

DATE SUBMITTED 12/29/2020
 SUBMITTED BY COMMUNITY DEVELOPMENT DIRECTOR
 DATE ACTION REQUIRED 1/6/2021

COUNCIL ACTION
 PUBLIC HEARING REQUIRED
 RESOLUTION
 ORDINANCE 1ST READING
 ORDINANCE 2ND READING
 CITY CLERK'S INITIALS *(Signature)*

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT: DISCUSSION: DRAFT ORDINANCE MANDATING GREEN WASTE RECYCLING FOR COMMERCIAL ENTITIES AND SELECT MULTI-FAMILY RESIDENTIAL UNITS PURSUANT TO AB 1826

1. Discussion Only.

DEPARTMENT INVOLVED: COMMUNITY DEVELOPMENT

BACKGROUND/SUMMARY:

The State of California has made organic recycling mandatory. The signing of AB1826 into law, has made organics recycling mandatory for certain commercial and multi-family operations.

During April 2016, AB 1826 began requiring that certain operations recycle their organic waste. The bill required that full implementation occur during the year 2020. The goal of the mandatory organics recycling law (AB 1826) is to help California achieve aggressive increased recycling and greenhouse gas emission reductions goals. IVRMA, Republic Services, and City Staff have been promoting the mandate and meeting with businesses. Due to State Law mandating these requirements, the best fit approach is to adopt a mandatory ordinance, which will assist the City in reaching compliance with State Law requirements and will grant the ability to assist businesses that are non-compliant with State Laws regarding recycling, with becoming compliant.

The City has formulated a Draft Ordinance in efforts to become compliant with the AB 1826. The City along with Professional Waste haulers will implement the mandates, once the Ordinance is formally adopted. If the City does not adopt the ordinance and fails to comply with State Law, it exposes the City to potential fines of up to \$10,000 per day of non-compliance. There is a fee imposed by Republic Services for the commercial businesses and multi-family operations. Please see attached information regarding fees.

FISCAL IMPACT: N/A

ADMIN SERVICES SIGN INITIALS _____

STAFF RECOMMENDATION: Review Draft Ordinance and Please provide comments.

DEPT. INITIALS *DM*

MANAGER'S RECOMMENDATION: *approve direction to staff to continue process*

CITY MANAGER'S INITIALS *DM*

MOTION:

SECONDED: APPROVED REJECTED
 AYES: DISAPPROVE DEFERRED
 NAYES:



Staff Report

To: City of Imperial City Council

From: Lisa Tylenda, Planner

Date: December 29, 2020

Subject: Establishing Ordinance mandating Green Waste Recycling for certain Commercial and Multifamily operations pursuant to AB 1826.

Background:

The State of California has now made organic recycling mandatory. As a result of the signing of AB 1826 into law, new mandatory organics recycling requirements will be phased over several years to assist the State in attaining its goal to recycle 505 of its waste by 2020.

During April 2016, commercial businesses, industrial businesses and public entities such as schools, hospitals, stores, restaurants, for-profit or nonprofit organizations, and residential dwellings with 5+ units must recycle their organic waste over time based on the amount and type of waste the business generates on a weekly basis, with full implementation realized in 2020-2021. The goal of the mandatory commercial organics recycling law (AB 1826) is to help California achieve aggressive increased recycling and greenhouse gas emission reduction goals.

California landfills take in about 30 million tons of waste each year, of which more than 30% is estimated to be organic. The State has determined that these organics should be composted or used to produce renewable energy rather than going into landfills. Greenhouse gas emissions resulting from the decomposition of organic waste in landfills have been identified as a significant source of emissions contributing to global climate change.

It is tentatively proposed that, beginning March 2021 businesses that generate 2 cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services. Republic Services and IVRMA together with City staff have been promoting this and meeting with businesses. However, a few local businesses have been deemed non-compliant. A mandatory ordinance will assist the city in reaching compliance. CalRecycle has been conducting formal reviews of all jurisdictions.

The City of Imperial has in place a mechanism for implementing this mandate. The City operates under an exclusive waste hauling franchise that licenses a permitted waste hauling firm to provide solid waste collection and recycling services to commercial and multifamily dwellings. It shall be the responsibility of the City's authorized Waste Hauler, Republic Services to comply with these new State mandates in order to operate under their annual permits. The proposed draft City Ordinance has been provided for your review for addition to Chapter 10 "Garbage, Refuse, and Weeds" section of the Imperial Municipal Code.

The City has formulated a Draft Ordinance in efforts to become compliant with the AB 1826. The City along with Professional Waste haulers will implement the mandates, once the Ordinance is formally adopted. If the City does not adopt the ordinance and fails to comply with State Law, it exposes the City to potential fines of up to \$10,000 per day of non-compliance. There is a fee imposed by Republic Services for the commercial businesses and multi-family operations.

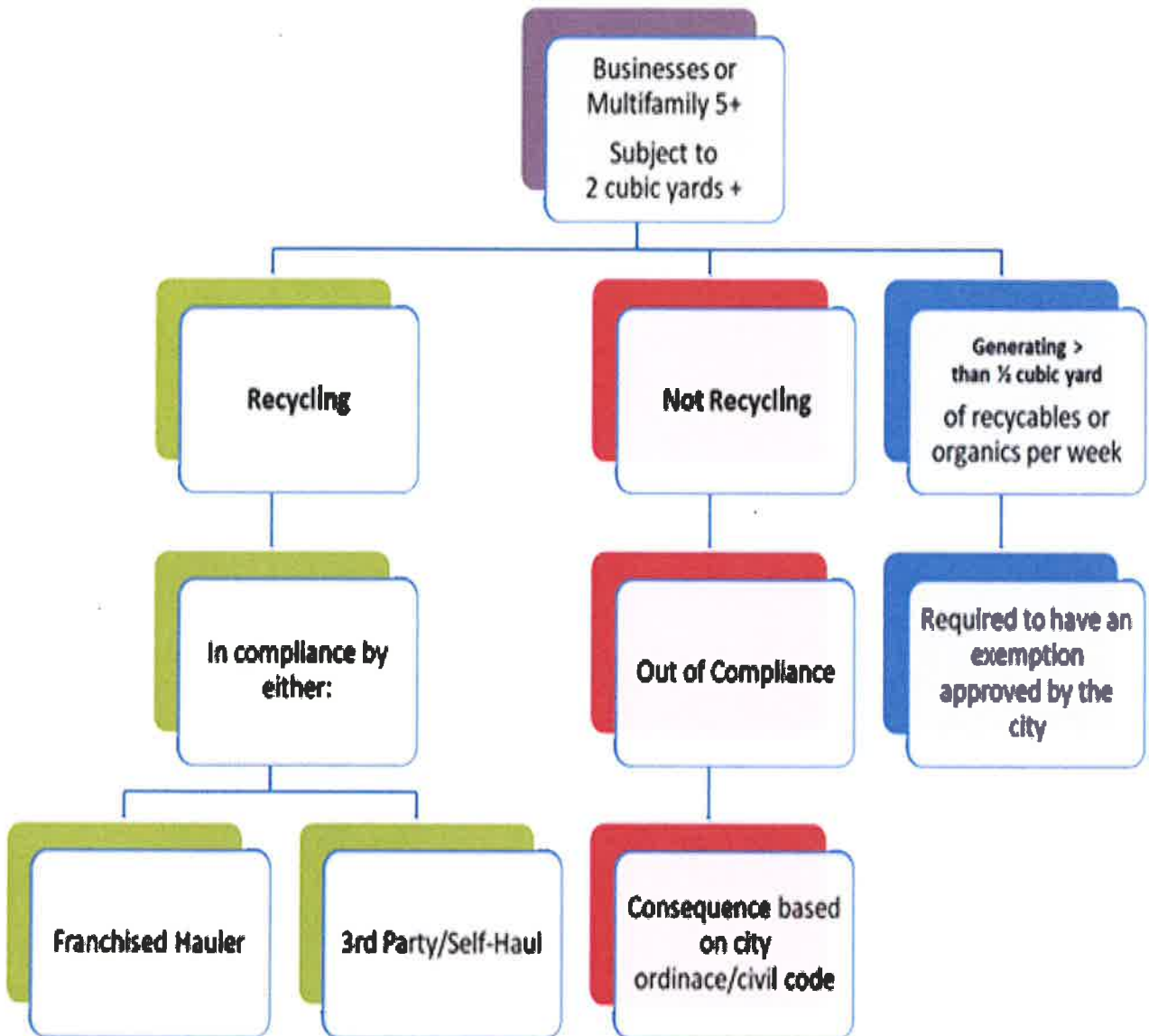
Information on behalf of Republic Services:

Republic Services has provided the following statement regarding the fees they are proposing to enact on the businesses/ entities that will require services, per the State mandate:

"In order to keep cost down to the businesses and MF that will be mandated to adhere to the organics AB1826. And in order for them to participate we committed to provide services for \$45 per cart a month as it wouldn't cover our cost but we had increased the commercial businesses 5% for the ADC green waste organics processing so we wanted to keep the cost at a minimum. From my experience in LA with organic carts, the smell becomes an issue and many businesses will end up storing their cart(s) by their trash bins and odor becomes an issue so we included the weekly cart swap with a clean washed cart to combat that from becoming a problem"

*-German Hernandez
Division Manager
Republic Services*

Republic Services has also provided the following “Flow Chart” for our reference:



Thank you,

Lisa Tylanda, Planner
Community Development Department
City of Imperial

ARTICLE XII. MANDATORY COMMERCIAL AND MULTI-FAMILY RESIDENTIAL RECYCLING-COLLECTION AND DISPOSAL

Sec. 10-41. - Definitions.

For the purpose of this chapter, the following words and phrases are defined and shall be construed as hereinafter set forth, unless it is apparent from the context that a different meaning was intended. If a term or word is not specifically defined herein but is defined in the California Integrated Waste Management Act of 1989 (California Public Resources Code Sections 40000 et seq.) it shall have the meaning prescribed therein.

Animal waste means manure, fertilizer, or any form of solid excrement produced by any and all forms of domestic animals or commercial livestock.

Bin means a rigid container with hinged lids and wheels with a capacity of at least one (1) cubic yard and less than ten (10) cubic yards.

Business means any person or entity that possesses or is required to possess a business registration certificate, as stated in Chapter 12 of the Municipal Code.

CalRecycle means the State of California's Department of Resources Recycling and Recovery, and, as this department was structured prior to January 1, 2010, the California Integrated Waste Management Board or CIWMB.

Cart means a wheeled container of appropriate material with a hinged lid and wheels serviced by an automated or semi-automated truck with a capacity of no less than 30- and no greater than 101-gallons.

City means the City of Imperial.

City clerk means the City Clerk of the City of Imperial, and his or her authorized deputies.

City manager means the City Manager of the City of Imperial or his or her designee.

Collect or collection means physical possession, transport, and removal of solid waste from city.

Collection charge means a charge for the collection of solid waste, recyclable, and organic materials shall be imposed on the owner or occupant of each residential premise or commercial premises to which service is made available. The amount of such charge shall be fixed and changed from time to time and shall be collected at such time and in such manner as prescribed by the city council. The charge so fixed shall be a civil debt due and owing to the city or solid waste collector from the owner or occupant of the residential premise or commercial premises to which the service is made available. The city council hereby specifically finds and determines that the periodic collection of solid waste recyclable and organic materials from all residential premises and commercial premises, benefits all occupants and residents of the city, provides for the health, safety and welfare of all persons in the city and, therefore, all such occupants or owners are liable for the payment of collection service provided for hereunder, whether or not any such owner or occupant avails himself or herself of such collection service.

Community Development Director means the Community Development Director of the City of Imperial or his or her designee.

Commercial premises means premises upon which business activity is conducted, including but not limited to retail sales, services, wholesale operations, manufacturing and industrial operations, but excluding residential premises upon which business activities are conducted when such activities are permitted under applicable zoning regulations and are not the primary use of the property. Notwithstanding any provision to the contrary in this ordinance or City Code, premises upon which the following uses (as defined in the City Code) are occurring shall be deemed to be commercial premises: adult residential facilities, assisted living facilities, convalescent homes, dormitories, extended stay motels, group residential facilities, group care facilities, hotels, and motels.

Commercial generator means any legal entity, except a special event, that generates solid waste at a commercial or industrial facility, that may include businesses; charitable or nonprofit organizations, including hospitals, educational institutions, and civic or religious organizations; governmental

organizations, agencies, or entities; and nonresidential tenants or entities that lease or occupy space. "Commercial generator" also includes the city and its facilities and nonresidential properties. The entity that is the commercial generator is the commercial generator and account holder.

Composting means the controlled biological decomposition of organic wastes that are source separated from the solid waste stream.

Composting center, station or facility a facility the principal function of which is to receive and to process organic waste through composting.

Construction and demolition debris and C&D and construction waste means solid waste generated at a premises that is directly related to construction or demolition activities occurring thereon.

Container means any and all types of receptacles, including carts, bins and roll-off boxes.

Contamination means (A) all materials other than those defined as recyclable and/or organic materials that were placed in a container designated for recyclable materials or were collected by a solid waste collector with recyclable materials; (B) all materials other than those defined as organic materials that were placed in a container designated for organic materials or were collected by solid waste collector with organic materials; or (C) recyclable materials, and organic materials in the case of a food service establishment, that were placed in a container designated for refuse or were collected by a solid waste collector with refuse.

Council means the City Council of the City of Imperial.

Disposal means the ultimate disposition of solid waste collected at a landfill or otherwise in full regulatory compliance. "Disposal" does not include recycling or organic materials processing.

Food wastes means all kitchen and table food scraps, animal or vegetable waste that is generated during or results from the storage, preparation, cooking or handling of food stuffs; discarded compostable paper that is contaminated with food waste; fruit waste, grain waste, dairy waste, meat, and fish waste, which has been source separated from other solid waste. Food waste is a subset of organic materials and excludes hazardous materials.

Franchisee means any solid waste collector authorized by the city council pursuant to the procedures established in this chapter.

Green waste means leaves, grass clippings, brush, branches, and other forms of organic materials generated from landscapes or gardens, which have been source separated from other solid waste. Green waste is a subset of organic materials and excludes hazardous materials.

Hazardous material means is defined to include any hazardous or toxic substance, material or waste which is or becomes regulated by any local governmental authority, the State of California, or the United States Government. The term "hazardous material" includes, without limitation, any material or substance which is: (i) petroleum or oil or gas or any direct or derivate product or byproduct thereof; (ii) defined as a "hazardous waste," "extremely hazardous waste" or "restricted hazardous waste" under Sections 25115, 25117 or 25122.7, or listed pursuant to Section 25140, of the California Health and Safety Code, Division 20, Chapter 6.5 (Hazardous Waste Control Law); (iii) defined as a "hazardous substance" under Section 25316 of the California Health and Safety Code, Division 20, Chapter 6.8 (Carpenter-Presley-Tanner Hazardous Substance Account Act); (iv) defined as a "hazardous material," "hazardous substance," or "hazardous waste" under Sections 25501(j) and (k) and 25501.1 of the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Materials Release Response Plans and Inventory); (v) defined as a "hazardous substance" under Section 25281 of the California Health and Safety Code, Division 20, Chapter 6.7 (Underground Storage of Hazardous Substances); (vi) "used oil" as defined under Section 25250.1 of the California Health and Safety Code; (vii) asbestos; (viii) listed under Chapter 11 of Division 4.5 of Title 22 of the California Code of Regulations, or defined as hazardous or extremely hazardous pursuant to Chapter 10 of Division 4.5 of Title 22 of the California Code of Regulations; (ix) defined as waste or a hazardous substance pursuant to the Porter-Cologne Act, Section 13050 of the California Water Code; (x) designated as a "toxic pollutant" pursuant to the Federal Water Pollution Control Act, 33 U.S.C. Section 1317; (xi) defined as "hazardous waste" pursuant to the Federal Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, et seq. (42 U.S.C. § 6903); (xii) defined as a

"hazardous substance" pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 6901); (xiii) defined as "Hazardous Material" pursuant to the Hazardous Materials Transportation Act 29 U.S.C. Section 5101, et seq.; or (xiv) defined as such or regulated by any "Superfund" or "Superlien" law, or any other federal, state or local law, statute, ordinance, code, rule, regulation, order or decree regulating, relating to, or imposing liability or standards of conduct concerning Hazardous Materials and/or oil wells and/or underground storage tanks and/or pipelines, as now, or at any time hereafter, in effect.

Mixed waste processing means the separation and sorting of recyclables and other recoverable materials from refuse at a material recovery facility where commingled loads of solid waste are processed.

Multi-family dwelling means a residential structure with five or more residences including apartment buildings, mobile home parks, trailer parks, and condominium buildings. Multi-family dwelling units generally receive refuse collection service through the use of shared bins.

Multi-family generator means tenants, residents, other occupants, and custodians or janitors of multi-family dwellings. Except as otherwise determined, as for condominium units, the owner of the multi-family generator is the customer and account holder.

Occupant includes every owner of, and every tenant or person in possession of, is the inhabitant of, or has the care and control of, an inhabited residence.

Organic materials means food wastes, green wastes, wood wastes, and yard wastes, and other organic material as defined by CalRecycle, collectively or individually.

Organic materials collector means any person or persons, firm, partnership, joint venture, association or corporation engaged in the collection or transportation of organic materials generated in the city.

Organic materials processing facility means a permitted facility where organic material is sorted, mulched, or separated for the purposes of recycling, reuse or composting in compliance with applicable law and regulations.

Owner means the person holding legal title to the real property constituting the premises to which solid waste, targeted recyclable materials, and/or organic materials collection service is provided.

Permit means written authority granted by the city to any solid waste collector as evidenced by contract, franchise, certificate or other writing issued pursuant to this chapter.

Person means any individual, firm, association, organization, partnership, corporation, business trust, joint venture, the United States, the State of California, the County of Imperial, cities, and special purpose districts.

Premises means any land or building where solid waste, recyclable materials, or organic materials are generated or accumulated.

Receptacle means a container used for the temporary collection and storage of solid waste, whose contents are periodically transferred to a larger container from which a solid waste collector directly collects the solid waste.

Recyclable material or recyclables means solid waste that is source separated, segregated, or recovered through mixed waste processing, has some potential economic value, and is set aside, handled, packaged, or offered for collection in a manner different from refuse in order to allow it to be processed for recycling.

Recycle or recycling means the processing of recyclable materials for the purpose of returning them to the economy in the form of raw materials for new, reused, or reconstituted products. The collection, transportation or disposal of solid waste not intended for, or capable of, reuse is not recycling.

Recycling center, station or facility means a permitted or licensed facility whose principal function is to receive, store, convert, separate, or transfer recyclable materials for processing in compliance with applicable law and regulations.

Recycling collector means any person or persons, firm, partnership, joint venture, association or corporation engaged in the collection and transportation of recyclable materials generated in the city.

Recycling operator means a person or persons, firm, partnership, joint venture, association or corporation engaged in the collection and recycling of recyclable materials.

Refuse means solid waste or debris, except sewage, construction and demolition debris, recyclables, and/or organic materials placed in source-separated containers for collection.

Refuse collector means synonymous with solid waste collector.

Residential premises means premises upon which dwelling units exist, including, without limitation, single-family and multi-family dwellings, apartments, boarding or rooming houses, condominiums, mobile homes and accessory dwelling units. Notwithstanding any provision to the contrary in this ordinance or the City Code, premises upon which the following uses are occurring shall not be deemed to be residential premises, and rather shall be deemed to be commercial premises: adult residential facilities, assisted living facilities, convalescent homes, dormitories, extended stay motels, group residential facilities, hotels, motels, and any other businesses not specifically listed that may be classified as commercial premises (as opposed to residential) as determined by city on a case by case basis.

Roll-off box means solid waste collection containers of 10-yards or larger.

Rubbish includes, but is not restricted to, all non-biodegradable waste or debris such as paper, cardboard, grass, tree or shrub trimmings, rugs, straw, clothing, wood or wood products, crockery, glass, rubber, metal, plastic, construction waste and debris and other similar materials.

Rubbish disposal operator means refuse collector.

Salvage means to obtain, either for compensation or other consideration, directly from the transferor thereof, any recyclable material prior to the placement of the same in the solid waste stream or the disposal or discarding thereof whether by collecting, or causing to be collected, the same from the transferor thereof or by the transferor thereof transporting the same to the salvager.

Salvager includes any person engaged in salvaging recyclable material prior to the disposal or discarding of the same in the solid waste stream and includes the person generating the recyclable material if done by such person's own employees or any subsidiary thereof. Salvager does not include a nonprofit entity including, but not limited to, churches, schools, community organizations or groups obtaining recyclable materials for purposes such as, but not limited to, fundraising activities, rehabilitation and training programs.

Scavenging means the uncontrolled and/or unauthorized removal of solid waste, designated recyclable material or recoverable materials, and/or organic materials. Such activity is unlawful and is a misdemeanor and is punishable by fines under Chapter 10, Resolution No. 2009-48, and Section 41950 of the California Integrated Waste Management Act of 1989.

Segregate means source separation of any of the following: the placement of recyclable materials, organic materials, and refuse each in separate and designated containers; the binding of recyclable materials separately from other waste material; the physical separation from each other of recyclable materials, organic materials, and refuse.

Self-haul means to transport one's own recyclable materials to a recycling facility or organic materials to an organic materials processing facility by using a vehicle owned by the transporting entity rather than using the hauling services of a solid waste collector.

Self-hauler means a solid waste customer, commercial generator, multi-family generator, or special event that transports its own recyclable materials to a recycling facility or organic materials to an organic materials processing facility by using a vehicle owned by that transporting entity rather than using the hauling services of a solid waste collector.

Solid waste means all putrescible and non-putrescible solid, semi-solid and liquid wastes including refuse, paper, rubbish, ashes, demolition and construction waste, industrial wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes and other solid and semi-solid wastes and recyclable materials discarded or placed for

disposal in bins, containers or at curbside for collection, whether segregated by type or commingled. Solid waste does not include hazardous material as defined herein and in Section 40141 of the Public Resources Code.

Solid waste collector means any person or persons, firm, partnership, joint venture, association, or corporation engaged in the collection or transportation, disposal, refuse disposal, recycling, or organic materials processing of solid waste generated within all or part of the jurisdictional boundaries of the agency, including franchisees, recycling collectors, and organic materials collectors.

Solid waste customer means the legal entity responsible for managing solid waste at any residential premise, commercial premises or multi-family dwelling, including subscribing to solid waste collection services with a solid waste collector or where allowed, self-hauling solid waste, or the entity to whom the solid waste collector submits billing invoices for collection.

Solid waste disposal includes the collecting, transporting and disposal of solid waste generated within the city.

Solid waste facility means any recycling center, materials recovery facility, intermediate processing center, incineration facility or landfill where solid waste may be taken for immediate processing or final disposal. "Solid waste facility" includes a solid waste transfer or processing station and a composting, transformation or disposal facility.

Solid waste stream means the placement of items, including recyclable and organic material, into authorized receptacles for collection by an authorized solid waste collector.

Source separation or source separate means the segregation into separate containers by the solid waste customer of individual components of material which otherwise would become refuse (such as glass bottles, metal cans, newspapers, plastic containers, organic materials, etc.) into separate container(s) for the sole purpose of recycling of such materials.

Special event means a community, public, commercial, recreational, or social event which may serve food or drink, and which may require a permit from the city. "Special events" may include the temporary or periodic use of a public street, publicly owned site or facility, privately owned site or facility, or public park. "Special event" includes the legal entity responsible for the special event, including but not limited to the owner, manager, or organizer, which may be the city.

Streets means the public and private streets, ways and alleys, except interstate highways, as the same now or may hereafter exist within the city.

Transferor includes any person generating recyclable material who, for compensation or other consideration, donates, sells or otherwise conveys or transfers title thereto and possession thereof to a salvager and does not discard the same as solid waste. Transferor does not include a resident who conveys or transfers residential recyclable, or organic material, whether for consideration or as a donation, to a salvager or any nonprofit entity including, but not limited to, churches, schools, community organizations or groups.

Truck means any truck, trailer, semi-trailer, conveyance or vehicle used, or intended to be used, for the purpose of collecting solid waste and/or recyclable or organic material or to haul or transport solid waste and/or recyclable or organic material.

Wood wastes means lumber and wood products but excludes painted wood, wood treated with chemicals and pressure-treated wood. Wood waste is a subset of organic materials and excludes hazardous materials.

Yard wastes means leaves, grass clippings, brush, branches, and other forms of organic materials generated from landscapes or gardens, which have been source separated from other solid waste. Yard waste is a subset of organic materials and excludes hazardous materials.

Sec. 10-42. - Mandatory residential, commercial and industrial collection.

Except as otherwise provided in this chapter, all residential, commercial and industrial generators shall provide for solid waste collection from one (1) or more haulers with a city franchise or permit.

Sec. 10-43. - Authority of city council to issue permits or franchises for solid waste collection.

- (a) Pursuant to California Public Resources Code Section 40059, as the same may be amended from time to time, or any successor provision or provisions thereto, and the police power, pursuant to Article II, § 7 of the California Constitution, the city shall have, and hereby retains, the authority to issue permits, including exclusive permits or franchises, for solid waste collector services, as provided for in this chapter and may, as a condition for issuing such permits, require a bond from the solid waste collector in an amount determined by the city council to insure the faithful performance of such collection, transportation and disposal in accordance with this chapter and the terms and conditions imposed by the city council. In the event that any solid waste collector shall fail or refuse to conform to the conditions of the permit or this chapter or any regulations promulgated hereunder, the council, at its option and after a hearing called upon at least ten (10) days' prior written notice to the solid waste collector, may revoke such permit. In issuing permits for refuse collector services, the city shall not be required to issue the same based upon the offer of lowest rates, but shall be free to issue such permits to the person deemed best suited to comply with the provisions of this chapter, and City Code Sections 10-43 through 10-47, and such other terms and conditions imposed by the city council.
- (b) Excepting existing rights that the city reserves to itself, while an exclusive permit is in effect, may be granted the exclusive right to gather, collect and remove solid waste, recyclables, and organic materials from premises within the city, subject to such terms and conditions as the council may apply to the issuance of such permit and set out in the written franchise agreement.
- (c) No person shall act as a solid waste collector within the city unless such person is a solid waste collector, as defined in this chapter, or is exempt in accordance with subsection 10-46 below. No person shall permit, allow or enter into any agreement whatsoever for the collection or transportation of solid waste, recyclable material, organic material, or hazardous material from any residential premises, multi-family dwelling, industrial or commercial premises except as otherwise provided by this chapter.

Sec. 10-44. - Fees and charges.

Fees and charges for such solid waste collector services shall be those the city council may from time to time hereafter approve by resolution. The solid waste collector shall pay a franchise fee as determined by agreement in lieu of any business license tax imposed generally by city.

Customers shall pay an additional fee based on the size of the container for recyclable materials and organic materials containers that are collected for refuse disposal by the franchisee if the contents of their recyclable materials and organic materials containers contain unacceptable levels of contamination as defined in this chapter.

Sec. 10-45. - Scavenging and salvaging not allowed.

- (a) It shall be unlawful for any person other than authorized city personnel or the solid waste collector to remove any designated recyclable or organic materials, or salvageable commodity after placement in any designated recycling collection or storage location, or solid waste container.
- (b) Notwithstanding, the generator of the designated recyclable or organic materials, for any reason, may otherwise dispose of the recyclable or organic materials or may remove the designated recyclable or organic materials after placement in the generator's container or designated recycling or organics collection or storage location.
- (c) It shall be unlawful for any person to disturb, modify, harm, or otherwise tamper with any container or designated recycling collection or storage location containing designated recyclable or organic materials, or the contents thereof, or to remove any such container from the location where placed by the generator thereof, or to remove the contents of any such container, unless authorized by the generator of such designated recyclable or organic materials or duly authorized city personnel or solid waste collector.

Sec. 10-46. - Exemptions.

- (a) Yard waste and/or green waste removed from a premises by a gardening, landscaping or tree trimming contractor having a city business license and as an incidental part of a total service offered by that contractor rather than as a disposal service, and tree trimmings, clippings and all similar materials generated at parks and other publicly maintained premises;
- (b) Demolition debris removed from a premises by a licensed contractor as an incidental part of a total service offered by that contractor rather than as a disposal service;
- (c) The collection of hazardous material or dangerous waste as part of a hazardous material collection activity authorized by the imperial county environmental health department, including, without limitation, liquid and dry caustics, acids, bio-hazardous, flammable or explosive materials, insecticides and similar substances;
- (d) Recyclable and organic materials which are generated at any residential premises or place of business and which are transported personally by the owner or occupant of such premises (or by his or her full-time employees) to a licensed solid waste or recycling facility in a manner consistent with this chapter and other applicable laws.

Sec. 10-47. - Hazardous material collection.

- (a) A solid waste collector shall not be required to collect hazardous material as part of its regular collection activity. Liquid and dry caustics acids, flammable materials, explosive materials, insecticides, and similar substances shall not be deposited in collection receptacles. Any person collecting such substances shall, in addition to any requirements of state or federal law, obtain a permit therefore pursuant to the provisions of this chapter.
- (b) Biohazardous and/or medical waste (as defined in California Health and Safety Code Section 25117.5, as amended from time to time, or any successor provision or provisions thereto) shall not be collected by a solid waste collector as part of its regular collection activity. Anyone producing such wastes shall store, handle and dispose of such materials only in the manner approved by the county health officer or designated deputy, and in accordance with the California Health and Safety Code. Disposal of biohazardous and/or medical waste shall be conducted pursuant to a permit issued under this chapter in addition to any requirements imposed by state law.

Sec. 10-48. - Collection in emergencies.

In emergencies, such as the breakdown of equipment, or other unforeseen or unpreventable circumstances, where in the judgment of the city manager the particular situation justifies such action, the city manager may issue limited or temporary permits to private persons or corporations to perform any of the services regulated by this chapter subject to such reasonable fees, charges and conditions as the circumstances may warrant and as the parties involved may agree upon; provided that such fees and charges received from or paid to any private persons or corporations under this section for any period exceeding twenty (20) days' duration shall be approved by the city council.

Sec. 10-49. - Hours of collection.

All solid waste collection from residential areas and areas immediately adjacent to residential areas shall be made between the hours of 7:00 a.m. and 8:00 p.m., and collections from commercial and industrial locations may start at 5:00 a.m.; provided, however, that the peace and quiet of residential neighborhoods is not disrupted.

The city manager may require a solid waste collector to change hours of operation in commercial and industrial areas if, in the city manager's sole opinion, disruption of residential neighborhoods occurs.

In the event that more than one (1) refuse collector is permitted to operate in the city, whether by area or premises, the city manager may, in his or her discretion, require that all refuse collection activities take place on the same day of the week in the specified area in order to minimize the traffic in any given area.

Sec. 10-50. - Solid waste, recyclable and organic materials collection—Exception.

Solid waste collectors shall exercise all reasonable care and diligence in collection activities so as to prevent spilling, scattering or dropping solid waste, organic and recyclable materials, and shall immediately, at the time of occurrence, clean up any such spillage.

Sec. 10-51. - Solid waste, organic and/or recyclable material containers.

It shall be the duty of every solid waste customer or his/her its designee to utilize the containers provided by the solid waste collector and, on the date and during the times designated for collection, place such containers in the area designated for collection. Except when placed for collection, such receptacles shall be kept and maintained only in storage locations prescribed by provisions of the City Code or otherwise in an inconspicuous location on the premises, as the same presently exists or as may be amended from time to time, or as specified by use permit or other entitlement for use.

The solid waste collector shall provide each solid waste customer with sufficient numbers of containers, specifically designed for the containment of various types of solid waste, organic and/or recyclable materials, each of which shall have suitable bales or handles and a tightfitting cover which shall prevent leakage or escape of odors, and which, when filled within four (4) inches of the top shall contain all solid waste, organic and/or recyclable materials which would ordinarily accumulate on such premises between collections. The exterior of such receptacles, including covers, shall be kept clean from accumulated grease or decomposing materials. The container colors must meet the applicable container color requirements and the city will have the final approval on container color specifications.

Sec. 10-52. - Placement of receptacles for collection.

- (a) *Residential premises* . It shall be the duty of every person having charge and control of any residential premises to set out or place receptacles for the collection of refuse, rubbish, miscellaneous debris and combined rubbish and/or other solid waste, organic and/or recyclable materials, as follows:

Receptacles shall be at the edge of the street in the curb-area in front of the dwelling, provided that the solid waste collector may designate some other location for the placement of receptacles when such placement will expedite collection, as approved by the city manager.

- (b) Commercial premises, multi-family dwelling and special event receptacles shall be placed in areas designed for such containers.

Sec. 10-53. - Time and date of placement of receptacles.

No person shall place, or cause to be placed, any solid waste container in any public highway or in any place or in any manner other than that set out in this article; provided, or at any time other than the days established by the city for the collection thereof on the particular route involved, no earlier than sunset of the day preceding the day designated for collection, and all receptacles shall be removed from the place of collection prior to 10:00 p.m. of the day the receptacles have been emptied.

If the containers or receptacles are not emptied and the contents removed on the date and time scheduled by the solid waste collector, such person shall immediately notify the solid waste collector or the city, and it shall be the duty of the solid waste collector to forthwith arrange for the collection and disposal thereof.

Refuse, rubbish, organic and recyclable materials, and other solid waste which exceeds the limitations set forth may, in the discretion of the solid waste collector, be scheduled for special collection upon the application of the owner or occupant of the premises. Special collection charges may be assessed by the solid waste collector for this service.

No person, other than the owner thereof, the owner's agents or employees or an officer or employee of the city or a solid waste collector's agents or employees authorized for such purposes, shall tamper or meddle with any solid waste, organic recyclable materials receptacle or the contents thereof, or remove the contents thereof, or remove any receptacle.

Sec. 10-54. - Solid waste removal.

Pursuant to the requirements of the California Administrative Code Section 17331(H) of Article 5 of Chapter 3 of Division 7 of Title 14, as those may be amended from time to time, all solid waste, organic and recyclable materials created, produced or accumulated in or about a residential premises (including multi-family) or commercial premises in the city shall be removed at least once each week. No person who is the occupant of any of the above-described premises shall fail or neglect to provide for the removal of such material at least as often as prescribed in this section.

Sec. 10-55. - Refuse disposal.

The solid waste collector shall dispose of collected wastes, at solid waste collector's sole expense, at a city approved landfill, transfer station (as defined in California Public Resources Code Section 40200) or other appropriate facility in a manner satisfactory to the city and in accordance with all federal, state and local laws and regulations.

Sec. 10-56. - Special provisions regarding method of disposal.

The removal of wearing apparel, bedding or other refuse from residential premises or other places where highly infectious or contagious diseases have been present shall be performed under the supervision and direction of the county health officer and such refuse shall neither be placed in receptacles nor left for regular collection and disposal.

Highly flammable or explosive or radioactive refuse shall not be placed in receptacles for regular collection and disposal, but shall be removed as permitted by law at the expense of the owner or possessor of the material.

Refuse or other solid waste containing water or other liquids shall be drained before being placed in a container or receptacle. Matter that is subject to decomposition shall be wrapped in paper or other material before being placed in a container or receptacle.

No hazardous material, battery acid, poisonous, caustic or toxic material or any other substance capable of damaging clothing or causing injury to the person shall be mixed or placed with any rubbish, solid waste or other refuse which is to be collected, removed or disposed of by a solid waste collector. Such items shall be removed at the occupant's expense only after arrangements have been made with the solid waste collectors or city for such removal.

With the exception of packaged domestic animal waste and packaged animal waste associated with permitted on premises temporary raising of livestock for programs such as 4-H Clubs, animal waste, as defined in section 10-42, shall not be placed in receptacles for regular collection and disposal, but shall be removed at the occupant's expense.

Sec. 10-57. - Burning, burial or dumping.

No person shall burn, bury or dispose of solid waste or hazardous material of any kind within the city except as provided in this chapter.

Sec. 10-58. - Disposition of recyclable material—Green waste.

Refuse collectors shall sell, give, donate or otherwise transfer recyclable material to a recycling center, station or facility and all green waste shall be sold, given, donated or otherwise transferred to a composting center, station or facility or to a landfill authorized and permitted to accept green waste as and for refuse cover. In no event shall the refuse collector dispose of recyclable material or green waste in a landfill or solid waste facility (as defined by California Public Resources Code Section 40194) except upon written approval of the city manager.

Sec. 10-59. - Use of trucks.

Any person who desires to operate privately owned vehicles for transportation of solid waste, hazardous waste, green waste and/or recyclable material under provisions of this chapter shall utilize vehicles which are reasonably watertight and are provided with a tight cover to the reasonable satisfaction of the city manager. The city manager shall require the permittee to remove from service or

repair any vehicle that allows or permits offensive odors to escape and/or material to be blown, dropped or spilled therefrom.

Sec. 10-60. - No parking of trucks on any city street.

- (a) No person, between the hours of 8:00 p.m. and 5:00 a.m., shall leave a truck utilized pursuant to section 10-59 hereof parked on any city street.
- (b) No person, between the hours of 5:00 a.m. and 8:00 p.m., shall leave a truck utilized pursuant to section 10-59 hereof parked on any city street for more than one hour unless the city manager is notified that a breakdown or emergency exists.

Sec. 10-61. - Trucks—Equipment required.

Each truck of a solid waste collector shall at all times have in the cab thereof the registration of the truck, a copy of the permit, a certificate of insurance, and an identification card with the name of a person to telephone in case of an accident or emergency. Each truck shall also be equipped with a minimum five-pound fire extinguisher certified by the California State Fire Marshal and recharged as needed, but not less than once annually. Each truck shall meet the requirements of state and federal law.

All trucks used for solid waste collection within the city shall be required to be completely enclosed with a nonabsorbent cover while transporting solid waste, organic or recyclable materials in or through the city. "Completely enclosed with a nonabsorbent cover" means that refuse, or rubbish shall not be visible from the street, nor shall any of the substances be permitted to leak, spill or become deposited along the public streets.

All trucks used in the course of solid waste, organic and/or recyclable materials collection shall be painted in colors approved by the city manager and identified by truck numerals, a company logo, and local telephone number and shall be kept clean and in good repair at all times.

Sec. 10-62. - Specifications and restrictions on solid waste collection trucks.

All trucks used for solid waste collection within the city shall be required:

- (1) To be completely enclosed with a nonabsorbent cover while transporting solid waste, green waste or recyclable materials in or through the city. "Completely enclosed with a nonabsorbent cover" means that refuse, trash or rubbish shall not be visible from the street, nor shall any of the substances be permitted to leak, spill or become deposited along the public streets.
- (2) All trucks used in the course of solid waste, green waste and/or recyclable material collection shall be painted in colors approved by the city manager and identified by truck numerals, a company logo, and local telephone number and shall be kept clean and in good repair at all times.

Sec. 10-63. - Truck inspection.

- (a) All trucks shall be maintained in safe mechanical condition.
- (b) Each of the solid waste collector's trucks shall be made available for inspection at the discretion of the city manager at any point of operation.
- (c) A decal may be issued by the city for each truck complying with provisions of this article, which shall be placed on the truck in a conspicuous place.

Sec. 10-64. - Solid waste collector's contact information.

Each solid waste collector must maintain a local telephone number which shall be staffed for personal contact between 8:00 a.m. and 5:00 p.m. on normal working days, and at all other times with some type of mechanism for the purpose of taking messages. Each solid waste collector shall maintain and keep updated a website which provides information on solid waste collection and rules. Each solid waste collector must review and respond to messages within one working day, if not sooner.

Sec. 10-65. - Solid waste collector's employees.

Each solid waste collector shall provide high quality service to industry standards and supply competent, qualified, identifiable and uniformed personnel who serve the residents and businesses of Imperial in a courteous, helpful and impartial manner.

- (1) The city may, at its option, require fingerprinting of the solid waste collector's employees whose services will cause them to enter onto or work in close proximity to private property.
- (2) The solid waste collector shall be required to hire employees without regard to race, religion, color, national origin, sex, political affiliation, or any other non-merit factor.
- (3) Any employee driving solid waste collector's trucks shall at all times have in his or her possession a valid and appropriate vehicle operator's license issued by the State of California.
- (4) Solid waste collector's employees shall be required to wear clean, identifiable uniforms when engaged in solid waste or organic waste collection services within the city.

Sec. 10-66. - Requirements for solid waste collector franchise.

(a) *Procedure and required information for refuse collector permit.* The applicant shall file a letter with the city manager, executed under penalty of perjury of the laws of the State of California, containing the following information:

- (1) Name and description of the applicant;
- (2) Permanent business address and address of local office of the applicant;
- (3) Trade and firm name;
- (4) If a joint venture or a partnership or limited partnership, the names of all partners of the firm, and the names of the officers and their percentage or participation interest and their permanent addresses;
- (5) Facts indicating that the applicant has arranged for solid waste disposal in an area where the same may be legally accepted and disposed of as approved by the city;
- (6) Desired collection area to be served and type of service to be provided;
- (7) Facts indicating that applicant is qualified to render efficient refuse collection service;
- (8) Facts indicating that trucks and equipment conform to all applicable provisions of this chapter;
- (9) Satisfactory evidence that applicant is in existence as a going concern and that the principals thereof possess not less than two (2) years actual operating experience in residential and/or commercial refuse collection and disposal;
- (10) Satisfactory evidence that applicant's experience as a going concern in residential and/or commercial refuse collection and disposal derives from operations of comparable size to that contemplated by the applicant; details shall include length of other contracts, name and size of municipality, nature of service provided, and the name of the contact person at the municipality being served;
- (11) Evidence that applicant is in good standing in the State of California and, in the case of a corporation organized under the laws of any other state, evidence that applicant is licensed to do business in the State of California;
- (12) A detailed inventory of the applicant's equipment available for use in refuse collection area;
- (13) A written statement that applicant has complied, or is capable of complying, with all regulations imposed by the city, the county and the state for the collection and disposal of solid waste;
- (14) Facts indicating that the applicant owns or has under his or her control, in good mechanical condition, sufficient equipment to conduct the business of refuse collection adequately if granted

a permit, and that applicant owns or has access to suitable facilities for maintaining his or her equipment in a safe, clean and sanitary condition;

- (15) Satisfactory evidence that the issuance of a permit is in the public interest and convenience in that there is an available market for solid waste collection which can be legally served by the applicant;
 - (16) Such other pertinent facts or information as the city manager may require, including evidence of state certification, if applicable;
 - (17) Any of the above provisions in conflict with certification requirements imposed by state law shall not be required.
- (b) *Fees and requirements for permit.*
- (1) Upon consideration of the information supplied by the applicant contained in the above-mentioned letter and following a public hearing conducted by the city council upon at least ten (10) days prior written notice to the applicant, the city council may issue a permit.
 - (2) Each permit granted shall apply to solid waste collection for an area of the city specified therein or, in the case of hazardous material or bio-hazardous and/or medical waste operations, specified commercial premises, and may be exclusive.
 - (3) A fee for processing permit applications shall be set by resolution of the city council, with review on a regular basis.
- (c) *Bonding of solid waste collector.* Before granting a refuse collector permit under the provisions of this chapter, the council shall require the solid waste collector as a condition of the permit, to post with the city clerk a cash bond or surety bond in an amount determined by the council and furnished by a corporate surety authorized to do business in the State of California, payable to the city. The bond shall be conditioned upon the full and faithful performance by the solid waste collector of obligations under the applicable provisions of this chapter, and shall be kept in full force and effect by the solid waste collector throughout the life of the permit and all renewals thereof.
- (d) *Indemnification by solid waste collector.*
- (1) *Indemnification of city.* Solid waste collector shall agree to protect, defend with counsel approved by the city, indemnify and hold harmless the city, its elected and appointed officials, officers, employees and agents from and against any and all losses, liabilities, fines, penalties, claims, damages, liabilities or judgments, including attorney's fees, arising out of or resulting in any way from solid waste collector's exercise of its responsibilities under this chapter unless such claim is due to the sole negligence or willful act of the city, its officers, employees, agents or contractors, including the city's grant of a permit to solid waste collector or is otherwise not allowed by law. Subject to the scope of this indemnification and upon demand of the city, made by and through the city attorney, the solid waste collector shall appear in and defend the city and its officers, employees and agents in any claims or actions, whether judicial, administrative or otherwise, arising out of the exercise of this chapter.
 - (2) *Hazardous materials indemnification.* Solid waste collector shall indemnify, defend with counsel approved by the city, protect and hold harmless the city, its elected and appointed officials, officers, employees, agents, assigns and any successor or successors to the city's interest from and against all claims, actual damages (including, but not limited to special and consequential damages), natural resources damages, punitive damages, injuries, costs, response remediation and removal costs, losses, demands, debts, liens, liabilities, causes of action, suits, legal or administrative proceedings, interest, fines, charges, penalties and expenses (including but not limited to attorney's and expert witness fees and costs incurred in connection with defending against any of the foregoing or in enforcing this indemnity) of any kind whatsoever paid, incurred or suffered by, or asserted against, city or its officers, employees, agents or solid waste collector arising from or attributable to any repair, cleanup or detoxification, or preparation and implementation of any removal, remedial, response, closure or other plan (regardless of whether undertaken due to governmental action) concerning any hazardous substance or

hazardous material at any place where solid waste collector stores or disposes of municipal solid waste pursuant to this chapter. The foregoing indemnity is intended to operate as an agreement pursuant to Section 107(e) of the Comprehensive Environmental Response, Compensation and Liability Act, "CERCLA," 42 USC § 9607(e) and California Health and Safety Code Section 25364, to insure, protect, hold harmless and indemnify from liability.

- (e) *Liability insurance.* The solid waste collector shall obtain, and keep in force during the term of the permit, public liability and bodily injury insurance in amounts determined by the city council, and workers' compensation insurance covering all employees of the solid waste collector. Copies of such policies, or endorsements evidencing such policies, shall be filed with the city clerk prior to the commencement of activities authorized by the permit. The city and its officers, elected officials, employees and agents shall be named as additional insureds on all such policies. All such policies shall contain at a minimum a provision requiring a thirty (30) day notice to be given to the city prior to cancellation, modification or reduction of limits. The amounts of public liability insurance for bodily injury and property damage shall be subject to review and adjustment by the council.
- (f) *Compliance with federal, state and local laws and regulations.* The solid waste collector shall agree to perform under the terms of the permit in such a manner so as to comply with all applicable local and state laws and regulations pertaining to the collection, storage and transportation of solid waste. The solid waste collector shall also comply with all other ordinances and regulations of the city and applicable laws and regulations of the County of Imperial, State of California and the United States, and shall obtain and keep in force all required permits and business licenses throughout the life of the permit and all renewals thereof as well as with any and all other requirements specified by the city.

Sec. 10-67. - Permit provisions.

- (a) *Fees.* Any franchise issued pursuant to this chapter shall provide for the payment of franchise fees to the city, may contain additional provisions agreed to by and between the city and solid waste collector, and shall constitute the written agreement of those parties.
- (b) *Assignment or transfer of franchise.* Except as otherwise specified in the franchise agreement, no assignment or transfer of a franchise issued pursuant to this chapter or any right accruing under such permit shall be made in whole or in part by the solid waste collector without the prior express written consent of the city council. In the event any assignment or transfer is authorized hereunder, the assignee shall assume, without qualification, the liability and all other obligations of the solid waste collector. Each solid waste collector shall file, on or before July 1 of each calendar year, with the city clerk, a statement of ownership and shall verify the same as being true and correct under penalty of perjury under the laws of the State of California.
- (c) *Revocation.*
 - (1) A permit may be revoked at the option of the city council in the event there is a change of ownership of any kind or nature of the operating company, unless approval therefor has been obtained hereunder. If it is determined by the city manager that solid waste collector has not complied with the provisions of this chapter, the permit, and all other applicable statutes, ordinances, rules and regulations, the city manager shall notify the solid waste collector in writing of noncompliance and shall order compliance within thirty (30) calendar days.
 - (2) If noncompliance is not corrected within the above-prescribed thirty-day period, the city council, following a public hearing upon at least ten (10) calendar days' prior written notice to the solid waste collector, may terminate the permit. The city council's decision shall be final.

Sec. 10-68. - Charges for refuse collector service.

- (a) *Rate adjustments.* Except as otherwise provided by the franchise agreement, all revisions in charges levied must be submitted to the city council for review and action and must be approved by

resolution of the city council following a public hearing upon at least ten (10) calendars days' prior written notice to the solid waste collector and others as required by law.

Sec. 10-69. - Recyclable material and organic material collection services.

Refuse collectors shall:

- (a) Provide an original and any replacement organic materials and/or recyclable materials receptacle(s) to each solid waste customer. The color of receptacle(s) may be approved by the city council and shall not cause health or safety hazards to solid waste customers or refuse collector personnel. The receptacle(s) shall be provided without charge and remain the refuse collector's property.
- (b) Collect recyclable and/or organic materials at least once a week, on the same day, and during the hours specified for regular solid waste collection. No alternate collection schedule is permitted unless pre-approved in writing by the city manager. Refuse collectors may collect such receptacles in the same manner as regular solid waste collection.
- (c) Provide recyclable and/or organic materials collection services to each location within the area(s) that the refuse collector serves for regular solid waste collection. Such service shall be provided at nondiscriminatory rates approved by the city council.

Sec. 10-70. - Solid waste collector reports.

Upon issuance of a franchise hereunder, the solid waste collector shall submit the following, except as otherwise provided in the franchise agreement:

- (1) *Annual reports.* The solid waste collector shall prepare and submit an annual report, using a tabular and/or graphic format, or other commonly used data base management program (e.g., Excel, etc.) as approved by the city, within sixty (60) calendar days after the close of each calendar year. The report shall include, but is not limited to, the following information:
 - a. A summary of the previous year's (or, in the case of the initial report year, the initial year's) activities including, but not limited to, services begun or discontinued during the reporting year, and the number of solid waste customers for each class of services;
 - b. A report, in a form satisfactory to the city, on the city's progress in meeting and maintaining its ability to meet its goals under the Acts as applied to the solid waste collector's service area, along with any recommended changes;
 - c. A revenue statement, setting forth quarterly compliance fees, and the basis for the calculation thereof, certified for accuracy, under penalty of perjury under the laws of the state by an officer of the solid waste collector.
- (2) *Monthly reports.* Solid waste collector shall prepare monthly reports, using a tabular and/or graphic format or other commonly used data base management program as approved by the city, during the term of the franchise monthly reports shall be submitted to the city on a quarterly basis, within twenty (20) days from the end of the quarter. At a minimum, the reports shall include:
 - a. Summaries of tonnage collected and disposed of by generator type, disposal and/or recycling facilities used, and disposal fees paid;
 - b. Summaries of tonnage of recyclable material and organic material collected, by material, and by route;
 - c. Summaries of tonnages of non-recyclables and contaminants disposed;
 - d. Summaries of tonnages, using an approved sampling methodology, of each material sold or otherwise exchanged for processing, by material type;
 - e. Average market process for each material sold, and processing charges or acceptance fees for organic waste to other applicable materials;

- f. Participation rates for each route in terms of set out counts and average pounds collected per solid waste customer;
 - g. Description of progress in meeting the implementation schedule, including the problems encountered and how they were resolved;
 - h. Summaries of the number of service complaints by route, including the date, nature of complaint, and how it was resolved.
- (3) *Ad hoc reports* . Solid waste collector shall provide all required reports of varying detail and format, as specifically requested by the city, to meet unforeseeable information queries of the California Integrated Waste Management Board, Imperial County Integrated Waste Management Task Force, or other public agencies or as otherwise requested by the city.

Sec. 10-71. - Adverse information.

Solid waste collector shall provide the city two (2) copies of all reports, or other material adversely affecting the solid waste collector submitted by solid waste collector to the EPA, to CalRecycle or any other federal or state agency. Copies shall be submitted to the city simultaneously with solid waste collector's filing of such matters with said agencies. Solid waste collector's routine correspondence to said agencies need not be automatically submitted to the city, but shall be made available to the city upon written request.

- (1) Solid waste collector shall submit to the city copies of all pleadings, applications, notifications, communications and documents of any kind, submitted by the solid waste collector to, as well as copies of all decisions, correspondence and actions by, any federal, state and local courts, regulatory agencies and other governmental bodies relating specifically to solid waste collector's performance of services pursuant to the permit. Any confidential data exempt from public disclosure shall be retained in confidence by the city and its authorized agents and shall not be made available for public inspection.
- (2) Solid waste collector shall submit to the city such other information or reports in such forms and at such times as the city may reasonably request or require.
- (3) All reports and records required under this or any other section shall be furnished at the sole expense of the solid waste collector.
- (4) A copy of each solid waste collector's annual and other periodic public financial reports and those of its parent, subsidiary and affiliated corporations and other entities, as the city requests, shall be submitted to the city within thirty (30) days after receipt of a request.

Sec. 10-72. - Failure to report.

The refusal, failure or neglect of the solid waste collector to file any of the reports required, or to provide adverse information, or the inclusion of any materially false or misleading statement or representation made knowingly by the solid waste collector in such report shall be deemed a material default under the franchise, and shall subject the solid waste collector to all remedies, legal or equitable, which are available to the city under the permit or otherwise.

Sec. 10-73. - Additional requirements of solid waste collectors (authorized haulers).

- (a) Solid waste collectors other than the exclusive franchisee shall obtain and maintain a business license with the city.
- (b) Solid waste collectors shall keep separate in separate containers those refuse, recyclable materials, and organic materials that have been source-separated by commercial generators multi-family generators, residential premises, or special events.
- (c) Solid waste collectors shall ensure that segregated recyclable materials are delivered to a recycling facility and that segregated organic materials are delivered to an organic materials processing facility, except that a container that contains unacceptable levels of contamination may be delivered for refuse disposal if the solid waste collector notifies the city of the occurrence; the date of the

occurrence; and the account name, primary contact, phone number, billing address, and service address for the solid waste customer at which the container is located.

- (d) Within five days of a written request by the city, solid waste collector(s) shall provide progress reports providing the following information, at a minimum:
- (1) Total number of solid waste customers to whom the solid waste collector currently provides refuse, recyclable materials, and organic materials collection service within the city's boundaries;
 - (2) For each solid waste customer, the account name, identifying number, primary contact, phone number, billing address, and service address;
 - (3) Information on the type of collection service provided, such as refuse, recyclable materials, or organic materials services;
 - (4) The weekly volume and type of collection service provided, including the number, type, and size of containers serviced and the days of service for each container;
 - (5) Name and location of the solid waste facilities where materials are delivered for processing;
 - (6) List of accounts not in compliance with this chapter, including whether they are excluded or exempt based on the exemptions in sections 12-34 below.

ARTICLE II. - MANDATORY COMMERCIAL AND MULTI-FAMILY RESIDENTIAL RECYCLING

Sec. 10-74. - Application of this article.

- (a) *Exclusions* . Commercial solid waste customers, multi-family dwelling solid waste customers and entities responsible for special events who generate fewer than four cubic yards of refuse for collection service per week shall be excluded from the requirements of this article.
- (b) *Exemptions* . Multi-family generators, commercial generators, and special events that can document using the methods described in subsection (g) of this section that the circumstances described in subsections (f)(1) and (2) of this section pertain to their operations shall be exempt from the requirements of this chapter:
- (c) *No generation of recyclable materials and/or organic materials*. Solid waste customers, commercial generators, and special events may be exempt from the requirements of this chapter if the solid waste customer, commercial generator, or special event unless that customer demonstrates to the sole satisfaction of the city manager or her designee that based upon the criteria set out in this chapter, no recyclable materials or organic materials are generated on site.
- (d) *Space constraints and zoning considerations*.
- (e) Residential solid waste customers may be exempt from the requirements of this chapter if the city determines that either:
 - (1) There is inadequate space for a solid waste customer to store containers for recyclable materials or organic materials on site and that it is infeasible for the solid waste customer to share recyclable materials or organic materials containers with adjacent commercial premises or multi-family dwellings; or
 - (2) Compliance with this chapter will result in violating city zoning or other regulations.
- (f) Commercial generators, multi-family generators, and special events may be exempt from the requirements of this chapter if the city determines that either:
 - (1) The solid waste customer that is responsible for managing solid waste for the commercial generator, multi-family generator, or special event is excluded or exempt from providing containers for recyclable materials or organic materials; or
 - (2) There is inadequate space for the commercial generator or special event to store receptacles for recyclable materials or organic materials on site and that it is infeasible for the commercial

generator or special event to deposit recyclable or organic materials directly into containers without an intermediate receptacle; or

- (3) Compliance with this chapter will result in violating city zoning or other regulations.
- (g) *Verification of exemption* . The solid waste customer, commercial generator, or special event shall petition the city manager with a written request for an exemption documenting the circumstances of a claimed exemption. The city manager through her designee may visit the solid waste customer's, commercial generator's, or special event's site; examine the receptacles for refuse, recyclable materials, or organic materials; or take other actions to verify the circumstances identified in the petition. The solid waste customer, commercial generator, or special event requesting an exemption shall not be granted an exemption from the requirements of this chapter if the city determines that (1) recyclable materials or organic materials are generated on site, (2) it is feasible for containers and receptacles for recyclable materials and, as necessary, for organic materials to be placed on site, and (3) it is feasible to share recycling containers with an adjacent commercial premises or multi-family dwelling.
- (h) The city by resolution may impose an administrative fee on petitioning entities to cover the costs of processing such petitions. The city may require the solid waste customer, commercial generator, or special event that is granted an exemption from the requirements of this chapter to submit a renewal of its petition for an exemption every two years from the date the exemption was granted by the city.

Sec. 10-75. - Solid waste customers.

Each commercial customer, multi-family dwelling or entity responsible for a special event, shall be responsible for ensuring and demonstrating its compliance with the requirements of this chapter and specifically this article II. Each solid waste customer shall:

- (a) Subscribe to an adequate level of service for recyclable materials and, when applicable, organic materials generated at the commercial premises, multi-family dwelling, or special event if the customer does not self-haul those recyclable materials or organic materials to a recycling or organics materials processing facility pursuant to the provisions of section 10-78 of this article.
- (b) Provide, directly or through the solid waste collector, appropriate and sufficient containers, placed in appropriate and accessible locations with adequate signage, to ensure maximum segregation of recyclable materials by all commercial generators, multi-family generators, and special events and to ensure maximum segregation of organic materials by food service providers.
- (c) Provide, post and maintain signs containing information and instructions on the proper segregation and storage of recyclable materials and organic materials in areas where containers are located. The signs shall meet the requirements of CalRecycle when available and the hauler shall provide sample signs.
- (d) Ensure that all containers used for collecting and storing recyclable materials and organic materials (1) are labeled with or have adjacent to the container signs that display the appropriate information to enable users to clearly differentiate which containers are used for recyclable materials, organic materials, and refuse; (2) display the name of the solid waste collector that provides collection service of the container; and (3) ensure that users of the containers make efforts to minimize the contamination of material placed in the containers.
- (e) Distribute this chapter 10 and appropriate educational materials to all commercial generators, multi-family generators, and legal entities responsible for special events at the commercial premises or multi-family dwelling at least once each year by mail or personal delivery. All new commercial generators, multi-family generators, and special events shall receive this information upon occupancy or contracting for service.
- (f) Educational materials shall include (1) the requirement and procedures to ensure the accurate segregation of recyclable materials and organic materials from refuse; (2) the commercial generator's, multi-family generators, or special event's responsibilities regarding compliance

with this chapter; and (3) the types and location of recyclable materials, organic materials, and refuse containers.

- (g) Ensure that instructions or training materials provided to commercial generators, multi-family generators, and special events are promptly made available to the city upon request.
- (h) Ensure that the contents of the recyclable materials and organic materials containers are not collected for refuse disposal unless the contents of these containers include unacceptable levels of contamination.
- (i) Customers shall pay an additional fee based on the size of the container for recyclable materials and organic materials containers that are collected for refuse disposal by the franchisee if the contents of their recyclable materials and organic materials containers contain unacceptable levels of contamination as defined pursuant to section 10-41.

Sec. 10-76. - Commercial generators.

In addition to the requirements of section 10-75, each commercial generator shall be responsible for ensuring and demonstrating its compliance with the requirements of this chapter. Each commercial generator shall:

- (a) Ensure the segregation of recyclable materials and organic materials from refuse by placing each type of material in a separate designated receptacle or container, and ensure that employees, contractors, volunteers, customers, visitors, and other persons on site segregate recyclable materials and organic materials.
- (b) Provide an adequate number and type of labeled receptacles needed for segregating and storing recyclable materials and organic materials and provide adequate access to those receptacles.
- (c) Post and maintain signs containing information and instructions on the proper segregation and storage of recyclable materials and organic materials in areas where receptacles are located.
- (d) Ensure that all receptacles used for collecting and storing recyclable materials, organic materials, and refuse are labeled with signs or labels that display the appropriate information to enable users to clearly differentiate which receptacles are used for recyclable materials, organic materials, and refuse, to minimize the contamination of material placed in receptacles.
- (e) Provide adequate instructions to employees, contractors, and volunteers of the requirements of this chapter, including (1) the requirement and procedures to ensure the segregation of recyclable materials and organic materials from refuse; (2) the employee's, contractor's, and volunteer's responsibilities regarding compliance with this chapter; and (3) the types and location of receptacles and containers for recyclable materials, organic materials, and refuse.
- (f) Ensure that instructions or training materials provided to employees, contractors, and volunteers are promptly made available to the city upon request.
- (g) Ensure that the contents of receptacles are deposited in the proper container and ensure that the contents of the receptacles for recyclable materials and organic materials are not delivered to refuse containers.
- (h) Commercial generators may be assessed an additional fee based on the size of the container for recyclable materials and organic materials containers that are collected for refuse disposal by the franchisee if the contents of their recyclable materials and organic materials containers contain unacceptable levels of contamination.

Sec. 10-77. - Special events.

The entity responsible for a special event shall be responsible for ensuring and demonstrating compliance with the requirements of this chapter. In addition to other requirements in this chapter and the Municipal Code, each special event shall:

- (a) Segregate recyclable materials and, for special events that include food service or use food service establishments, organic materials from refuse by placing each type of material in a separate designated receptacle or container, and ensure that employees, contractors, volunteers, customers, visitors, and other persons on site segregate recyclable materials and organic materials.
- (b) Ensure the special event has access to an adequate number and type of containers needed for collecting and storing recyclable materials and, when applicable, organic materials generated at and by the special event.
- (c) Provide or ensure the provision of adequate receptacles throughout the special event location to make the segregation of recyclable materials and organic materials convenient for employees, volunteers, contractors, vendors, exhibitors, presenters, visitors, attendees, customers, and other persons on site.
- (d) Provide or ensure the provision of an equal or greater number of receptacles for recyclable materials and, when applicable, organic materials to receptacles for refuse. Individual receptacles for recyclable materials, organic materials, and refuse shall be placed as close together as possible throughout the special event location in order to provide equally convenient access to receptacles for recyclable materials and organic materials as to receptacles for refuse.
- (e) Ensure that all receptacles used for segregating and storing recyclable materials, organic materials, and refuse are affixed with signs or labels that display the appropriate information to enable users to accurately segregate solid waste and to clearly differentiate which receptacles are used for recyclable materials, organic materials, and refuse, to minimize the contamination of material placed in receptacles.
- (f) Require food vendors and food service establishments to have at least one separate receptacle each for recyclable materials, organic materials, and refuse for use by employees, contractors, custodians, customers, visitors, and other persons on site.
- (g) Distribute chapter requirements and appropriate informational materials to all vendors, exhibitors, and other commercial generators during event planning and setup.
- (h) Ensure that the contents of the receptacles for recyclable materials and organic materials are not delivered to refuse containers unless they include unacceptable levels of contamination.

Sec. 10-78. - Self-haulers.

- (a) Nothing in this chapter shall preclude any person, solid waste customer, commercial generator, multi-family generator, or special event from self-hauling recyclable materials or organic materials generated by that entity to a recycling or organics materials processing facility before placement in the solid waste stream.
- (b) Self-haulers shall:
 - (1) Comply with the requirements in this chapter by delivering for recycling those items that can be recycled by local recycling facilities and establishments and shall comply by delivering for organic materials processing those items that are accepted by local organic materials processing facilities.
 - (2) Provide proof of compliance with this chapter, upon request by the city; proof includes but is not limited to a receipt from a recycling or organic materials processing facility that clearly identifies the type and quantity of material delivered and an application for exemption from the necessity for refuse collection.
- (c) Notwithstanding, self-haulers shall not dispose of any solid waste in any manner not permitted by this chapter. To do so is a violation of this chapter punishable as set out in section 10-82.

Sec. 10-79. - Reserved.

Sec. 10-80. - City authority.

The Community Development Department Director may designate staff to act as a Code Enforcement Officer and is authorized to administer and enforce the provisions of this chapter. To the extent permitted by law, the appointed Code Enforcement Officer per the Community Development Department Directors Discretion, may inspect any collection container and any solid waste collector's load for refuse, recyclable materials, or organic materials. To the extent permitted by law, the city or its designee may also inspect the premises of any residential premise, commercial premises, multi-family dwelling, or special event or self-hauler's load to determine compliance with the provisions of this chapter.

Sec. 10-81 - Enforcement.

The city shall enforce this chapter with the goal of maximizing the amount of recyclable materials and organic materials properly segregated and ensuring that recyclable materials and organic materials that have been properly segregated by the solid waste customer, commercial premise, multi-family generator, or special event are correctly collected and delivered to recycling and organics materials processing facilities. The city shall require the solid waste collector to conduct the following activities to enforce this chapter:

- (a) Provide details on the requirements of this chapter to affected solid waste customers, commercial premises, multi-family generators, and special events;
- (b) Develop and disseminate public education and promotional materials relating to the importance of recycling and organic materials processing and the availability of recycling and organic materials processing opportunities available to solid waste customers, commercial generators, multi-family generator, and special events;
- (c) Provide technical assistance and training to solid waste customers, commercial generator, multi-family generators, and special events to increase recycling;
- (d) Enforce provisions of the franchise agreement for collection of recyclable materials, organic materials, and refuse with the franchisee to stimulate demand for recyclable materials and organic materials collection service.

Sec. 10-82. - Penalties.

- (a) The city may issue administrative fines for violating this chapter or any rule or regulation adopted pursuant to this chapter, except as otherwise provided in this chapter. The city's procedures on imposition of administrative fines are hereby incorporated in their entirety and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this chapter and any rule or regulation adopted pursuant to this chapter; provided, however, that the city may adopt regulations providing for lesser penalty amounts for solid waste customers, commercial premises, or special events.
- (b) A violation notice shall be issued and served upon the solid waste collector, solid waste customer, commercial premises, or special event for violations of this chapter. When a violation notice is served, public nuisance proceedings and/or code enforcement proceedings under the city's code shall apply.
- (c) All administrative civil penalties collected from actions brought pursuant to this chapter shall be paid to the city and shall be deposited into an earmarked account that is available to fund activities to implement the applicable provisions of this chapter.
- (d) Notwithstanding, the city attorney may seek injunctive relief or civil penalties in the superior court or may pursue any other remedy legally available to the city.
- (e) Violations and Administrative Citation Regulation Service Fines are outlined in Resolution No. 2009-48.

Sec. 10-83. - No effect on other powers.

- (a) This chapter does not do any of the following:
- (1) Otherwise affect the authority of the city or its designee to take any other action authorized by any other provisions of law or regulations.
 - (2) Restrict the power of a city attorney, district attorney, or the attorney general to bring in the name of the people of California any criminal proceeding otherwise authorized by law.
 - (3) Prevent the city from cooperating with, or participating in, any proceeding.
 - (4) Affect in any way existing contractual arrangements including franchises, permits, or licenses previously granted or entered into between the solid waste collectors and city.
- (b) *Cumulative remedies* . Any remedy provided under this chapter is cumulative to any other remedy provided in equity or at law. Nothing in this chapter shall be deemed to limit the right of the city or its solid waste operators to bring a civil action; nor shall a conviction for such violation exempt any person from a civil action brought by the city or its solid waste operators. The fees and penalties imposed under this chapter shall constitute a civil debt and liability owing to the city from the persons, firms, or corporations using or chargeable for such services and shall be collectible in the manner provided by law.
- (c) *Liability* . Nothing in this chapter shall be deemed to impose any liability upon the city or upon any of its officers or employees including without limitation under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

Sec. 10-84. - Disclaimer of liability.

The degree of protection required by this chapter is considered to be reasonable for regulatory purposes. The standards set forth in this chapter are minimal standards and do not imply that compliance will ensure safe handling of recyclable materials, organic materials, or refuse. This chapter shall not create liability on the part of the city, or any of its officers or employees, for any damages that result from reliance on this chapter or any administrative decision lawfully made in accordance with this chapter. All persons handling solid waste within the boundaries of the city should be and are advised to conduct their own inquiry as to the handling of such materials. In undertaking the implementation of this chapter, the city is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

Sec. 10-55. - Duties discretionary.

Subject to the limitations of due process and applicable requirements of state or federal laws, and notwithstanding any other provisions of this chapter, whenever the words "shall" or "must" are used in establishing a responsibility or duty of the city, its elected or appointed officers, employees or agents, it is the legislative intent that such words establish a discretionary responsibility or duty requiring the exercise of judgment and discretion.

City of Imperial Planned Activities as of December 2020

For Mandatory Commercial Recycling (AB 341) and Mandatory Commercial Organics (AB 1826)

Action Item(s)	Description	Responsible Party	Date of Completion/ Frequency	Progress Comments
Program Development				
Mandatory Commercial Recycling (MCR) and Mandatory Commercial Organics Recycling (MORe)				
<i>Franchise amendments</i>	<i>Contract needs to be amended to include monitoring program</i>	The City of Imperial	February 2021	-Informational Item during January 6 th , 2021 City Council Meeting. -Tentative Action item during January 20 th 2021 City Council Meeting.
<i>Municipal code updates</i>	<i>Modify or amend solid waste disposal and recycling requirements for food waste under the State law (AB1826 & SB1383)</i>	The City of Imperial	February 2021	-Draft ordinance reading- January 6 th , 2021 -1 st Reading of Draft ordinance by City Council- January 20 th 2021 -2 nd Reading of Ordinance by City Council- February 3 rd 2021.
<i>Identify technical Assistance Team</i>	<i>Resources for site visits, data management methods</i>	The City of Imperial in conjunction with Republic Services	March/April 2021	The City will be utilizing the Code Enforcement Officer to conduct site visits and collect data. The City will also establish a contact point regarding site visits from Republic Services
<i>Commence educational Campaign to covered commercial generators</i>	<i>Develop Educational Materials Identify communication approaches with Commercial Property Owners and Managers Provide education/training.</i>	City of Imperial, Republic Services, and IVRMA	March/April 2021	Imperial will use hauler customer lists and business license lists. <i>Emails/Letters/Visits/virtual meetings with business owners</i>
<i>Initial Visits to Covered Generators</i>	<i>Determine # of recycling bins needed, location of bins, and frequency of service</i>	Republic Services	February 2021	Republic Services and IVRMA have began site visits and outreach. It would be a continuation of efforts once the ordinance has been approved by the City of Imperial.
<i>Commence bin roll-out to covered generators</i>	Republic Services to roll-out bins once ordinance is adopted by the City.	Republic Services	March 2021	Once the City of Imperial Approves the Ordinance, in during the tentative February 17, 2020 City Council Meeting, Republic Services can begin signing businesses up and delivering bins.
<i>Ongoing Education</i>	Communication of Requirements and how to comply locally. Educational Material and Recycling Guide Services mailed to residents and businesses.	City of Imperial, Republic Services, and IVRMA	Ongoing	IVRMA Monthly On-Site contacts is provided to all subject entities Educational material & Recycling Guide on recycling requirements on AB341 & AB1826 with free blue recycling waste baskets for tenants Follow-up monthly calls commercial and multifamily dwelling owners

City of Imperial Planned Activities as of December 2020

For Mandatory Commercial Recycling (AB 341) and Mandatory Commercial Organics (AB 1826)

Action Item(s)	Description	Responsible Party	Date of Completion/ Frequency	Progress Comments
				Introduction to Recycling Presentations is provided to multifamily dwellings and elementary schools. City of Imperial to: Send out reminders to operators in compliance and not in compliance. Along with providing information on the City website, Facebook page, and Instagram page.
<i>Finalize service adjustments</i>	Internal Audit of services	City of Imperial and Republic Services	June 2021	Meeting with Republic Services to follow-up on any adjustments regarding services.
Commercial & Multifamily Education & Outreach				
Electronic (e.g., website, newsletter, videos, social media, etc.)				
Education and Outreach	City introduces Recycling City Program	City of Imperial	Begin February 2021 and Ongoing after introduction	City Website updated and maintained with CalRecycle Mandates and Requirements, Facebook page, Instagram page to share information
Education and Outreach	Jurisdiction hauler establishes all commercial and multifamily organic generators with recycling service	Republic Services and City of Imperial	Ongoing by IVRMA and Republic Services. City of Imperial to commence outreach during February 2021	
Print (e.g., flyers, brochures, bill inserts, mailers, signage, etc.)				
	City provides SB1826 Outreach to introduce City and State Recycling Requirements and information on educational materials to all subject covered generators	City of Imperial	March-June 2021	City of Imperial to provide businesses and residents with information on locations that can provide sign services for required recycling material needed onsite.
				Updated December 2020: IVRMA http://ivrma.org/ Print (Please provide flyers and other educational materials available) Franchised Hauler: Flyers and bill inserts City educational material provided to residents (not from the franchised hauler) February 2021: IVRMA: Recycling Guide

City of Imperial Planned Activities as of December 2020

For Mandatory Commercial Recycling (AB 341) and Mandatory Commercial Organics (AB 1826)

Action Item(s)	Description	Responsible Party	Date of Completion/ Frequency	Progress Comments
Direct Outreach (e.g., presentations to business groups, booths, etc.)				
	Electronic Print Direct Outreach	IVRMA, Republic Services, City of Imperial- Code Enforcement Officer	February 2021-June 2021	<p>City will conduct meetings and workshops with businesses. The City will be looking at various interfaces to share information- Youtube, City website, City Facebook and Instagram pages. Websites are updated with education and information on AB341 & AB1826 (provide link and date of when it will be/was last up</p> <p>Franchised Hauler City Website Updated December 2020: IVRMA http://ivrma.org/ Print (Please provide flyers and other educational materials available) Franchised Hauler: Flyers and bill inserts City educational material provided to residents (not from the franchised hauler) February 2021: IVRMA: Recycling Guide AB 827 Signage (TBD due date) Currently researching resources available *City please provide a timeline on when food businesses are expected to comply with this mandate considering the setback we have had with COVID-19. Newsletters Franchise Hauler provide all educational material to City and IVRMA City: Display of educational material in lobby Direct Outreach Franchised Hauler Franchise Hauler direct on-site contact and phone calls providing recycling services according to State and City requirements IVRMA On-Site and Door to Door outreach Introduction to Recycling AB341 & AB1826 Presentations</p>

City of Imperial Planned Activities as of December 2020

For Mandatory Commercial Recycling (AB 341) and Mandatory Commercial Organics (AB 1826)

Action Item(s)	Description	Responsible Party	Date of Completion/ Frequency	Progress Comments
				Free recycling waste baskets to tenants and businesses
Monitoring of Covered Entities				
The City should consider monitoring follow-up methods that will be effective in increasing compliance, such as direct contact, enforcement, etc.				
Communication of Requirements (letters, emails, phone calls, site visits, etc.)				
	Franchised Hauler	Franchised Hauler		Provides direct onsite contact and phone calls Conducts annual audit on waste assessment and right sizing Compiles data of non-compliant commercial and MCR generators with AB341 & SB1826 Send list of Non-Compliant entities to City
		City		Sends Non-Compliant Letters to subject entities (draft sample to be discussed at the next IVRMA TAC Meeting- January 2021) Enforcement – notices of violations Provides 1-year Exemption letter upon request and approval (draft sample and process to be discussed at the next IVRMA TAC Meeting- January 2021) Reports approved exempt properties to IVRMA via email
Site Visits: Commercial (waste assessments, right sizing, provide education, etc.)				
	On-Site Outreach	IVRMA	Ongoing	Monthly follow up phone calls Educational Material and Presentation provided Monitors compliant and non-compliant entities Tracks exempt properties Monitors and tracks 3 rd Party and Self-Haulers Provides Monthly Compliance Status to City Ongoing media/video at the Brawley and El Centro DMV on AB341 Identifies edible food donators

City of Imperial Planned Activities as of December 2020

For Mandatory Commercial Recycling (AB 341) and Mandatory Commercial Organics (AB 1826)

Action Item(s)	Description	Responsible Party	Date of Completion/ Frequency	Progress Comments
Site Visits: Multifamily (waste assessments, right sizing, provide education, etc.)				
	On-Site Outreach	IVRMA	Ongoing	Monthly follow up phone calls Educational Material and Presentation provided Monitors compliant and non- compliant entities Tracks exempt properties Monitors and tracks 3 rd Party and Self-Haulers Provides Monthly Compliance Status to City Ongoing media/video at the Brawley and El Centro DMV on AB341 Identifies edible food donators
Identification (back haul, self-haul, edible food donations, etc.)				
	Identify locations conducting said activities (back haul, self- haul, edible food donations, etc.)	Republic Services IVRMA Code Enforcement- City of Imperial	March 2021- Ongoing	3 rd Party Self Haulers will be identified after ordinance is approved by the City.
Enforcement (if needed and applicable, such as notices of violations)				
	Code Enforcement	City of Imperial Republic Services IVRMA	June 2021-ongoing	Once the City approved the ordinance, it can begin conducting outreach & education. There will be a grace period while we educate users. The City will rely on reports from IVRMA and Republic Services in conjunction with the City conducting Code Enforcement of users Actively via the Code Enforcement officer.
MISC (exemptions, barriers etc.)				

City of Imperial Planned Activities as of December 2020

**For Mandatory Commercial Recycling (AB 341) and
Mandatory Commercial Organics (AB 1826)**

<i>Action Item(s)</i>	<i>Description</i>	<i>Responsible Party</i>	<i>Date of Completion/ Frequency</i>	<i>Progress Comments</i>

City of Imperial Planned Activities as of December 2020

For Mandatory Commercial Recycling (AB 341) and Mandatory Commercial Organics (AB 1826)

Action Item(s)	Description	Responsible Party	Date of Completion/ Frequency	Progress Comments
----------------	-------------	-------------------	----------------------------------	-------------------

MCR Businesses	As of 10/1/20	As of 1/1/21	As of 4/1/21	As of 7/1/21
Total Number Subject to AB 341	44			
- Recycling with (name hauler)	34			
- Self-Haul or 3 rd Party Recycling	IVRMA			
- Verified Exemptions	0			
Total Number Not Recycling	10			
Percent Not Recycling	23%			
MCR Multifamily	As of 10/1/20	As of 1/1/21	As of 4/1/21	As of 7/1/21
Total Number Subject to AB 341	37			
- Recycling with (name hauler)	32			
- Verified Exemptions	0			
Total Number Not Recycling	5			
Percent Not Recycling	14%			
MORE Businesses	As of 10/1/20	As of 1/1/21	As of 4/1/21	As of 7/1/21
Total Number Subject to AB 1826	11			
- Recycling with (name hauler)	0			
- Self-Haul or 3 rd Party Recycling	IVRMA			
- Verified Exemptions	11			
Total Number Not Recycling	36			
Percent Not Recycling	100%			
MORE Multifamily	As of 10/1/20	As of 1/1/21	As of 4/1/21	As of 7/1/21
Total Number Subject to AB 1826	7			
- Recycling with (name hauler)	0			
- Verified Exemptions	0			
- Self-Haul or 3 rd Party Recycling	IVRMA			
Total Number Not Recycling	7			
Percent Not Recycling	100%			

44



3354 Dogwood Rd, Imperial, CA 92251
(760) 337-2418 republicservices.com



State Recycling Requirements for Businesses and Multi-Family Customers

To Our Valued Commercial Businesses and Multifamily Customers,

The State of California has passed Assembly Bill AB 1826 in a requirement that businesses and apartment complexes which generate organic waste must arrange for organic waste recycling. Immediately affected are those that generate 2 or more cubic yards of organic waste per week.

Republic Services will be offering an organic cart full-service program with a monthly cost of \$45 per cart. Each business would be provided with one-65-gallon cart that would be replaced weekly with a clean cart. Businesses have the option to request additional carts should they need to.

For businesses that are interested in implementing on-site recycling, Republic Services offers recycling at a reduced rate. In the next few weeks, the experts from Republic Services will contact you to conduct FREE waste & recycling assessments and technical assistance and training. This will help us determine your trash and recycling needs and to provide guidance to develop the right program for you.

We appreciate your continued support, and look forward to building a more sustainable City of Imperial. If you have any questions, please contact Republic Services (760) 337-2418.

Regards,

Republic Services



3354 Dogwood Rd, Imperial, CA 92251
(760) 337-2418 republicservices.com



Requisitos Estatales de Reciclaje para Negocios y Clientes de Multi-Familiares

A Nuestros Valiosos Negocios y Multifamiliar Clientes,

El Estado de California ha aprobado el proyecto de ley AB 1826 de la Asamblea en el que exige que las empresas y los complejos de apartamentos que generan desechos orgánicos deben organizar el reciclaje de desechos orgánicos. Se ven inmediatamente afectados aquellos que generan 2 o más yardas cúbicas de residuos orgánicos por semana.

Republic Services ofrecerá un programa de servicio completo de bote orgánico con un costo mensual de \$45 por bote. A cada negocio se le proporcionaría un bote de 65 galones que sería reemplazado semanalmente con un bote limpio. Las empresas tienen la opción de solicitar botes adicionales en caso de que sea necesario.

Para las empresas que están interesadas en implementar el reciclaje, Republic Services ofrece reciclaje a un precio reducido. En las próximas semanas, los expertos de Republic Services se pondrán en contacto con usted para realizar evaluaciones GRATUITAS de residuos y reciclaje y asistencia técnica y capacitación. Esto nos ayudará a determinar sus necesidades de recolección de residuos y reciclaje y a proporcionar orientación para desarrollar el programa adecuado para usted.

Agradecemos su continuo apoyo, y esperamos construir una ciudad más sostenible de Imperial. Si tiene alguna pregunta, comuníquese con Republic Services (760) 337-2418.

Respetablemente,

Republic Services