means the purpose for which land or a building is
14 occupied, arranged, designed or intended, or for which either land or
15 building is or may be occupied or maintained. Use also means the activity
16 conducted on the land or in the building.

17 YYYY. “Waste” means nonhazardous, noninfectious materials
18 generated from the occupancy or pre-occupancy of a dwelling, commercial
19 building lot or parcel including but not limited to organic and inert solid,
20 semi-solid and liquid waste.

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

26
27 Section 3. Section 8.60.020 of the Long Beach Municipal Code is
28 amended to read as follows:

1 8.60.020 Adequate receptacles or bins required.

2 A. All property owners or occupants utilizing solid waste
3 receptacles shall have the number of receptacles or bins with sufficient
4 capacity necessary to contain their solid waste in compliance with City
5 ordinances and the Health and Safety Code.

6 B. It shall be the duty of every account to provide, maintain and
7 use receptacles for solid waste collection service in accordance with the
8 type, quantity and conditions set forth in Sections 8.60.020 through
9 8.60.370 in the manner provided by this Chapter. The terms of Sections
10 8.60.020 through 8.60.070 shall not apply to any tenant occupying any real
11 estate in the City, the owner of which provides and maintains, as prescribed
12 in this Chapter, receptacles for holding waste, or who provides and
13 maintains, in accordance with the terms of this Chapter, a solid waste
14 collection service with a solid waste enterprise licensed and permitted to
15 remove or convey waste within the City.

16 C. Property owners or occupants utilizing plastic trash bags for
17 refuse collection only, must do so in accordance with Subsection
18 8.60.025.D and shall store such bags, when in use and when filled, in a
19 sanitary manner so as to minimize odor and vector problems.

20 D. Any account in the City will be advised in writing by the
21 Director of Public Works to increase their levels of service by obtaining
22 additional receptacles or arranging for more frequent collection. If the
23 Director of Public Works determines that overflowing or otherwise non-
24 contained solid waste continues to create a nuisance or a threat to public
25 health or safety after written notification to the account, or to the property
26 owner and occupant, the Director shall either provide sufficient containers
27 and collection and bill the account in accord with the schedule of fees
28 adopted by the City Council, or refer the matter to the appropriate City

department for further action.

E. City-serviced accounts designated by the Director of Public Works for automated or semi-automated collection shall only use solid waste carts and bins obtained from the City. Carts and bins shall be provided and repaired or replaced by the City. Carts, bins and their components so furnished shall remain the property of the City.

F. Account holders as shown in the City's utility billing records shall have the option of requesting additional carts or bins or exchanging the carts for a different size based on available City inventory. Carts shall not be exchanged more than once every six (6) months. Exchange fees shall be established in accordance with Section 8.60.190.

G. Each refuse transportation permit holder shall be responsible to comply with each requirement set forth in Subsections 8.60.020.A through 8.60.020.D and 8.60.370.C of this Section for each account or property it services within the City. Failure to comply with these requirements shall be a violation of the terms and conditions of the refuse transportation permit as set forth in Section 8.60.088.

Section 4. Section 8.60.025 of the Long Beach Municipal Code is amended to read as follows:

8.60.025 Receptacles - specifications.

All solid waste receptacles utilized within the City for removing and conveying waste shall be acceptable to the Director of Public Works and shall conform to the following specifications:

A. City-serviced accounts designated by the Director of Public Works for automated or semi-automated collection shall:

1. Only use carts and bins provided by the City or its agent;

2. Fill each cart so that its weight when loaded does not exceed two hundred fifty (250) pounds and so that the lid is fully closed when placed for collection.

B. City-serviced accounts designated by the Director of Public Works for commercial service shall:

1. Utilize carts or bins provided by the City or provide, utilize and maintain commercial bins that meet specifications set by the Director of Public Works. For the purposes of this Chapter, the volume of a standard two cubic yard commercial bin shall be equal to five (5) one hundred (100) gallon carts;

2. Utilize structurally sound, watertight receptacles;

3. Have four (4) operative wheels that allow for a one-person movement of the receptacle when loaded;

4. Have sufficient drainage or a plug utilized for drainage;

5. Utilize a lid that prevents contents from escaping;

6. Plainly and visibly display the service location address on each commercial receptacle. Characters shall be at least four inches (4") high;

7. Plainly and visibly display signage banning the illegal disposal of hazardous, infectious and liquid waste;

8. Utilize containers that weigh not more than one thousand two hundred fifty (1,250) pounds when loaded;

9. Stow all waste in a manner that will prevent contents escaping therefrom;

10. Stow all waste in appropriate receptacle in a manner that rain will not increase a receptacle's weight beyond capacity;

11. Clean the inside and outside of receptacles as necessary to maintain sanitary conditions and keep receptacles free of

1 graffiti; and

2 12. Comply with all color and label requirements as stated
3 in 8.60.370.4.

4 C. City-serviced accounts designated by the Director of Public
5 Works for manual collection shall:

6 1. Utilize receptacles made of waterproof material, the
7 interior of which shall be smooth with no projections;

8 2. Have a diameter not less than eighteen inches (18")
9 nor greater than twenty-four inches (24"), the top diameter of which shall in
10 no case be less than any diameter below the top with nothing attached to
11 the exterior other than acceptable handles;

12 3. Utilize a removable waterproof cover or lid to prevent
13 rain from increasing a receptacle's loaded weight beyond capacity;

14 4. Stow all waste in a manner that prevents contents
15 escaping therefrom;

16 5. Utilize receptacles that have a capacity not less than
17 thirty (30) nor more than fifty (50) gallons, weighing not more than twenty
18 (20) pounds when empty nor more than sixty (60) pounds when loaded; and

19 6. Comply with all color and label requirements as stated
20 in 8.60.370.4.

21 D. Heavy-duty double-strength plastic bags are acceptable for
22 refuse collection only with the following restrictions:

23 1. Bags shall be securely tied;

24 2. Bags shall not contain sharp objects such as branches,
25 sticks, glass, etc., which may cause the bag to puncture or cause injury to
26 collection personnel;

27 3. Bags shall not contain refuse weighing more than
28 twenty-five (25) pounds;

4. Property owners or occupants with manual collection are required to utilize a minimum of one (1) standard refuse receptacle per account specified under Subsection 8.60.025.C of this Section to hold refuse not acceptable in plastic bags;

5. Property owners or occupants shall be responsible for the condition of all plastic bags used and the materials contained therein until the bag(s) and contents have been conveyed by the City or private refuse crews;

6. Property owners or occupants with automated/semi-automated and commercial bin collection service shall place all plastic bags inside the cart(s) or commercial bin(s); and

7. Approved bags may be utilized for Organics collection if permitted by the hauler or the City. Check list of accepted materials from the City or Private Hauler prior to use.

E. All waste receptacles must have watertight lids to prevent the breeding of vectors and to contain debris and litter. Such lid shall remain closed and fit tightly over the receptacle at all times and shall be easily and quickly opened but the same shall not be opened except when necessary to place waste in such receptacle or to remove waste therefrom.

F. Receptacles that do not comply with the specifications and requirements as stipulated in the above Subsections shall be noticed and will be considered as refuse and removed as refuse if they do not comply by the next regular collection day. Receptacles and their contents so removed shall be subject to special service fees pursuant to Section 8.60.190.

G. Solid waste enterprises, recyclers and any contractor collecting, removing or conveying waste shall comply with the requirements of Subsections 8.60.025.A through 8.60.025.E according to the type of

1 service they provide. In addition to these requirements and those set forth
2 in Sections 8.60.087 and 8.60.370, solid waste enterprises, recyclers and
3 any contractor collecting, removing or conveying waste shall:

4 1. Plainly and visibly display the name and operational
5 phone number of the business providing service on all receptacles.

6 Characters are to be at least four inches (4") high;

7 2. Plainly and visibly display signage banning the stowing
8 of hazardous, infectious and liquid waste on the receptacle(s);

9 3. Plainly and visibly display what material is allowed and
10 not allowed in the receptacle per the requirements of Section 8.60.370;

11 4. Keep waste receptacles graffiti-free at all times; and

12 5. Utilize receptacles approved by the Director of Public
13 Works.

14
15 Section 5. Section 8.60.060 of the Long Beach Municipal Code is
16 amended to read as follows:

17 8.60.060 Placement of solid waste receptacles for collection.

18 Property owners or occupants with automated or semi-automated
19 and commercial collection shall place all Solid Waste in the carts provided
20 by the City or commercial bins approved by the Director of Public Works.
21 Each solid waste receptacle shall be placed for collection in the following
22 manner unless directed otherwise by the Director of Public Works:

23 A. For automated collection, where there is no alley or
24 unimproved alley, carts shall be placed in front of the premises where
25 generated, in the gutter with wheels against the curb and the arrow on the
26 receptacle lid facing into the street.

27 B. For semi-automated collection, where there is an improved
28 alley designated for alley collection, carts shall be placed for collection on a

1 hard, level surface, on the premises where generated, immediately adjacent
2 to the alley.

3 C. For manual collection (with approved receptacles as provided
4 in Sections 8.60.030 through 8.60.050):

5 1. Where there is no alley or unimproved alley,
6 receptacles and bundles shall be placed on the curb or parkway in front of
7 the premises where generated; and

8 2. Where there is an improved alley that is designated for
9 alley collection, receptacles and bundles shall be placed for collection on
10 the premises where generated, immediately adjacent to the alley.

11 D. The following additional requirements shall apply to
12 commercial solid waste collection service:

13 1. Commercial and business enterprises, offices, office
14 buildings, government facilities, churches, schools, or dwellings with over
15 four (4) dwelling units that have a storage area meeting Building Code
16 requirements may use a commercial bin for solid waste collection service;

17 2. Accounts using a commercial bin for City solid waste
18 collection service shall place the bin immediately adjacent to the improved
19 alley or at the curb in front of the premises accessible to City crews as
20 approved by the Director of Public Works and in compliance with Section
21 8.60.070;

22 3. Commercial bins placed in an improved alley shall be
23 placed on a hard level surface;

24 4. Commercial bins placed at the curb or parkway shall be
25 placed in the gutter with the spindles (lifting arms) against the curb;

26 5. Carts shall be used in lieu of commercial bins where
27 designated by the Director of Public Works;

28 6. Persons utilizing City commercial solid waste service

1 shall place for collection only the total number of bins and/or carts
2 previously established for the account; and

3 7. The City shall retain the right to place a sticker on all
4 commercial bins and carts used for City collection to show authorized
5 day(s) of service and container capacity.

6 E. Residential recycling program service:

7 1. Recycling bins shall be placed for collection in the
8 same location and on the same dates and times as for refuse receptacles,
9 unless otherwise specified by the Director of Public Works;

10 2. Recyclable materials shall be stored in recycling bins in
11 such a manner as to minimize vector control problems; and

12 3. Recyclables are not allowed to be placed inside a
13 plastic bag for collection. Material should be unbagged or loose in a paper
14 bag.

15 F. Organics program service:

16 1. Organics bins shall be placed for collection in the same
17 location and on the same dates and times for refuse receptacles, unless
18 otherwise specified by the Director of Public Works; and

19 2. Organics shall be stored in organics bins in such a
20 manner as to minimize vector control problems.

21 G. When possible, carts, commercial bins, and manual solid
22 waste receptacles shall not have any obstructions in front or within two feet
23 (2') of sides and top of receptacles. Two feet (2') of space shall be
24 maintained between carts. Each type of container (Refuse, Recycling,
25 Organics) shall be placed together at least two feet (2') from all carts and
26 bins.

27 H. The Director of Public Works or designee may specify other
28 locations for the placement of receptacles where such placement will

1 expedite collection or enhance the safety of collection operation, or benefit
2 the public health and safety.

3
4 Section 6. Section 8.60.087.5 of the Long Beach Municipal Code is
5 amended to read as follows:

6 8.60.087.5 Automatic enrollment in Recycling and Organics program.

7 Each permittee shall automatically enroll accounts into the organics
8 and recycling programs. Permittees to implement a recycling and organics
9 program as approved by the Director of Public Works, or designee.

10
11 Section 7. Section 8.60.140 of the Long Beach Municipal Code is
12 amended to read as follows:

13 8.60.140 Collection charges.

14 A. The City shall provide for the collection and removal of solid
15 waste from all property in the City at regular intervals to be prescribed by
16 the Director of Public Works. A charge is imposed upon every property
17 owner or occupant of property in the City not expressly exempted therefrom
18 in this Chapter for such classes of service. Unless exempted, the charge
19 shall always apply if the property is receiving either water or gas service
20 and pursuant to Section 8.60.240 a written exemption has not been
21 requested and received in advance from the Director of Public Works.

22 B. The City shall provide for the collection, marketing and
23 processing of recyclable materials stipulated in Sections 8.60.010 through
24 8.60.070 from all accounts designated by the Director of Public Works. A
25 recycling program charge shall be imposed upon every property owner or
26 occupant of each dwelling unit of a lot or parcel if the property is receiving
27 City refuse service and the property is not expressly exempted therefrom in
28 this Chapter.

1 C. The City shall provide the collection, marketing and
2 processing of organic materials stipulated in Sections 8.60.101 through
3 8.60.370 from all accounts designated by the Director of Public Works. A
4 organics program charge shall be imposed upon every property owner or
5 occupant of each dwelling unit or a lot or parcel if the property is receiving
6 City refuse services and the property is not expressly exempted therefrom
7 in this Chapter.

8 D. Rates for all City-serviced solid waste services, late fees and
9 penalties shall be as established by the City Council by resolution.

10
11 Section 8. Section 18.67.030 of the Long Beach Municipal Code is
12 amended to read as follows:

13 18.67.030 Submission of a waste management plan.

14 A. Applicants for construction or demolition permits involving a
15 covered project shall complete and submit a WMP, on a WMP form
16 approved by the City for this purpose, as part of the application packet for
17 the construction or demolition permit. The completed WMP shall indicate all
18 of the following:

19 1. The estimated volume or weight of the project C and D
20 debris, by material type, to be generated;

21 2. The maximum volume or weight of such materials that
22 can feasibly be diverted via reuse or recycling. No more than twenty
23 percent (20%) of the sixty-five percent (65%) diversion rate can be
24 achieved through the recycling or reuse of inert materials unless applicant
25 can demonstrate to the satisfaction of the Director that sufficient structural
26 materials do not exist for recycling or that forty-five percent (45%) diversion
27 of total waste through non-inert materials is not feasible;

28 3. The permitted waste hauler that will haul the material

1 from the site and the facility where the applicant proposes to use to collect
2 or receive that material;

3 4. The estimated volume or weight of C and D debris that
4 will be landfilled in Class III landfills; and

5 5. Applicant may submit the WMP prior to knowing who
6 their waste hauler is; however, Applicant must use a permitted Solid Waste
7 Hauler for the City of Long Beach to ensure eligibility for project refund
8 assuming all other requirements are met.

9 B. Calculating volume and weight of material. In estimating the
10 volume or weight of materials identified in the WMP, the applicant shall use
11 the conversion rates approved by the City for this purpose.

12 C. Deconstruction. In preparing the WMP, applicants for
13 demolition permits involving the removal of all or part of an existing
14 structure shall consider deconstruction to the maximum extent feasible, and
15 shall make the materials generated thereby available for salvage prior to
16 landfilling. Deconstruction can be used to meet the sixty-five percent (65%)
17 diversion requirement provided it is accounted for in the WMP.

18
19 Section 9. Section 18.67.070 of the Long Beach Municipal Code is
20 amended to read as follows:

21 18.67.070 Compliance with a WMP.

22 A. Within thirty (30) days after the completion of any covered
23 project, the applicant shall submit to the Director documentation that it has
24 met the diversion requirement for the project. Applicant shall provide a
25 summary of efforts used to meet the diversion requirement and also provide
26 the following documentation:

27 1. Receipts from the vendor or facility which collected or
28 received each material showing the actual weight or volume of that

1 material;

2 2. Weight slips/count of material salvaged or reused in
3 current project;

4 3. A copy of the previously approved WMP for the project
5 adding the actual volume or weight of each material diverted and landfilled;

6 4. Verification of use of a permitted private waste hauler
7 for the City of Long Beach ; and

8 5. Any additional information the applicant believes is
9 relevant to determining its efforts to comply in good faith with this Chapter.

10 B. Weighing of wastes. Applicants shall make reasonable efforts
11 to ensure that all C and D debris diverted or landfilled are measured and
12 recorded using the most accurate method of measurement available. To the
13 extent practical, all C and D debris shall be weighted by measurement on
14 scales. Such scales shall be in compliance with all State and County
15 regulatory requirements for accuracy and maintenance. For C and D debris
16 for which weighing is not practical due to small size or other considerations,
17 a volumetric measurement shall be used. For conversion of volumetric
18 measurements by weight, the applicant shall use the standardized
19 conversion rates approved by the City for this purpose.

20 C. The Director shall review the information submitted under
21 Subsection 18.67.070.A to determine whether the applicant has complied
22 with the diversion requirement as follows:

23 1. If the Director determines that the applicant has fully
24 complied with the diversion requirement applicable to the project, he or she
25 shall cause the full waste diversion deposit to be released to the applicant;
26 and

27 2. If the Director determines that the diversion
28 requirement has not been met, he or she shall return only that portion of the

1 performance security equivalent to the portion of C and D debris actually
2 diverted compared to the portion that should have been diverted according
3 to the WMP. If Applicant uses non-permitted hauler, deposit can we
4 withheld, any portion of the waste diversion deposit not released to the
5 applicant shall be forfeited to the City, and shall be used to further develop
6 environmental sustainability efforts within the City. If the Director
7 determines that the applicant has fully failed to comply with the diversion
8 requirement or if the applicant fails to submit the documentation required by
9 Subsection 18.67.070.A within the required time period, then the entire
10 waste diversion deposit shall be forfeited to the City. All forfeited waste
11 diversion deposits shall be used to further develop environmental
12 sustainability efforts within the City.

13
14 Section 10. Section 8.60.370 is hereby added to the Long Beach
15 Municipal Code to read as follows:

16 8.60.370 Mandatory organic waste disposal reduction.

17 A. Requirements for Single-Family Generators. Single Family
18 Organic Waste Generators:

19 1. Shall be automatically enrolled in the City's Organic
20 Waste collection services and shall have the number of receptacles or bins
21 with sufficient capacity necessary to contain their refuse, organics, and
22 recyclables in compliance with City ordinances and the Health and Safety
23 Code. City-serviced accounts will be advised in writing by the Director of
24 Public Works, or designee, to increase their levels of service by obtaining
25 additional receptacles or arranging for more frequent collection. If the
26 Director of Public Works, or designee, determines that overflowing or
27 otherwise non-contained waste (Organics, Refuse, or Recycling) continues
28 to create a nuisance or a threat to public health or safety after written

1 notification to the account, or to the property owner and occupant, the
2 Director, or designee, shall either provide sufficient containers and
3 collection and bill the account in accord with the schedule of fees adopted
4 by the City Council, or refer the matter to the appropriate City department
5 for further action.

6 2. Shall participate in the City of Long Beach's Organic
7 Waste collection service(s) by placing designated materials in designated
8 containers, and shall not place Prohibited Container Contaminants in
9 collection containers.

10 3. Nothing in this Section prohibits a generator from
11 preventing or reducing waste generation, managing Organic Waste on site,
12 and/or using a Community Composting site pursuant to 14 CCR Section
13 18984.9(c).

14 B. Requirements for Commercial Businesses. Generators that
15 are Commercial Businesses, including Multi-Family Residential Dwellings,
16 shall:

17 1. Shall be automatically enrolled to a collection service(s)
18 including required diversion for Organics and Recyclables, except those
19 that meet the Self-Hauler requirements in Section 8.60.370.G of this
20 ordinance. City-serviced accounts shall be automatically enrolled in
21 service(s) as require by State law. Commercial generators permitted to
22 utilize the service of a licensed and permitted solid waste enterprise for
23 collection, as defined in Section 8.60.240 shall be automatically enrolled by
24 their hauler in Organics, Recycling, and Refuse collection unless required
25 diversion is met through a High Diversion Facility in accordance with Title
26 14 of CCR. Commercial generators that are allowed to utilize the service of
27 a licensed and permitted solid waste enterprise are allowed to utilize any of
28 the permitted haulers for these services. The City shall have the right to

1 review the number and size of a generator's containers and frequency of
2 collection to evaluate adequacy of capacity provided for each type of
3 collection service for proper separation of materials and containment of
4 materials; and, Commercial Businesses shall adjust their service level for
5 their collection services as requested by the City.

6 2. Participate in Organic Waste collection service(s) by
7 placing designated materials in designated containers as described by the
8 hauler to meet the service requirements of Title 14 of CCR., except
9 Commercial Businesses that meet the Self-Hauler requirements in Section
10 8.60.370.G of this ordinance.

11 3. Supply and allow access to adequate number, size and
12 location of collection containers with sufficient labels or colors (conforming
13 with Subsections B.4 (a) and (b) below) for employees, contractors,
14 tenants, and customers, consistent with the City's or licensed permitted
15 private haulers collection service or, if self-hauling, per the Commercial
16 Businesses' instructions to support its compliance with its self-haul
17 program, in accordance with Section 8.60.370.G of this ordinance.

18 4. Excluding Multi-Family Residential Dwellings and
19 commercial businesses using a permitted hauler which utilizes a 1-2 cart
20 collection system processed at a permitted High Diversion Processing
21 Facility meeting the requirements of Title 14 of CCR, provide containers for
22 the collection of Source Separated Green Container Organic Waste and
23 Source Separated Recyclable Materials in all indoor and outdoor areas
24 where disposal containers are provided for customers, for materials
25 generated by that business. Pursuant to 14 CCR Section 18984.9(b), the
26 containers provided by the business shall have either:

27 a. A body or lid that conforms with the container
28 colors provided through the collection service provided by City or licensed

permitted hauler, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

b. Container that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.

5. Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirements in Section B.4 pursuant to 14 CCR Section 18984.9(b).

6. To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the City's collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 8.60.370.G of this ordinance.

7. Excluding Multi-Family Residential Dwellings, periodically inspect all Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section

18984.9(b)(3).

8. Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials. Not applicable to businesses meeting recovery requirements through a 1-container system processed at a permitted High Diversion Facility.

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

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

11. Accommodate and cooperate with City's or its agent's Remote Monitoring program for Inspection of the contents of containers for Prohibited Container Contaminants, which may be implemented at a later date, to evaluate generator's compliance with this ordinance. The Remote Monitoring program shall involve installation of Remote Monitoring equipment on or in the service Containers.

12. At Commercial Business's option and subject to any approval required from the City, implement a Remote Monitoring program for Inspection of the contents of its Containers for the purpose of monitoring the contents of containers to determine appropriate levels of service and to identify Prohibited Container Contaminants. Generators may install Remote Monitoring devices on or in the Containers subject to written notification to

or approval by the City or its Designee.

13. If a Commercial Business wants to self-haul, meet the Self-Hauler requirements in Section 8.60.370.G of this ordinance.

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

15. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to this ordinance.

C. Waivers for Generators. If Commercial Business or Multi-Family Residential Dwelling is serviced by the City, these waivers can be directly submitted to the City. If the Commercial Business or Multi-Family Residential Dwelling utilizes the service of a licensed and permitted solid waste enterprise for collection, as defined in Section 8.60.240 then waivers must be submitted to them directly. The licensed and permitted solid waste enterprise will submit these waivers to the City.

1. De Minimis Waivers (Optional for Three-, Three-Plus, and Two-Container Systems per 14 CCR Section 18984.11). The City may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this ordinance if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in Subsection 1.b. below. Commercial Businesses requesting a de minimis waiver shall:

a. Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in Subsection C.1.b below.

b. Provide documentation that either:

(i) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste comprises less than twenty (20) 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 comprises less than ten (10) gallons per week per applicable container of the business' total waste.

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

d. Provide written verification of eligibility for de minimis waiver every five (5) years, if City has approved de minimis waiver.

2. Physical Space Waivers (Optional for Three-, Three-Plus, and Two-Container Systems) The City may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the City has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of this ordinance. A Commercial Business or property owner may request a physical space waiver through the following process:

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

b. Provide documentation that the premises lacks

adequate space for Recycling Containers and/or Organics Containers including documentation from its hauler, licensed architect, or licensed engineer.

c. Provide written verification to City that it is still eligible for physical space waiver every five (5) years, if City has approved application for a physical space waiver.

3. Review and Approval of Waivers by the Public Works Director or designee.

D. Requirements For Commercial Edible Food Generators.

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

2. 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.

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

a. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.

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

c. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food

1 Recovery Service.

2 d. Allow City's designated enforcement entity or
3 designated third party enforcement entity to access the premises and
4 review records pursuant to 14 CCR Section 18991.4.

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

7 (i) A list of each Food Recovery Service or
8 organization that collects or receives its Edible Food pursuant to a contract
9 or written agreement established under 14 CCR Section 18991.3(b).

10 (ii) A copy of all contracts or written
11 agreements established under 14 CCR Section 18991.3(b).

12 (iii) A record of the following information for
13 each of those Food Recovery Services or Food Recovery Organizations:

14 1) The name, address and contact
15 information of the Food Recovery Service or Food Recovery Organization.

16 2) The types of food that will be
17 collected by or self-hauled to the Food Recovery Service or Food Recovery
18 Organization.

19 3) The established frequency that
20 food will be collected or self-hauled.

21 4) The quantity of food, measured in
22 pounds recovered per month, collected or self-hauled to a Food Recovery
23 Service or Food Recovery Organization for Food Recovery.

24 f. The City may additionally request the records to
25 be submitted electronically or by mail within 15 (fifteen) days of the request.

26 4. Nothing in this ordinance shall be construed to limit or
27 conflict with the protections provided by the California Good Samaritan
28 Food Donation Act of 2017, the Federal Good Samaritan Act, or share table

1 and school food donation guidance pursuant to Senate Bill 557 of 2017
2 (approved by the Governor of the State of California on September 25,
3 2017, which added Article 13 [commencing with Section 49580] to Chapter
4 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend
5 Section 114079 of the Health and Safety Code, relating to food safety, as
6 amended, supplemented, superseded and replaced from time to time).

7 E. Requirements For Food Recovery Organizations and
8 Services.

9 1. Food Recovery Services collecting or receiving Edible
10 Food directly from Commercial Edible Food Generators, via a contract or
11 written agreement established under 14 CCR Section 18991.3(b), shall
12 maintain the following records, or as otherwise specified by 14 CCR Section
13 18991.5(a)(1):

14 a. The name, address, and contact information for
15 each Commercial Edible Food Generator from which the service collects
16 Edible Food.

17 b. The quantity in pounds of Edible Food collected
18 from each Commercial Edible Food Generator per month.

19 c. The quantity in pounds of Edible Food
20 transported to each Food Recovery Organization per month.

21 d. The name, address, and contact information for
22 each Food Recovery Organization that the Food Recovery Service
23 transports Edible Food to for Food Recovery.

24 2. Food Recovery Organizations collecting or receiving
25 Edible Food directly from Commercial Edible Food Generators, via a
26 contract or written agreement established under 14 CCR Section
27 18991.3(b), shall maintain the following records, or as otherwise specified
28 by 14 CCR Section 18991.5(a)(2):

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

4 b. The quantity in pounds of Edible Food received
5 from each Commercial Edible Food Generator per month.

6 c. The name, address, and contact information for
7 each Food Recovery Service that the organization receives Edible Food
8 from for Food Recovery.

9 3. Food Recovery Organizations and Food Recovery
10 Services shall inform generators about California and Federal Good
11 Samaritan Food Donation Act protection in written communications, such as
12 in their contract or agreement established under 14 CCR Section
13 18991.3(b).

14 4. Food Recovery Organizations and Food Recovery
15 Services that have their primary address physically located in the City and
16 contract with or have written agreements with one or more Commercial
17 Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall
18 report to the City the total pounds of Edible Food recovered in the previous
19 calendar year from the Tier One and Tier Two Commercial Edible Food
20 Generators they have established a contract or written agreement with
21 pursuant to 14 CCR Section 18991.3(b) no later than March 31 of each
22 year, commencing March 31, 2023.

23 5. Food Recovery Capacity Planning.

24 a. Food Recovery Services and Food Recovery
25 Organizations. In order to support Edible Food Recovery capacity planning
26 assessments or other studies conducted by the City or its designated entity,
27 Food Recovery Services and Food Recovery Organizations operating in the
28 City shall provide information and consultation to the City, upon request,

1 regarding existing, or proposed new or expanded, Food Recovery capacity
2 that could be accessed by the City and its Commercial Edible Food
3 Generators. A Food Recovery Service or Food Recovery Organization
4 contacted by the City shall respond to such request for information within 60
5 days, unless a shorter timeframe is otherwise specified by the City.

6 F. Requirements for Haulers and Facility Operators.

7 1. Requirements for Permitted Non-Exclusive Franchised
8 Haulers.

9 a. Non-exclusive franchised haulers providing,
10 Commercial (Multi-Family Dwelling) or industrial Organic Waste collection
11 services to generators within the City's boundaries that meet the
12 requirements of 8.60.240 shall meet the following requirements and
13 standards as a condition of approval of a contract, agreement, or other
14 authorization with the City to collect Organic Waste:

15 (i) Through written notice to the City
16 annually on or before December 31st , identify the facilities to which they
17 will transport Organic Waste including facilities for Source Separated
18 Recyclable Materials, Source Separated Green Container Organic Waste,
19 and Mixed Waste.

20 (ii) Transport Source Separated Recyclable
21 Materials, Source Separated Green Container Organic Waste, and Mixed
22 Waste to a facility, operation, activity, or property that recovers Organic
23 Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

24 b. Permitted Non-exclusive franchised haulers'
25 authorization to collect Organic Waste shall comply with education,
26 equipment(including but not limited to carts and bins), signage (included but
27 not limited to what is required by the law of signage on containers),
28 container labeling, container color, contamination monitoring, reporting, and

other requirements contained within its franchise agreement, permit, license, or other agreement entered into with City.

c. Non-Exclusive Franchise Haulers shall upon request provide a specified quantity of Compost or SB 1383 Eligible Mulch to City and its customers via periodic “giveaways” as specified in franchise agreement. They shall also keep and provide records to the City including the following:

- (i) Dates provided
- (ii) Source of product including name, physical location and contact information for each entity, operation or facility from whom the Recovered Organic Waste products were procured;
- (iii) Type of product;
- (iv) Quantity provided; and
- (v) Invoice or other record or documentation demonstrating purchase, procurement, or transfer of material to giveaway location.

d. Non-Exclusive Franchise Haulers shall upon request procure Renewable Gas as a Direct Service Provider.

(i) Direct Service Providers transporting solid waste, organic materials, and/or recyclable materials shall procure a percentage, to be determined, of their fuel as Renewable Gas. Renewable Gas used by Direct Service Providers shall comply with criteria specified in 14 CCR Section 18993.1.

2. Requirements for Facility Operators and Community Composting Operations.

a. Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall,

1 upon City request, provide information regarding available and potential
2 new or expanded capacity at their facilities, operations, and activities,
3 including information about throughput and permitted capacity necessary
4 for planning purposes. Entities contacted by the City shall respond within
5 sixty (60) days.

6 b. Community Composting operators, upon City
7 request, shall provide information to the City to support Organic Waste
8 capacity planning, including, but not limited to, an estimate of the amount of
9 Organic Waste anticipated to be handled at the Community Composting
10 operation. Entities contacted by the City shall respond within sixty (60)
11 days.

12 G. Self-Hauler Requirements.

13 1. Self-Haulers shall source separate all recyclable
14 materials and Organic Waste (materials that City otherwise requires
15 generators to separate for collection in the City's organics and recycling
16 collection program) generated on-site from Solid Waste in a manner
17 consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul
18 Organic Waste to a High Diversion Organic Waste Processing Facility as
19 specified in 14 CCR Section 18984.3.

20 2. Self-Haulers shall haul their Source Separated
21 Recyclable Materials to a facility that recovers those materials; and haul
22 their Source Separated Green Container Organic Waste to a Solid Waste
23 facility, operation, activity, or property that processes or recovers Source
24 Separated Organic Waste. Alternatively, Self-Haulers may haul Organic
25 Waste to a High Diversion Organic Waste Processing Facility.

26 3. Self-Haulers that are Commercial Businesses
27 (including Multi-Family Residential Dwellings) shall keep a record of the
28 amount of Organic Waste delivered to each Solid Waste facility, operation,

activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the City. The records shall include the following information:

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

4. Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in Section 8.60.370.G.3. to City if requested.

5. Self-Hauler meeting the above requirements for self-haul of organics do not automatically qualify for a waiver per this ordinance.

6. Self-Hauler meeting the requirements of self-haul for recycling do not automatically qualify for a waiver.

H. Inspections and Investigations by the City.

1. City representatives, including Designees, are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials, to confirm compliance with this ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food

1 Generators, haulers, Self-Haulers, Food Recovery Services, and Food
2 Recovery Organizations, subject to applicable laws. This Section does not
3 allow City to enter the interior of a private residential property for Inspection.
4 For the purposes of inspecting Commercial Business containers for
5 compliance with Section 8.60.370.B.6 of this ordinance, City, or designee,
6 may conduct container Inspections for Prohibited Container Contaminants
7 using Remote Monitoring, and Commercial Businesses shall accommodate
8 and cooperate with the Remote Monitoring pursuant to this ordinance.

9 2. Regulated entity shall provide or arrange for access
10 during all Inspections (with the exception of residential property interiors)
11 and shall cooperate with the City's employee or its Designee during such
12 Inspections and investigations. Such Inspections and investigations may
13 include confirmation of proper placement of materials in containers, Edible
14 Food Recovery activities, records, or any other requirement of this
15 ordinance described herein. Failure to provide or arrange for: (i) access to
16 an entity's premises; (ii) installation and operation of Remote Monitoring
17 equipment ; or (ii) access to records for any Inspection or investigation is a
18 violation of this ordinance and may result in penalties described.

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

23 4. City representatives and/or Designee are authorized to
24 conduct any Inspections, Remote Monitoring, or other investigations as
25 reasonably necessary to further the goals of this ordinance, subject to
26 applicable laws.

27 5. City shall receive written complaints from persons
28 regarding an entity that may be potentially non-compliant with SB 1383

Regulations, including receipt of anonymous complaints.

I. Enforcement.

1. Violation of any provision of this ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by a City Enforcement Official or designee. Enforcement Actions under this ordinance include issuance of an administrative citation and assessment of a fine. The City's procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this ordinance and any rule or regulation adopted pursuant to this ordinance, except as otherwise indicated in this ordinance.

2. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. City may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. Jurisdiction may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of City staff and resources.

3. Responsible Entity for Enforcement.

a. Enforcement pursuant to this ordinance may be undertaken by the City Enforcement Official, which may be the City Manager or their designated entity, City Attorney, City Prosecutor, or combination thereof.

b. Enforcement may also be undertaken by a Regional or County Agency Enforcement Official, designated by the City, in consultation with the City Enforcement Official.

(i) City Enforcement Official(s) (and

1 Regional or County Agency Enforcement Official, if using) will interpret
2 ordinance; determine the applicability of waivers, if violation(s) have
3 occurred; implement Enforcement Actions; and, determine if compliance
4 standards are met. Only City Enforcement Official(s) may issue waivers.

5 (ii) City Enforcement Official(s) (and
6 Regional or County Agency Enforcement Official, if using) may issue
7 Notices of Violation(s).

8 4. Process for Enforcement.

9 a. City Enforcement Officials or Regional or County
10 Enforcement Officials and/or their Designee will monitor compliance with
11 the ordinance randomly and through Compliance Reviews, Route Reviews,
12 investigation of complaints, and an Inspection program (that may include
13 Remote Monitoring). Section 8.60.370.H establishes City's right to conduct
14 Inspections and investigations.

15 b. The City may issue an official notification to
16 notify regulated entities of its obligations under the ordinance.

17 c. Contamination Processing Fees/Penalties: For
18 incidences of Prohibited Container Contaminants found in containers, City
19 may issue a Notice of Violation to any generator found to have Prohibited
20 Container Contaminants in a container. Such notice will be provided
21 immediately upon identification of the Prohibited Container Contaminants or
22 within seven (7) days after determining that a violation has occurred. If the
23 City observes Prohibited Container Contaminants in a generator's
24 containers, the City may assess contamination processing fees or
25 contamination penalties on the generator.

26 d. With the exception of violations of generator
27 contamination of container contents addressed under Subsection 4.c
28 above, City shall issue a Notice of Violation requiring compliance within

thirty (30) days, or less, of issuance of the notice.

e. Absent compliance by the respondent within the deadline set forth in the Notice of Violation, City shall commence an action to impose penalties, via an administrative citation and fine, pursuant to LBMC Section 9.65.

f. Notices shall be sent to “owner” at the official address of the owner maintained by the Los Angeles County tax collector or if no such address is available, to the owner at the address of the dwelling or Commercial property or to the party responsible for paying for the collection services, depending upon available information.

5. Penalty Amounts for Types of Violations. The penalty levels are as follows:

a. For a first violation, the amount of the base penalty shall be Fifty Dollars (\$50) to One Hundred Dollars (\$100) per violation.

b. For a second violation, the amount of the base penalty shall be One Hundred Dollars (\$100) to Two Hundred Dollars (\$200) per violation.

c. For a third violation, the amount of the base penalty shall be Two Hundred Fifty Dollars (\$250) to Five Hundred Dollars (\$500) per violation.

d. For a fourth or subsequent violation, the amount of the base penalty shall be a base penalty of Five Hundred Dollars (\$500) per violation, plus all additional fees related to monitoring violation, and fees related to ensuring compliance is met.

6. Factors Considered in Determining Penalty Amount. The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty amount range:

- a. The nature, circumstances, and severity of the violation(s);
- b. The violator's ability to pay.;
- c. The willfulness of the violator's misconduct.;
- d. Whether the violator took measures to avoid or mitigate violations of this Chapter;
- e. Evidence of any economic benefit resulting from the violation(s);
- f. The deterrent effect of the penalty on the violator;
- g. Whether the violation(s) were due to conditions outside the control of the violator.

7. Compliance Deadline Extension Considerations. The City may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with Section 8.60.370.I if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

- a. Acts of God such as earthquakes, pandemic, wildfires, flooding, and other emergencies or natural disasters;
- b. Delays in obtaining discretionary permits or other government agency approvals; or
- c. Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the Jurisdiction is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

8. Appeals Process. Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested

1 within the time prescribed and consistent with City's procedures in LBMC
2 Chapter 9.65 regarding appeals of administrative citations. Evidence may
3 be presented at the hearing. The City will appoint a hearing officer, who
4 may be a City employee different from the Enforcement Official, who shall
5 conduct the hearing and issue a final written order.

6 9. Education Period for Non-Compliance. Beginning
7 January 1, 2022 and through December 31, 2023, City will conduct
8 Inspections, Remote Monitoring, Route Reviews or waste evaluations, and
9 Compliance Reviews, depending upon the type of regulated entity, to
10 determine compliance, and if Jurisdiction determines that Organic Waste
11 Generator, Self-Hauler, hauler, Tier One Commercial Edible Food
12 Generator, Food Recovery Organization, Food Recovery Service, or other
13 entity is not in compliance, it shall provide educational materials to the entity
14 describing its obligations under this ordinance and a notice that compliance
15 is required by January 1, 2022, and that violations may be subject to
16 administrative civil penalties starting on January 1, 2024.

17 10. Civil Penalties for Non-Compliance. Beginning January
18 1, 2024, if the City determines that an Organic Waste Generator, Self-
19 Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator,
20 Food Recovery Organization, Food Recovery Service, or other entity is not
21 in compliance with this ordinance, it shall document the noncompliance or
22 violation, issue a Notice of Violation, and take Enforcement Action pursuant
23 to Section 17, as needed.

24 J. Effective Date. This Ordinance shall be effective commencing
25 on January 1, 2022.

26
27 Section 11. Section 18.67.100 is hereby added to the Long Beach
28 Municipal Code to read as follows:

18.67.100 Compliance with CalGreen Recycling Requirements.

A. Persons applying for a permit from the City for new construction and building additions and alternations shall comply with the requirements of this Section, LBMC Chapter 18.47, and all required components of the California Green Building Standards Code, 24 CCR, Part 11, known as CALGreen, as amended, if its project is covered by the scope of CALGreen or more stringent requirements of the City. If the requirements of CALGreen are more stringent then the requirements of this Section, the CALGreen requirements shall apply.

B. Project applicants shall refer to City's building and/or planning code, LBMC Chapter 18.47, for complete CALGreen requirements.

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

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

2. New Commercial construction or additions resulting in more than thirty percent (30%) of the floor area shall provide readily accessible areas identified for the storage and collection of Blue Container

1 and Green Container materials, consistent with the three-, three-plus, or
2 two-container collection program offered by the City, or shall comply with
3 provision of adequate space for recycling for Multi-Family and Commercial
4 premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the
5 California Green Building Standards Code, 24 CCR, Part 11 as amended
6 provided amended requirements are more stringent than the CALGreen
7 requirements for adequate recycling space effective January 1, 2020.

8 3. Comply with CALGreen requirements and applicable
9 law related to management of C&D, including diversion of Organic Waste in
10 C&D from disposal. Comply with City's C&D ordinance, LBMC Chapter
11 18.47, and all written and published City policies and/or administrative
12 guidelines regarding the collection, recycling, diversion, tracking, and/or
13 reporting of C&D.

14
15 Section 12. Section 21.42.060 is hereby added to the Long Beach
16 Municipal Code to read as follows:

17 21.42.060 Model Water Efficient Landscaping Ordinance Requirements.

18 A. Property owners or their building or landscape designers,
19 including anyone requiring a building or planning permit, plan check, or
20 landscape design review from the City, are constructing a new (Single-
21 Family, Multi-Family, public, institutional, or Commercial) project with a
22 landscape area greater than five hundred (500) square feet, or rehabilitating
23 an existing landscape with a total landscape area greater than two
24 thousand five hundred (2,500) square feet, shall comply with Sections
25 492.6(a)(3)(B) (C), (D), and (G) of the MWELO, including sections related to
26 use of Compost and mulch as delineated in this Section.

27 B. The following compost and mulch use requirements that are
28 part of the MWELO are now also included as requirements of this

ordinance. Other requirements of the MWELO are in effect and can be found in 23 CCR, Division 2, Chapter 2.7, and in LBMC Section 21.42.035.

C. Property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in the Section above shall:

1. Comply with Sections 492.6 (a)(3)(B)(C),(D) and (G) of the MWELO, which requires the submittal of a landscape design plan with a soil preparation, mulch, and amendments section to include the following:

a. For landscape installations, Compost at a rate of a minimum of four (4) cubic yards per one thousand (1,000) square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six inches (6") of soil are exempt from adding Compost and tilling.

b. For landscape installations, a minimum three inch (3") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife up to five percent (5%) of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

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

2. The MWELO compliance items listed in this Section are not an inclusive list of MWELO requirements; therefore, property

1 owners or their building or landscape designers that meet the threshold for
2 MWELO compliance outlined in this Section shall consult the full MWELO
3 for all requirements.

4 D. If, after the adoption of this ordinance, the California Department of
5 Water Resources, or its successor agency, amends 23 CCR, Division 2, Chapter 2.7,
6 Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELO September 15, 2015
7 requirements in a manner that requires City to incorporate the requirements of an
8 updated MWELO in a local ordinance, and the amended requirements include provisions
9 more stringent than those required in this Section, the revised requirements of 23 CCR,
10 Division 2, Chapter 2.7 shall be enforced.

11
12 Section 13. The City Clerk shall certify to the passage of this ordinance by
13 the City Council and cause it to be posted in three (3) conspicuous places in the City of
14 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
15 Mayor.

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I hereby certify that the foregoing Ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2021, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor