

ORDINANCE NO. 2021-597

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS, CALIFORNIA AMENDING CHAPTERS 6.12, 6.13, AND 6.14 OF TITLE 6 OF THE HAWAIIAN GARDENS MUNICIPAL CODE RELATING TO ORGANIC WASTE DISPOSAL REDUCTION

WHEREAS, SB 1383 (Chapter 395, Statutes of 2016) directed the California Department of Resources Recycling and Recovery (“CalRecycle”) to adopt regulations to reduce organic waste by 50 percent from its 2014 baseline level by 2020 and 75 percent by 2025; and

WHEREAS, SB 1383 also requires the regulations to recover, for human consumption, at least 20 percent of edible food that is currently thrown away; and

WHEREAS, CalRecycle promulgated regulations as directed in SB 1383 in Chapter 12 (Short-Lived Climate Pollutants) of Division 7 of Title 14 of the California Code of Regulations (“SB 1383 Regulations”); and

WHEREAS, the SB 1383 Regulations take effect January 1, 2022, and requires the City of Hawaiian Gardens to adopt an ordinance to enforce the SB 1383 Regulations by said date, and;

WHEREAS, the City Council desires to add an Organic Waste Disposal Reduction Ordinance to comply with the SB 1383 Regulations.

WHEREAS, adoption of the ordinance is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the State CEQA Guidelines, because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment. Moreover, this Ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources.; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS DOES ORDAIN AS FOLLOWS:

Section 1. Chapters 6.12, 6.13, and 6.14 are hereby amended as set forth in Exhibit A, incorporated by this reference.

Section 2. The list of materials accepted in the source separated containers for solid waste, recyclable materials, and organic waste is set forth in Exhibit B, incorporated by this reference, and may be modified by the Public Works Director or the City Manager in consultation with the solid waste franchisee.

Section 3. Severability. If any section, subsection, clause or phrase in this Ordinance or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of this Ordinance or the application of such provisions to other persons or circumstances shall not be affected thereby. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.

Section 4. No less than five days prior to the adoption of this Ordinance, the City Clerk published a summary of this Ordinance in accordance with Government Code section 36933. The City Clerk will certify to the passage of this Ordinance by the City Council of the City of Hawaiian Gardens, California, and cause a summary to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Government Code section 36933.

Section 5. This Ordinance shall take effect and be in full force 30 days after its adoption.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Hawaiian Gardens, California, on this 14th day of December 2021.

LUIS ROA
MAYOR

ATTEST:

LINDA HOLLINSWORTH
INTERIM CITY CLERK

EXHIBIT A

Chapter 6.12 – Solid Waste, Recycling, and Organic Waste

6.12.000 - Definitions

The following terms are defined for the purposes of this Chapter. In the event of a conflict between the Hawaiian Gardens Municipal Code and the SB 1383 Regulations, the Hawaiian Gardens Municipal Code shall prevail.

“AB 1826” means Assembly Bill 1826 approved by the Governor in September 2014, requires businesses that generate a specified amount of organic waste per week to arrange for recycling services for that waste, and for jurisdictions to implement a recycling program to divert organic waste from businesses subject to the law, as well as report to CalRecycle on their progress in implementing an organic waste recycling program.

“AB 341” means Assembly Bill 341 approved by the Governor in October 2011 which sets forth the requirements of the statewide mandatory commercial recycling program.

“Blue Container” has the same meaning as in 14 CCR § 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Waste.

“California Code of Regulations” or “CCR” means the State of California Code of Regulations.

“CalRecycle” means California's Department of Resources Recycling and Recovery.

“City” means the City of Hawaiian Gardens, California.

“City Agent” means any person designated by the City Council or City Manager as being responsible for administering, directing, supervising, collecting, or providing for the disposal of recyclable materials.

“Commercial” or “Commercial Business.” Means a business, industrial, commercial establishment, or construction site, and any multiple-family, residential dwelling with five (5) units or more on one (1) account.

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

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

“Container.” A cart, bin, roll-off, compactor or similar receptacle used to temporarily store solid waste, organics or recyclables for collection service.

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

“Designated Source Separated Organic Waste Facility” shall have the same definition as 14 CCR § 18982(14.5).

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

“Edible Food” means food intended for human consumption, or as otherwise defined in 14 CCR § 18982(a)(18). “Edible Food” is not Solid Waste if it is recovered and not discarded.

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

“Enforcement Officer” means the city manager, county administrative official, chief operating officer, executive director, public works director or other executive in charge or their authorized Designee(s) who is/are partially or whole responsible for enforcing this chapter.

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

“Food Recovery Organization” means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR § 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.

“Food Recovery Service” means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR § 18982(a)(26).

“Food waste” means food scraps separated from Solid Waste and offered for collection by Franchisee, that will decompose and/or putrefy including (i) all kitchen and table food waste, and animal or vegetable waste that attends or results from the storage, preparation, cooking or handling of food stuffs, and (ii) paper waste contaminated with food waste.

“Franchise Hauler” or “Franchise Collector” means the operator awarded the City’s Franchise for performing all solid waste, recycling, and organic waste services as set forth in the Franchise Agreement.

“Generator” or “Waste Generator” means a person or entity that is responsible for the initial creation of waste.

“Gray Container” has the same meaning as in 14 CCR § 18982.2(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.

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

“Green Container” has the same meaning as in 14 CCR § 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.

“Green Waste” means any and all forms of biodegradable plant material which can be placed in a covered Container, such as wastes generated from the maintenance or alteration of public, commercial or residential landscapes including, but not limited to, yard clippings, leaves, tree trimmings, pruning’s, brush, and weeds as well as green waste. Tree stumps and limbs greater than three (3) inches in diameter are excluded unless they are reduced to a chipped form; otherwise, such large portions of Green Waste shall be considered Bulky Waste.

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

“High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR § 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR § 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR § 17402(a)(11.5); or, as otherwise defined in 14 CCR § 18982(a)(33).

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

“Integrated Waste Collection.” means the collection of Source Separated Green Container Organic Waste in the Green Container, Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container.

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

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

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

“Mixed Waste Organic Collection Stream” or “Mixed Waste” means Organic Waste collected in a container that is required by 14 CCR §§ 18984.1, 18984.2 or 18984.3 to be taken to a High Diversion Organic Waste Processing Facility or as otherwise defined in 14 CCR § 17402(a) (11.5).

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

“Notice of Violation” or “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 § 18982(a)(45) or further explained in 14 CCR § 18995.4

“Organics,” “Organic Waste,” “organic waste” and “organic material.” means solid wastes containing material originated from living organisms and their metabolic waste products, including, but not limited to, Food Waste, Green Waste, non-hazardous wood waste, and unwaxed food-soiled paper.

“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 § 18982(a)(48).

“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 § 18982(a)(51).

“Permittee” means a recycling operator performing services pursuant to a permit issued by or a contract awarded by the City.

“Printing and Writing Papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR § 18982(a)(54).

“Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the City’s Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the City’s Green Container; (iii) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in the City’s Green Container and/or Blue Container; and, (iv) non-Solid Waste items placed in any container.

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

“Recovery” means any activity or process described in 14 CCR § 18983.1(b), or as otherwise defined in 14 CCR § 18982(a)(49).

“Recyclable material” or “Recyclables” means material such as, but not limited to, paper, cardboard, glass, metal and aluminum cans, and plastics which is separated from other waste or refuse for the purpose of recycling.

“Recycling” means the process of collecting and turning used products into new products by reprocessing or remanufacturing them.

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

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

“Residential.” Any residential dwelling or apartment house.

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

“SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016.

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

“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 § 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 § 18982(a)(66)(A).

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

“Solid waste” means all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, construction and demolition wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge that is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes. Solid waste does not include hazardous, radioactive waste or medical waste.

“Source separating” or “source separation” means the process of removing recyclable materials from solid waste at the place of generation, prior to collection, and placing them into separate containers that are separately designated for recyclable materials.

“Source Separated Blue Container Waste” means Source Separated Wastes that can be placed in a Blue Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables as defined in 14 CCR § 18982(a)(43), or as otherwise defined by 14 CCR § 17402(a)(18.7).

“Source Separated Green Container Organic Waste” means Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Blue Container Waste, carpets, non-compostable Paper, and textiles.

“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 § 18982(a)(71).

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

1. Supermarket.
2. Grocery Store with a total facility size equal to or greater than 10,000 square feet.
3. Food Service Provider.
4. Food Distributor.
5. Wholesale Food Vendor.

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

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

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

6.12.010 - Illegal dumping.

No person shall place, deposit, throw or dump, or cause to be placed, deposited, thrown or dumped, any solid waste, recyclable material, organic waste, dirt, rock, sand, cement, metal, carcass of any dead animal, refuse, or rubbish of any nature or any nauseous, offensive matter in or upon any public or private property of any kind whatsoever.

6.12.040 - Requirements for Single-Family Generators

- A. Generators shall deposit all solid waste, recyclables, and organic waste for collection in leak-proof containers equipped with a bail or with handles on both sides thereof. Such containers shall have close-fitting covers and shall not exceed bin capacity as provided by the City’s Franchise Hauler.
- B. Single-Family Organic Waste Generators shall comply with the following requirements:
 - 1. Shall subscribe to the City’s solid waste, recyclables, and organic waste collection services for all Organic Waste generated as described below in Section 6.12.040(B)(2). The City shall have the right to review the number and size of a generator’s containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Single-Family generators shall adjust its service level for its collection services as requested by the City. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste through backyard residential composting, and/or using a community composting site.
 - 2. Shall participate in the City’s solid waste, recyclables, and organic waste collection service(s) by placing designated materials in designated containers.
 - 3. A cardboard box or paper bag may not be used as a container for solid waste, recycled material, organic waste or rubbish.

6.12.050 - Requirements for Commercial Businesses

- A. Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall:
 - 1. Subscribe to the City’s three-container collection services and comply with requirements of those services as described below in Section 6.12.050(A)(2). The City shall have the right to review the number and size

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

2. Participate in the City's three-container collection service(s) by placing Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Solid Waste in the Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container or Blue Container, nor place materials designated for the Green Container or Blue Container into the Gray Container.
 - a. A cardboard box or paper bag may not be used as a container for solid waste, recycled material, organic waste or rubbish.
3. Supply and allow access to an adequate number, size and location of collection containers with sufficient labels or colors (conforming with Section 6.12.050(A)(4)(a)(b) for employees, contractors, tenants, and customers, consistent with the City's Blue Container, Green Container, and Gray Container collection service or, if self-hauling in compliance with an approved Waste Management Plan, in accordance with Section 6.12.105.
4. Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR § 18984.9(b), the containers provided by the business shall have either:
 - a. A body or lid that conforms with the container colors provided through the collection service provided by City, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the 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 labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or

graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR § 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 6.12.050(A)(4) pursuant to 14 CCR § 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 in accordance with Section 6.12.050(A)(2), or if recycling organics onsite or self-hauling under Section 6.12.105 per the Commercial Businesses' instructions to support its compliance with its onsite recycling or self-haul program.
7. Excluding Multi-Family Residential Dwellings, periodically inspect 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 § 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.
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 Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.
10. Provide or arrange access for the City or its agent to their properties during all Inspections conducted in accordance with Section 6.12.106 to confirm compliance with the requirements of this Chapter.
11. Accommodate and cooperate with City and the Franchise Hauler's Remote Monitoring program for Inspection of the contents of containers for Prohibited Container Contaminants, to evaluate generator's compliance with Section 6.12.050(A)(2). The Remote Monitoring program shall involve installation of Remote Monitoring equipment on or in the Blue Containers, Green Containers, and Gray Containers.
12. Generators shall deposit all solid waste, recyclables, and organic waste for collection in leak-proof containers equipped with a bail or with handles on both sides thereof. Such containers shall have close-fitting covers and shall not exceed bin capacity as provided by the City's Franchise Hauler.

13. If a Commercial Business wants to self-haul, it must meet the Self-Hauler requirements in Sections 6.12.105.
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.
15. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to 6.12.070.

6.12.060 - Waivers for Generators

- A. De Minimis Waivers. The City may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in Section 6.12.060(A)(2) below. Commercial Businesses requesting a de minimis waiver shall:
 1. Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in Section 6.12.060(A)(2) below.
 2. Provide documentation that either:
 - a. The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or
 - b. The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.
 3. Notify City if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.
 4. Provide written verification of eligibility for de minimis waiver every 5 years, if the City has approved de minimis waiver.
- B. Physical Space Waivers. 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.

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

1. Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
 2. Provide documentation that the premises lacks adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.
 3. Provide written verification to the City that it is still eligible for physical space waiver every five years, if the City has approved application for a physical space waiver.
- C. Additional Waivers. The City may provide any additional waivers of the requirements of this chapter to the extent permitted by applicable law. The Public Works Director or City Manager and their designees shall be responsible for determining the grounds for the waiver, its scope, and appropriate administration.
- D. Review and Approval of Waivers by City. Review and approval of waivers will be the responsibility of the Public Works Director or the City Manager and their designees.

6.12.070 - Requirements for Commercial Edible Food Generators

- A. Tier One Commercial Edible Food Generators must comply with the requirements of this section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024.
- B. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this section, commencing January 1, 2024.
- C. Commercial Edible Food Generators shall comply with the following requirements:
1. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.

2. Allow the City's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR § 18991.4.
3. Keep records that include the following information, or as otherwise specified in 14 CCR § 18991.4:
 - a. A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR § 18991.3(b).
 - b. A copy of all contracts or written agreements established under 14 CCR § 18991.3(b).
 - c. A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 - i. The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - ii. The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
 - iii. The established frequency that food will be collected or self-hauled.
 - iv. The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
 - d. Nothing in this chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557, Chapter 557, Statutes of 2017.

6.12.075 – Requirements for Food Recovery Organizations and Services

- A. Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR § 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR § 18991.5(a)(1):
 1. The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
 2. The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.

3. The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
 4. The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food for Food Recovery.
- B. Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR § 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR §18991.5(a)(2):
1. The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
 2. The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
 3. The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
- C. Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR § 18991.3(b) shall report to the City it is located in the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR § 18991.3(b) no later than March 1 annually.
- D. Food Recovery Capacity Planning
1. Food Recovery Services and Food Recovery Organizations. In order to support Edible Food Recovery capacity planning assessments or other studies, Food Recovery Services and Food Recovery Organizations operating in the City shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the City shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the City.

6.12.080 - Containers to be placed at curb or alley.

- A. The collector may agree with the occupant of a dwelling or other building to collect solid waste, recyclables, and organic waste from the rear yard or other portion of the property. The Public Works Director or City Manager may direct or permit the collection of solid waste, recyclables, and organic waste from a particular location on or near the property. The collector shall collect all solid waste, recyclables, and

organic waste as so agreed to, directed or permitted. Otherwise, the collector shall collect all solid waste, recyclables, and organic waste from the curb along the street in front of each dwelling or human habitation, if no paved alley exists in the rear of such properties, or such alley is:

1. A blind alley;
 2. An alley less than 15 feet wide;
 3. An alley that is "L" or "T" shaped and not wide enough to be safe for collection trucks to turn without damage to them or to adjacent improvements on private property;
 4. An alley the surface of which is of such material as to endanger the safety or the convenient operation of the trucks at all seasons of the year.
- B. Otherwise, the collector shall collect all solid waste, recyclables, and organic waste from the paved alley, in which case the solid waste, recyclables, and organic waste to be collected shall be placed on the premises within two feet of the rear property line, if physically possible, and if freely accessible from the alley; if not, then off premises within two feet of the rear property line.

6.12.090 - Duration of containers at place of collection.

A person shall not place any solid waste, recyclables, or organic waste, or any container containing solid waste, recyclables, or organic waste at the place of collection before 6:00 p.m. of the day preceding the scheduled collection of the said solid waste, recyclables, or organic waste, or leave any such container at the place of collection after 8:00 p.m. on the day of actual collection, or more than two hours after actual collection, whichever is later.

6.12.095 – Requirements for Franchise Hauler and Facility Operators

- A. The City's Franchise Hauler shall comply with all requirements contained in the Franchise Agreement, and all applicable provisions of local, state, and federal law.
- B. In the event there is no Franchise Hauler or there is a qualifying permittee, the hauler shall meet the following requirements and standards as a condition of approval of a permit or other authorization with the City to collect organic waste.
1. Through written notice to the City annually on or before June 1, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials, and Source Separated Green Container Organic Waste.
 2. Transport Source Separated Recyclable Materials or Source Separated Green Container Organic Waste, and Mixed Waste to a facility, operation,

activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

3. Obtain approval from the City to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting construction and demolition debris.
4. Comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its permit or other agreement entered into with the City.

C. Requirements for Facility Operators and Community Composting Operations

1. Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon the City's request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the City shall respond within 60 days.
2. Community Composting operators, upon the City's request, shall provide information to the City to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the City shall respond within 60 days.

6.12.100 – Contract with Franchise Hauler

Each property owner or occupant of residential property within the City shall contract for regular solid waste, recyclables, and organic waste collection with the City Franchise Hauler for collection in accordance with the terms of the contract between the City and the City's Franchise Hauler, and the Municipal Code. Failure to so contract shall constitute a misdemeanor. Responsibility for providing such solid waste, recyclables, and organic waste collection shall be that of both the owner and occupant of each parcel of residential property in the event the owner and occupant shall be different persons.

6.12.101 - Imposition—Determination—Liability for payment.

- A. There are imposed by the City, fees and charges for the collection, removal and disposal of solid waste, recyclables, organic waste, rubbish, and other refuse matter within the City. Such fees and charges for such collection, removal and disposal services shall be those which the City Council may from time-to-time hereafter determine, fix and establish by resolution. Such fees and charges may be changed by the City Council from time to time by resolution; the same shall

respectively be applicable for the respective periods designated in, or covered by, such respective resolutions.

- B. The occupant of each place or premises shall be liable for payment for all such fees and charges. Should any place or premises be unoccupied, or should the occupant thereof fail to pay all such fees and charges before the same become delinquent, then and in either such event, the owner of such place or premises shall be liable for the payment of all such fees and charges, including any delinquency.

6.12.102 - Billing and collecting.

Every occupant or owner of property in the City, other than industrial property, shall be billed periodically in advance, either monthly or quarterly, by the contractors, for the charges incurred by the collection of solid waste, recyclables, and organic waste.

- A. Should any owner or occupant fail, refuse or neglect to pay any such bill within 30 days after the date that the same is rendered, then in that event a penalty equal to ten percent of the amount of the bill or the amount of \$2.00, whichever amount is greater, shall be added to the bill and the sum, together with any cost incurred by the contractor, may be recovered as provided by law, or in the event there are costs incurred by the City, all sums and costs may be recovered as hereinafter provided.
- B. Should the occupant or owner of any property in the City, other than industrial property, fail or refuse to pay in accordance with the provisions hereinabove the fee assessed for the collection of solid waste, recyclables, and organic waste, then and in that event, the City contractor shall advise the City Manager or his/her duly authorized representative of such refusal. The failure to pay may, except for the provisions hereof, result in the noncollection of solid waste, recyclables, and organic waste. In the event that there is nonpayment, the contractor shall cause collection of such nonpayment to be made, and the expenses and charges of collection, including penalties, to be assessed against the property as provided herein. The City contractor shall continue to collect solid waste, recyclables, and organic waste when directed to do so by the City Manager or his/her duly authorized representative even though there is nonpayment, and in such event, all sums and costs incurred thereby shall be recovered as hereinafter provided.
- C. The City contractor shall make all reasonable efforts to diligently pursue and collect all fees and charges due the City contractor for rendering such services to the satisfaction of the City Manager; in the event of delinquency, the contractor shall also notify the owner of the property.
- D. All costs incurred by the City and payable by the City to the City contractor as hereinafter set forth shall be recoverable by the City and charged against the real property from which the solid waste, recyclables, organic waste, or other refuse was collected. It shall be the duty of the City contractor to provide to the City individual letters which contain the name of the owner and/or occupant, the address as of the latest tax roll, including the legal description of such properties

and the amount delinquent and unpaid, the amount of the penalty, collection costs and costs of abatement. The only responsibility of the City pertaining notice of and public hearing shall be as follows: the City Manager or his/her duly authorized representative shall notify concerned parties of such amount. Such notice shall further declare that the City Council shall at its next regular meeting review and approve as an assessment against the property the amount delinquent and unpaid, the amount of the penalty, collection costs, including administrative costs incurred hereby, and costs of abatement. If the total assessment determined and approved by the City Council is not paid within ten days after such determination, then, and in that event, there shall be recorded in the office of the County Recorder a statement of the total balance due together with the legal description of the property affected. From and after the date of such recordation, the balance due shall be a special assessment against the real property. The assessment shall be collected at the same time and in the same manner as are County taxes and shall be subject to the same penalties and to the same procedure and sale in case of delinquency as provided for ordinary County taxes. All laws applicable to the levy, collection and enforcement of County taxes shall be applicable to such special assessment.

- E. The City contractor shall be fully reimbursed in the amount due him/her on an unpaid account less ten percent when the assessed amount is recovered.
- F. Any occupant or owner of any property in the City, other than industrial property, who has been billed for refuse collection service, and who desires to contest the extent, degree or reasonableness of the charges, shall make payment of such charges under protest and, at the same time, file a written statement of such protest with the City Manager or his/her duly authorized representative. Within 30 days after the date of filing, the City Manager or his/her duly authorized representative shall notify the protestant of his/her findings and adjudication and adjustment in the matter. Within 15 days after such notice of the decision of the City Manager or his/her duly authorized representative, the protestant may appeal in writing to the City Council, whose determination, in a regular meeting, shall be final.

6.12.103 - Exemption from charges.

In the event that any owner or occupant of any premises claims exemption from payment of any of the fees or charges imposed by this division, or any resolution adopted pursuant thereto, on the ground that no solid waste, recyclables, or organic waste will be placed or offered for collection from such premises, the City Manager or his/her duly authorized representative, in reliance upon any such statement or representation, may exempt such premises from such charges and fees; provided, that any such statement or representation shall be in the form of an affidavit, duly sworn to by the person making such statement or representation and filed with the City Manager or his/her duly authorized representative; provided further, that such exemption shall be valid only for

the time that the representations or statements made in such affidavit continue to be true.

The period of such exemption shall be specified in the affidavit. Each such exemption shall expire at the end of one year after the same is filed with the City Manager or his/her duly authorized representative, or at the end of the calendar year in which the exemption is allowed by the City Manager or his/her duly authorized representative, whichever occurs sooner.

Each person receiving such exemption shall, within seven days after the facts stated in his/her affidavit no longer exist, report the same to the City Clerk.

6.12.105 – Self Hauler Requirements

- A. Self-Hauling is prohibited except where explicitly permitted in this Chapter. To the extent self-hauling is permitted, Self-Haulers must comply with the following:
1. Self-Haulers shall source separate all recyclable materials and Organic Waste generated on-site from Solid Waste in a manner consistent with 14 CCR §§ 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility.
 2. Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
 3. Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to inspection by the 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 obtain a receipt for materials and 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 6.12.106 to the City if requested.

6.12.106 – Inspections and Investigations

- A. City representatives and/or its designated entity, 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 chapter by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, Self-Haulers, hauler, Food Recovery Service, and Food Recovery Organizations, subject to applicable laws. This Section does not allow the City to enter the interior of a private residential property for Inspection. For the purposes of inspecting Commercial Business containers for compliance with Sections 6.12.050, the City and/or Franchised hauler may conduct container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses shall accommodate and cooperate with the Remote Monitoring pursuant to Section 6.12.050.
- B. The regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the City's employee or its designated entity/Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement described herein. Failure to provide or arrange for: (i) access to an entity's premises; or (ii) access to records for any Inspection or investigation is a violation of this chapter and may result in penalties described in Section 6.12.160.
- C. Any records obtained by the City and/or Franchised Hauler during its Inspections, Remote Monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
- D. City representatives, its designated entity, and/or Designee are authorized to conduct any Inspections, Remote Monitoring, or other investigations as reasonably necessary to further the goals of this chapter, subject to applicable laws.
- E. City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

6.12.110 - Unlawful accumulation of Solid Waste, Recyclables, Organic Waste, or Refuse.

No person shall cause or permit the following:

- A. A collection or accumulation of solid waste, recyclables, organic waste, or refuse unless the same is thoroughly drained and wrapped and placed in a receptacle as provided by City ordinance for the disposal thereof;
- B. Combustible solid waste to accumulate at any place or premises under his/her charge or control for a period in excess of one calendar week, excluding combustible solid waste of salvageable value;
- C. Refuse other than combustible solid waste to accumulate at any place or premises under his/her charge or control for a period in excess of one calendar month;
- D. The burying or burning of solid waste, recyclables, and organic waste, unless permitted by law .

6.12.120 - Accumulation of solid waste and recyclables.

It is unlawful for any person to keep or accumulate, or cause or permit to be kept or accumulated, any solid waste and recyclables upon any premises owned, controlled, or occupied by him/her in the City, unless the same is enclosed in a container as prescribed in City ordinance, or to keep any solid waste and recyclables on or about such premises for a period of more than one calendar week.

6.12.130 - Accumulation of organic waste.

It is unlawful for any person to keep or accumulate, or cause or permit to be kept or accumulated, upon any premises owned, controlled, or occupied by him/her in the City, any organic waste, stagnant water or other waste or matter which is, or which is liable to become, putrid or offensive, or which is, or which is liable to become, a fire menace, or a menace to health or safety, or an attraction to rodents or vermin, for a period of more than 15 days. It shall be the duty of each person in the City to cause any such accumulation promptly to be handled, treated, placed, and disposed of as required by City ordinance.

6.12.140 - Summary abatement of nuisances.

The accumulation of solid waste, recyclables, organic waste, and refuse, by any person beyond the period specified by City ordinance, or in a manner other than as specified by City ordinance, is declared to be a nuisance pursuant to Section 38771 of the Government Code of the State. The City Council, pursuant to Section 38773 of the Government Code of the State, provided for the summary abatement of said nuisance at the expense of the person or persons creating, causing or maintaining such nuisance as follows:

- A. If the Health Officer should make a report to the City Manager or City Clerk that a certain person at a certain address is maintaining a nuisance as defined by City ordinance and if said report indicates that the nuisance constitutes an immediate threat to health, safety and welfare, the City Manager or City Clerk must within five days notify said person and the owner of said property in writing, of the fact that he/she is conducting a nuisance in violation of City ordinance, and requiring him/her within ten days to abate or cause said nuisance to be abated within the legal means provided by City ordinance;
- B. If, at the end of said ten-day period, said person has not removed or caused to be abated said nuisance, the City Manager or City Clerk, shall have the power and authority to authorize the refuse contractor to enter the premises of said person and remove and abate such nuisance and charge the City for the cost for the removal and abatement of said nuisance;
- C. Thereafter, if said person should continue to allow solid waste, recyclables, organic waste, or refuse to accumulate for a period beyond those specified above, the City Manager or City Clerk shall have the power to order the contractor to continue to enter said premises and remove and abate said nuisance, charging the City for the cost thereof;
- D. The City Council shall cause notice to be given to the property owner of the time and place of a hearing to determine the charge or cost of removal of nuisances under this section of the Municipal Code and shall state in said notice the amount intended to be assessed. The property owner may appear and show cause at that hearing why said amount should not be assessed and made a lien against his/her property. The charge or cost of removal or the abatement of said nuisance by the City as determined at said public hearing shall constitute a lien against the property occupied by the person maintaining said nuisance and a personal obligation against the owner of said property pursuant to Section 38773 of the Government Code of the State;
- E. Every person who owns any lot or parcel of land upon which there is a residential dwelling unit or units, shall be responsible for the payment of any or all unpaid charges or costs for the collection of solid waste, recyclables, and organic waste from such residential unit or units, lot or parcel of land.

6.12.160 - Violation

Violation of any of the provisions of this chapter is unlawful and an offense. Such violations are punishable as provided by Chapter 1.13. Any fines imposed shall follow the process and meet the minimum amounts required by applicable law, including the SB 1383 Regulations.

Chapter 6.13 – Prohibition of Scavenging

6.13.010 - Purpose and intent.

To reduce the waste stream generated by residents and business within the City, the City has or intends to adopt certain residential and commercial/industrial recycling programs. Scavenging of recyclables from these programs undermines their economic viability and thereby undermines their success. This chapter is intended to eliminate scavenging of recyclables.

6.13.020 - Definitions.

The applicable words and phrases used in this Chapter shall have the definition or meaning as defined in Chapter 6.12, Section 6.12.000.

6.13.040 - Tampering with recyclable materials.

- A. No person shall collect or transport recyclable materials within the City unless such person is the Franchise Hauler, a permittee of the City or is exempt in accordance with subsections 1. and 2. of this section. No person shall permit, allow, or enter into any agreement whatsoever for the collection of recyclable materials from any residential unit, commercial or industrial premises, or public or quasi-public facility with any person who is not the Franchise Hauler or a permittee as herein defined, except as permitted in subsections 1. and 2. of this section.
1. The collection and removal of green waste by Self-Haulers, individual residents, business owners, and by individuals doing business as professional landscapers/gardeners, when the collection is directly related to their work and having a valid business license issued by the City, shall be exempt from the permit section.
 2. The removal of recyclable materials from a residential, commercial, industrial, or public or quasi-public facility by the owner or occupant shall be exempt from the permit section.

Chapter 6.14 – Construction and Demolition Recycling

6.14.010 - Findings and statement of intent.

In order to comply with AB 939 as embodied in the California Waste Management Act of 1989 (California Public Resources Code Sections 40000 et seq.), the City of Hawaiian Gardens is required to prepare, adopt and implement source reduction and recycling plans in order to make substantial reductions in the volume of waste materials going to landfills and to reach landfill diversion goals or face fines up to \$10,000.00 per day.

To meet these goals it is necessary that the City promote the reduction of solid waste and reduce the stream of solid waste going to landfills. Waste from construction, demolition, and renovation of buildings represents a significant portion of the volume of waste coming from the City of Hawaiian Gardens, and much of this waste is particularly

suitable for recycling and reuse. The City is committed to the reduction of waste through the establishment of programs for recycling and salvaging of construction and demolition (C&D) waste.

Further, SB 1383 Regulations require that the City adopt an ordinance that requires compliance with the C&D recycling requirements for Organic Waste commingled with C&D and for 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.

6.14.020 - Definitions.

Whenever the following words and phrases are used in this chapter, they shall have the definition or meaning established by this section, unless it is clearly apparent from the context in which the word or phrase appears, that a different definition or meaning is intended. All definitions set forth in Section 6.12.100 are incorporated herein as if set forth fully below.

AB 939 means the California Waste Management Act of 1989, Public Resources Code Section 40000 et seq.

Applicant means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the City for the applicable permits to undertake any construction, demolition, or renovation project within the City.

C&D means construction and demolition.

C&D generator means a residential or commercial entity that produces C&D.

Chief Building Inspector means the designated staff person(s) authorized and responsible for implementing this chapter.

City means the City of Hawaiian Gardens.

Compliance Official means the Community Development Director or authorized designee who is responsible for implementing the C&D debris diversion regulations of the City.

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

Construction and demolition debris means used or discarded materials removed from premises during construction or renovation of a structure resulting from construction, remodeling, repair, or demolition operations on any pavement, house, commercial building, or other structure.

Conversion rate means the rate set forth in the standardized conversion rate table approved by the City pursuant to this chapter for use in estimating the volume or weight of materials identified in a waste management plan.

Covered project shall have the meaning set forth in Section 6.14.050 of this chapter.

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

Diversions requirement means the percentage of C&D debris for each project that must be diverted from landfills.

Divert means to use material for any lawful purpose other than disposal in a landfill or transformation facility.

Franchise collector means a construction and demolition debris box hauler that has been granted an exclusive construction and demolition debris box franchise by the City, or any hauler licensed to do business within the City should an exclusive franchise with a particular hauler not exist.

Noncovered project shall have the meaning set forth in Section 6.14.050 of this chapter.

Performance security means any performance bond, surety bond, money order, letter of credit, or certificate of deposit or similar financial guarantee as approved by the permitting authority submitted to the City pursuant to Section 6.14.080 of this chapter.

Person means any solid waste enterprise, individual, partnership, joint venture, firm, corporation, nonprofit corporation, association, organization, unincorporated private or public organization, or any other combination or entity.

Project means any activity which requires an application for a building or demolition permit or any similar permit from the City.

Recycling means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

Renovation or remodel means any change, addition, or modification of more than 1,000 square feet in an existing structure.

Reuse means further or repeated use of construction or demolition debris.

Salvage means the controlled removal of construction or demolition debris from a permitted building or demolition site for the purpose of recycling, reuse, or storage for later recycling or reuse.

Solid waste (refuse for landfill disposal) means all discarded putrescible and non putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, green waste, recyclable materials, bulky goods, discarded home and industrial appliances, C&D debris, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes. Solid waste does not include hazardous waste or low-level radioactive waste regulated under Chapter 7.6 of Division 20 of the Health and Safety Code, and medical waste which is regulated pursuant to the

Medical Waste Management Act of Division 20 of the Health and Safety Code, and abandoned vehicles or parts thereof.

Waste management plan means a completed WMP form, approved by the City for the purpose of compliance with this chapter, submitted by the applicant for any covered or noncovered project.

6.14.030 - Diversion requirement.

All covered projects shall reuse, recycle or divert the minimum percentage of construction and demolition debris generated from landfills or disposal sites. This minimum diversion requirement for construction and demolition debris is 65 percent except for those recyclable materials which are considered a commodity and generally include masonry, scrap wood, metals, plastics, and green waste of which 100 percent of these materials shall be recovered and recycled.

6.14.050 - Thresholds for covered projects.

- A. *Covered projects (construction and renovation)*. All construction and renovation projects within the City that are 500 square feet or greater shall comply with Chapter 6.14, shall submit a waste management plan prior to beginning any construction or demolition activities, and shall be subject to the provisions of this chapter. Failure to comply with any of the provisions of Chapter 6.14 shall subject the project applicant to the full range of enforcement mechanisms set forth in Section 6.14.110 (fines/penalties).
- B. *Covered projects (demolition)*. All demolition projects within the City shall comply with Chapter 6.14, shall submit a waste management plan prior to beginning any demolition activities, and shall be subject to the provisions of this chapter. Failure to comply with any of the provisions of this chapter shall subject the project applicant to the full range of enforcement mechanisms set forth in Section 6.14.110 (fines/penalties).
- C. *Non-covered projects (construction and renovation)*. Applicants for construction and renovation projects within the City whose projects are less than 500 square feet are not required, but shall be encouraged, to divert at least 65 percent of all project-related construction and demolition waste.
- D. *City-sponsored projects (construction and renovation)*. All City-sponsored construction and renovation projects shall be considered "covered projects" for the purposes of this chapter and shall submit a waste management plan prior to beginning any construction or demolition activities, and shall be subject to the provisions of this chapter.
- E. *City-sponsored projects (demolition)*. All City-sponsored demolition projects shall be considered "covered projects" for the purposes of this chapter and shall submit a waste management plan prior to beginning any demolition activities, and shall be subject to the provisions of this chapter.

- F. All projects must comply with the California Green Building Standards Code pursuant to Section 15.48.010.
- G. Compliance with this chapter shall be listed as a condition of approval on any building or demolition permit issued for a covered project.
- H. *Exemptions.* A diversion deposit and a waste management plan shall not be required for the following:
 - 1. Work for which a building or demolition permit is not required.
 - 2. Roofing projects that do not include tear-off of existing roof.
 - 3. Work for which only a plumbing, only an electrical, or only a mechanical permit is required.
 - 4. Seismic tie-down projects.
 - 5. Projects where no structural building modifications are required.
 - 6. Emergency demolition required to protect the public health and safety.

While not required, it shall be encouraged, that at least 65 percent of all project-related construction and demolition waste from exempt projects be diverted.

6.14.070 - Waste management plan.

- A. Prior to starting the project, every applicant shall submit a properly completed "waste management plan" (WMP) to the WMP Compliance Official, in a form as prescribed by that Official, as a portion of the building or demolition permit process. The completed WMP shall contain the following:
 - 1. The estimated volume or weight of project waste to be generated by material type;
 - 2. The maximum volume or weight of such materials that can feasibly be diverted via reuse or recycling by material type;
 - 3. Whether the applicant proposes to contract with the City franchise collector to haul the materials in a debris collection box;
 - 4. If not using the City franchise collector, what facility(s) the materials will be hauled to, and their expected diversion rates by material type;
 - 5. Estimated volume or weight of construction and demolition waste that will be disposed;
- B. Because actual material weights are not available in this stage, estimates are used. In estimating the volume or weight of materials as identified in the WMP, the applicant shall use the standardized conversion rates approved by the City of Hawaiian Gardens for this purpose. Approval of the WMP as complete and accurate shall be a condition precedent to the issuance of any building or demolition permit. If the applicant calculates the projected feasible diversion rate as described above, and finds the rate does not meet the diversion goal, the applicant must then submit

information supporting the lower diversion rate. If this documentation is not included, the WMP shall be deemed incomplete.

1. *Approval.* No building or demolition permit shall be issued for any covered project unless and until the WMP Compliance Official has approved the WMP. Approval shall not be required, however, where emergency demolition is required to protect public health or safety. The WMP Compliance Official shall only approve a WMP if he or she determines that all of the following conditions have been met:
 - a. The WMP provides all of the information set forth in this section; and
 - b. The WMP indicates that 65 percent of all C&D waste generated by the project shall be diverted (or new diversion goal set in accordance with the applicant's approved diversion exemption request).
2. *Non-approval.* If the WMP Compliance Official determines that the WMP is incomplete or fails to indicate that at least 65 percent (or new diversion goal set in accordance with the applicant's approved diversion exemption request) of all C&D waste generated by the project will be diverted, he or she shall either:
 - a. Return the WMP to the applicant marked "Disapproved," including a statement of reasons, and will notify the Building Department, which shall then immediately stop processing the building or demolition permit application; or
 - b. Return the WMP to the applicant marked "Further Explanation Required."

