

**ORDINANCE NO. 1287**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAUSALITO  
AMENDING SAUSALITO MUNICIPAL CODE CHAPTER 12.24 “GARBAGE  
COLLECTION AND DISPOSAL”**

**WHEREAS**, Sausalito Municipal Code (SMC) Chapter 12.24 establishes a procedure for the collection and disposal of garbage consistent with State law.; and

**WHEREAS**, SMC Chapter 12.24 allows the city to develop and manage refuse services for the city and address commercial and residential refuse services; and

**WHEREAS**, modifications to SMC Chapter 12.24 are required to be in conformance with Senate Bill 1383 which set methane emissions restriction targets in California; and

**WHEREAS**, the California Department of Resources Recycling and Recovery oversees a variety of programs and policy initiatives to reduce the amount of solid waste sent to landfills and promote recycling within the state including organic waste recycling; and

**WHEREAS**, changes to the City of Sausalito’s Municipal Code are required to be in compliance with Senate Bill 1383.

**NOW, THEREFORE**, the City Council of the City of Sausalito does hereby ordain as follows:

**Section 1.** Sausalito Municipal Code Title 12 Chapter 24 shall be amended as follows:

**Chapter 12.24**

**GARBAGE, ORGANIC MATERIAL, AND RECYCLABLE MATERIAL COLLECTION AND DISPOSAL**

Sections:

12.24.010 Definitions.

12.24.020 Charges.

12.24.030 Duty of owners and occupants

12.24.040 Commercial generator requirements.

12.24.050 Mechanical garbage disposal.

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- 12.24.080 Duty of authorized collector.
- 12.24.090 Disposal.
- 12.24.100 Containers – Placement.
- 12.24.110 Placing solid waste from private property in City-owned containers prohibited.
- 12.24.120 Unlawful collection.
- 12.24.130 Dead animals.
- 12.24.140 Contract.
- 12.24.150 Minimum requirements and hours of collection.
- 12.24.160 Exceptions.
- 12.24.170 Right of City to terminate contract.
- 12.24.180 City actions upon breach or default of authorized collector.
- 12.24.190 Service complaints.
- 12.24.200 Certified annual audit required – City right to inspect authorized collector records.
- 12.24.210 Commercial Edible Food Generator requirements.
- 12.24.220 Food Recovery Organization and Food Recovery Services requirements.
- 12.24.230 Community composting operators- reporting requirements.
- 12.24.240 Inspections.
- 12.24.250 Penalty for violation.
- 12.24.260 Constitutionality.

Prior ordinance history: Ords. 601 and 627.

**12.24.010 Definitions.**

As used throughout this chapter, the following terms shall have the meanings set forth in this section.

1. “Act” means the California Integrated Waste Management Act of 1989 (commencing with Section 40000 of the Public Resources Code), as amended by, including but not limited to, the Jobs and Recycling Act of 2011 (AB 341), SB 1016 (Chapter 343, Statutes of 2008 [Wiggins, SB 1016]), the Mandatory Commercial Organics Recycling Act of 2014 (AB 1826), and the Short-Lived Climate Pollutants Bill of 2016 (SB 1383), and as implemented by the regulations of the California Department of Resources Recycling and Recovery (“CalRecycle.”).
2. “Authorized collector” means the individual, firm or corporation to whom a contract has been awarded by the City for the exclusive right or privilege to collect, remove and dispose of solid waste including garbage, organic materials and recyclable materials and who shall be charged with duty of making such collections within the City.
3. “CCR” means the California Code of Regulations. CCR references in this Chapter are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).
4. “City Manager” means the City Manager of the City of Sausalito, or their designee, which may include city employees.
5. “Collection” means to take physical possession of solid waste at, and remove from, the place of generation for transport to a solid waste facility or other recovery activity.
6. “Commercial business” or “Commercial” or “Business” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multi-family dwelling, or as otherwise defined in 14 (CCR) Section 18982(a)(6). A multi-family dwelling that consists of (5) or more dwelling units is “Commercial”, for the purposes of this Chapter.
7. “Commercial Edible Food Generator” means a Tier One or a Tier Two Commercial Edible Food Generator as defined in 14 CCR Section 18982(a)(73) and (a)(74). Food recovery organizations and food recovery services are not commercial edible food generators.
8. “Community composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and

compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).

9. “Composting” means the process of controlled biological decomposition of organic waste.
10. "Construction and demolition debris" or "C&D" means used or discarded materials resulting from construction, renovation, remodeling, repair, demolition, excavation or construction clean-up operations on any pavement or structure.
11. "Container" or "collection container" means, for the purpose of this Chapter, any bin, box or cart used for the purpose of holding solid waste for collection and shall be constructed of plastic or other lightweight and watertight material designed primarily to serve as a garbage can together with a lid made of the same material designed and maintained to fit tightly on the container. When used for the maintenance of recyclable material, “container” means a lightweight, durable nonwatertight container with sufficient capacity to contain the recyclable materials placed therein and to prevent such materials from being blown about or otherwise scattered about the neighborhood.
12. “Debris box” means any ten (10) to forty (40) cubic yard container, or any compactor provided by a solid waste generator, placed in the public right-of-way, on city property, private property, or elsewhere in the service area, which is procured by a solid waste generator for their use in the collection of their solid waste. Debris boxes are serviced by means of lifting the entire container, including all contents, onto a designated collection vehicle.
13. “Designee” means an entity that the city contracts with or otherwise arranges to carry out any of the city’s responsibilities of this ordinance as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.
14. “Disposal” means the final disposition of Solid Waste at a Solid Waste Facility permitted for disposal.
15. “Diversion” means activities reducing or eliminating the amount of Solid Waste from Solid Waste Disposal, and which return these materials to use in the form of raw materials for new, reused, or reconstituted products, which meet the quality standards necessary for commercial use, or for other purposes of reuse.
16. “Dwelling unit” means one (1) or more rooms with internal access between all rooms, which provide complete independent living facilities for at least one (1) family, including provisions for living, sleeping, eating, cooking, bathing, and sanitary facilities.
17. “Edible food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid Waste if it is recovered and not discarded. Nothing in this chapter or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
18. “Enforcement action” means an action of the city to address non- compliance with this ordinance including, but not limited to, issuing administrative notices, citations, fines, penalties, or using other remedies.
19. “Enforcement agency” means an entity with the authority to enforce part or all of this chapter as specified herein. Employees and agents of an enforcement agency may carry out inspections and enforcement activities pursuant to this chapter. Nothing in this chapter authorizing an entity to enforce its terms shall require that entity to undertake such enforcement except as agreed to by that entity and the City. The City is an enforcement agency for all Sections of this chapter. The City may choose to additionally delegate enforcement responsibility for certain sections, to other public entities, including the Marin Hazardous and Solid Waste Joint Powers Authority (Zero Waste Marin) and the County of Marin.
20. “Exempt waste” means biohazardous or biomedical waste, Hazardous Waste, medical waste, regulated radioactive waste, waste that is volatile, corrosive, or infectious, waste treatment or processing sludge, contaminated soil and dirt, contaminated concrete, contaminated asphalt, automobiles, automobile parts, boats, boat parts, boat trailers, internal combustion engines, lead-acid batteries, any matter or materials

which are not acceptable for disposal at a solid waste landfill as defined in the California Integrated Waste Management Act of 1989 and subsequent legislation, and those wastes under the control of the Nuclear Regulatory Commission. , all as further defined in subsection 38 of this section.

21. “Food recovery organization” means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to: (A) A food bank as defined in Section 113783 of the Health and Safety Code; (B) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and, (C) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.
22. “Food recovery service” means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
23. “Food waste” means food scraps and trimmings and other putrescible waste that result from food production, preparation, cooking, storage, consumption or handling. Food Waste includes but is not limited to meat, fish and dairy waste, fruit and vegetable waste and grain waste. Food Waste does not include Exempt Waste.
24. “Garbage” means all non-recyclable packaging and other waste attributed to normal activities of a premise. Garbage must be generated by and at the service unit wherein the garbage is collected. Garbage does not include recyclable materials, organic materials, debris from construction and demolition, large items, e-waste, universal waste, hazardous waste, household hazardous waste or exempt waste.
25. “Garbage container” has the same meaning as “Gray Container” in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of Garbage.
26. “Generators,” for the purpose of this Chapter, means a person or entity, including commercial generators and residential generators, that is responsible for the initial creation of organic materials, or as otherwise defined as “organic waste generator” in 14 CCR Section 18982(a)(48).
27. "Health officer" means the health officer of the county, acting as health officer for the city.
28. “Inspection” means a site visit where the City, its designee or Enforcement agency, reviews records, containers, and an entity’s collection, handling, recycling, or disposal of solid waste or edible food handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).
29. “Mechanical garbage disposal or grinder” means any garbage disposal unit, approved by the Health Officer, which grinds or prepares garbage to such an extent as to permit the garbage to be disposed of through the sewer drains.
30. "Organics container” has the same meaning as “Green Container” in 14 CCR Section 18982(a)(29) and shall be used for the purpose of storage and collection of source separated organic materials designated for organic materials processing, including food waste and landscape and pruning waste accepted in the City’s organic waste collection program, and other organic materials as determined by the City or authorized collector as acceptable for the organics container. The authorized collector shall have the right to promulgate changes to organic material types acceptable for the organics container.
31. “Organic material” or "organic waste" means solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food waste, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46).

32. “Organic material processing facility” means any facility selected by the authorized collector that is approved by the city, or specifically designated by the city, operated and legally permitted for the purpose of receiving and processing organic materials.
33. Person" means any person or persons, firm, association, corporation or other entity acting as principal, agent or officer, servant or employee, for themselves or for any other person, firm or corporation.
34. "Premises" includes a tract or parcel of land with or without habitable buildings or appurtenant structures. (CCR, Section 17225.50) For purposes of this chapter the word premises includes Residential and Commercial uses of the land, whether owned, leased, rented or sub-let, including every dwelling house, dwelling unit, apartment house or multiple-dwelling building, trailer or mobile home park, store, restaurant, rooming house, hotel, motel, office building, department store, manufacturing, processing or assembling shop or plant, warehouse and every other place or premises where any person resides, or any business is carried on or conducted within the city.
35. “Prohibited container contaminants” means (1) discarded materials placed in the designated Recyclables container that are not identified as acceptable source separated recyclables for the City’s designated recyclables collection container; (2) discarded materials placed in the designated organic materials collection container that are not identified as acceptable source separated organic materials for the City’s designated organic materials collection container; and (3) discarded materials placed in the garbage container that are acceptable source separated recyclables and/or source separated organic materials to be placed in City’s designated organic materials collection container and/or designated recyclables collection container, and (4) Exempt Waste placed in any container.
36. "Recyclable (source separated) materials" or “recyclables” means any material designated to be source separated from the waste stream for purposes of recycling. This designation shall be made by the city and the authorized collector based on good public practice, ability to receive an acceptable economic return, and feasibility of separating the material from the waste stream at the point of collection. Recyclable materials are currently limited to paper, glass, cardboard, plastics, ferrous metal, and aluminum.
37. "Recycling" means the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become garbage and returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the marketplace. Recycling does not include transformation as defined in Public Resources Code § 40201. (CCR, Title 14, Section 17225.54).
38. “Recycling container” has the same meaning as “Blue Container” in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of source separated recyclable materials. The authorized collector shall have the right to promulgate changes to recyclable material types acceptable for the recycling container.
39. “Residential” means, for the purposes of this chapter, any premises consisting of between one (1) and four (4) dwelling units, and onsite domestic uses accessory to these dwelling units. A multi-family dwelling that consists of fewer than five (5) dwelling units is “Residential”, for the purposes of this Chapter.
40. “Self-haul(er)” means a person who hauls solid waste, organic waste or recovered material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste. “Back-haul” means generating and transporting organic waste to a destination owned and operated by the generator using the generator’s own employees and equipment.”
41. "Solid waste" means all putrescible and non-putrescible solid and semisolid wastes, including garbage, recyclable materials, organic materials, trash, refuse, paper, rubbish, ashes, industrial wastes demolition and construction wastes, bulky waste, discarded home and industrial appliances, manure, vegetable or animal solid or semisolid wastes, and other discarded solid and semisolid wastes. Solid waste includes materials defined as such per the Public Resources Code Section 49503 and as amended. Solid waste does not include any of the following wastes: (1) Hazardous waste, as defined in the Public Resources Code Section 40141, (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code) (3) Medical

waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be solid waste shall be regulated pursuant to Division 30 of the Public Resources Code. Recyclable materials and organic materials are a part of solid waste and (4) abandoned vehicles and parts thereof.

42. Solid waste collection service” or “collection service” means collection of solid waste originating in the City, by persons, firms or corporations, and doing so under a contract or franchise agreement with the City.
43. “Solid waste facility” or “facility” means a solid waste transfer or processing station including Material Recovery Facilities, a recycling facility, a composting facility, a gasification facility, a transformation facility, an Engineered Municipal Solid Waste conversion facility, and a disposal facility. Solid waste facility additionally includes a solid waste operation that may be carried out pursuant to an enforcement agency notification, as provided in regulations adopted by CalRecycle, or otherwise set forth in the Act.
44. “Source separate” means the process of removing recyclable materials and organic materials from Solid Waste at the place of generation, prior to Collection, and placing such materials into separate containers designated for recyclable materials and organic materials, or as otherwise defined in 14 CCR Section 17402.5(b)(4).
45. “Source reduction” means any action which causes a net reduction in the generation of solid waste. Source reduction includes, but is not limited to, reducing the use of nonrecyclable materials, replacing disposable materials and products with reusable materials and products, reducing packaging, reducing the amount of yard wastes generated, establishing garbage rate structures with incentives to reduce the amount of wastes that generators produce, and increasing the efficiency of the use of paper, cardboard, glass, metal, plastic, and other materials. Source reduction does not include steps taken after the material becomes solid waste or actions which would impact air or water resources in lieu of land, including, but not limited to, transformation.
46. “Tier One commercial edible food generator” means a Commercial Edible Food Generator that is one of the following as defined in 14 CCR Section 18982(a):
  - a. Supermarket with gross annual sales of \$2,000,000 or more
  - b. Grocery store with a total facility size equal to or greater than 10,000 square feet.
  - c. Food service provider, which means an entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations.
  - d. Wholesale food vendor, which means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination.
  - e. Food Distributor, which means a company that distributes food to entities including, but not limited to, supermarkets and grocery stores.
47. “Tier Two commercial edible food generator” means a Commercial Edible Food Generator that is one of the following as defined in 14 CCR Section 18982(a):
  - a. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
  - b. Hotel with an on-site food facility and 200 or more rooms.
  - c. Health facility with an on-site food facility and 100 or more beds.
  - d. Large Venue, which means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue

facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue.

- e. Large Event, which means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event..
  - f. A state agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
  - g. A local education agency facility with an on-site food facility. "Local Education Agency" means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
48. "User disposal containers" are containers inside a business for the collection of source separated organic materials, source separated recyclables and garbage for employees, contractors, tenants, customers and other users of the business.

**12.24.020 Charges.**

Solid waste collection service charges shall be payable in maximum amounts as established from time to time by resolution of the City Council. Payment of fees for solid waste collection services shall be the responsibility of the owner of the premises from which the solid waste is taken, but the fees may be received from the occupant for the account of owner. Solid waste collection service started after the tenth day of the calendar month shall be prorated on a monthly rate basis. [Ord. 1049 § 1, 1989.]

**12.24.030 Duty of owners and occupants.**

Every owner or occupant of every residence in the City and of business premises where solid waste is accumulated shall:

- A. Use solid waste collection service as often as necessary to keep the premises clean and free from odor and, in any event, shall arrange for not less than weekly residential garbage, organics and recycling service and not less than twice weekly for organic materials from businesses and weekly for other business-generated garbage and recyclables;
- B. Generators shall arrange for a size, quantity and collection frequency of collection containers to adequately store all solid waste generated in connection with the premise, and subject to collection in garbage containers, recycling containers and organics containers, between the times designated for collection service. The City shall have the right to review the number and size of such collection containers to evaluate the capacity and collection frequency of containers for each type of collection service and to review the separation and containment of materials. Generators shall adjust the size and/ or collection frequency for their collection services as requested by the City in order to meet the standards set forth in this chapter;
- C. Generators shall place source separated organic materials, including food waste, in the organics container; place source separated recyclable materials in the recycling container; and place garbage in the garbage container. The authorized collector shall have the right to promulgate changes to material types acceptable for each type of collection container. Generators shall not place prohibited container contaminants into the garbage container, organics container or recycling container;

- D. Store all solid waste in containers provided by the authorized collector, and place the containers in a suitable location on the premises at a point not more than 100 feet from the street but not on public sidewalk or publicly traveled right-of-way;
- E. If the container is for use on business premises, the same shall be kept at a suitable location at ground level, unless the authorized collector agrees to a different location, and not more than 100 feet from the street but not on public sidewalk or publicly traveled right-of-way. The container for use on business premises and the location at which it is kept shall at all times be maintained in a clean and sanitary manner so that the level of odor will not be a nuisance to reasonable persons of normal olfactory sensitivity. The container shall be covered at all times. Organic materials shall be kept in watertight containers which shall not be allowed to leak. Containers may be placed on public sidewalk in the downtown business district (all areas of the City zoned CC) only so long as the placement of the container(s) complies with all of the following three requirements:
  - a. It is placed as close as possible to the curb as is reasonably possible;
  - b. It is placed on the sidewalk only between the hours of 9:00 p.m. and 10:00 a.m. of the following day;
- F. Keep the container(s) clean and sanitary;
- G. Wrap all garbage as accumulated in paper or other suitable wrapping, and forthwith place the garbage in his or her own garbage container;
- H. Put not more than 60 pounds of garbage, organic materials or recyclable materials in any 32-gallon container for any one collection;
- I. Pay forthwith when due all charges as provided in this chapter and by resolutions of the City Council;
- J. Keep the occupied premises free and clear of solid waste at all times.
- K. Generators shall provide or arrange for access during all inspections and investigations (with the exception of the interior of a private residential dwelling unit) and cooperate with the City Manager, designated enforcement agency, or authorized collector during such inspections and investigations as described in Section 12.24.280.
- L. It shall be unlawful for any owner or occupant to fail or refuse to comply with any of the foregoing requirements of this section. [Ord. 1113 § 2, 1995; Ord. 1049 § 1, 1989.]

**12.24.040 Commercial generator requirements.**

In addition to the requirements of section 12.24.030, commercial generators shall also:

- A. Commercial business owners including multi-family residential dwellings with five (5) or more dwelling units, shall provide or arrange for garbage container, organics container and recycling container collection service for employees, contractors, tenants and customers, and supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors as noted in subsection (B)(1) and (B)(2) below or, if self-hauling, in compliance with self-hauling requirements set forth in this chapter.
- B. Commercial businesses that are not multi-family residential dwellings shall provide containers for the collection of source separated organic materials and source separated recyclable materials in all areas where the commercial business provides disposal containers for employees, contractors, tenants, customers and other users of the premises (“User Disposal Containers”). Such user disposal containers do not need to be provided in restrooms. If a commercial business does not generate, or has a waiver pertaining to, any of the materials that would be collected in one type of user disposal container, then the business does not have to provide that particular type of container in all areas where user disposal containers are provided. Pursuant to 14 CCR Section 18984.9(b), the user disposal containers provided by the business shall have either:



- (1) A body or lid that conforms with the following container colors, with either lids conforming to these color requirements or bodies conforming to these color requirements, or both lids and bodies conforming to these color requirements: gray or black containers for garbage, blue containers for source separated recyclable materials, and green containers for source separated organic materials. Notwithstanding the foregoing, a commercial business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the color requirements of this section prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first; or
  - (2) Container labels that include language or graphic images, or both, indicating the primary materials accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. The container labeling requirements are required on new containers commencing January 1, 2022.
- C. Excluding multi-family residential dwellings, to the extent practical through education, training, inspection, and/or other measures, prohibit employees from placing materials in a container not designated for those materials per the recycling container, organics container, and garbage container collection service.
  - D. Excluding multi-family residential dwellings, periodically inspect recycling containers, organics containers, and garbage containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers.
  - E. Including multi-family residential dwellings with five (5) or more dwelling units, annually provide information to employees, contractors, tenants, building residents, and customers about organic waste recovery requirements and about proper sorting of organic materials and recyclable materials. A copy of such instructions shall be provided to the authorized collector or City Manager, upon request.
  - F. Including multi-family residential dwellings with five (5) or more dwelling units, provide information before or within fourteen (14) days of new occupation of the premises to new tenants and no less than fourteen (14) days before tenants move out of the premises, unless a tenant does not provide fourteen (14) or more days' notice to before moving out, that describes requirements to keep organic materials subject to collection in the organics container and recycling container separate from each other and from garbage, the location of containers, and the rules governing their use at the premises.
  - G. Including multi-family residential dwellings with five (5) or more dwelling units, prominently post and maintain one or more signs where recyclable materials and/or organic waste are collected and/or stored that set forth what materials are required to be source separated, in addition to collection procedures for such materials.
  - H. Commercial businesses that are commercial edible food generators, as defined in Section 12.24.010 shall comply with commercial edible food generator requirements, pursuant to Section 12.24.250.

#### **12.24.050 Mechanical garbage disposal.**

Notwithstanding the foregoing provisions, an occupant of any premises, or an owner of any regularly and duly installed mechanical garbage disposal or grinder, as defined in this chapter, may dispose of his or her organic materials by the use of the mechanical garbage disposal or grinder, but shall nonetheless be required to use or take regular solid waste collection service on at least a weekly basis. [Ord. 1049 § 1, 1989.]

#### **12.24.060 Waivers.**

- A. Pursuant to 14 CCR Section 18984.11, the City may grant waivers to commercial businesses for physical space limitations and/or de minimis volumes. Commercial businesses seeking a waiver shall submit their request in a form specified by the City Manager. After reviewing the waiver request, and after an on-site review, if applicable, the City Manager may either approve or deny the following waiver requests:
  1. De Minimis Waivers: The City may waive a commercial business' obligation to comply with some or all the organic materials collection service requirements of section 12.24.030 and section 12.24.040 if the commercial business meets the following requirements:

- a. Submits an application specifying the type of waiver requested and provides documentation as described below.
  - b. Provides documentation that either:
    - i. The commercial business receives two or more cubic yards of weekly solid waste collection service (including garbage, recyclable material and organic materials) and disposed organic materials subject to collection comprises less than 20 gallons per week of the business' total weekly solid waste volume; or
    - ii. The commercial business receives less than two cubic yards of weekly solid waste collection service (including garbage, recyclable material and organic materials) and disposed organic materials subject to collection comprises less than 10 gallons per week of the business' total weekly solid waste volume.
    - iii. For the purposes of subsections (i) and (ii) above, weekly solid waste collection shall be the sum of weekly garbage container volume, recyclable container volume and organics container volume, measured in cubic yards.
  - c. Notifies the City if circumstances change such that volume of commercial business' disposed organic materials placed in collection containers exceeds threshold required for waiver, in which case waiver will be rescinded.
  - d. Provides written verification of eligibility for de minimis waiver every five years if the City has approved de minimis waiver.
2. Physical Space Waivers: The City may waive a commercial business' obligations (including multi-family dwellings) to comply with some or all of the recyclable materials and/or organic materials collection service requirements if the City has evidence from its own staff, authorized collector, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the organic materials collection requirements. A commercial business or property owner may request a physical space waiver through the following process:
- a. Submit an application form specifying the type(s) of collection services for which they are requesting a waiver from mandatory collection service.
  - b. Provide documentation that the premises lacks adequate space for the recycling containers and/ or organics containers including documentation from its authorized collector, licensed architect, or licensed engineer.
  - c. Provide written verification to the City that it is still eligible for physical space waiver every five years if the City has approved application for a physical space waiver.

**12.24.070 Self-haul requirements.**

- A. Self-Haulers shall haul their source separated recyclable materials to a solid waste facility that recovers those materials; and haul their source separated organic materials to a solid waste facility, operation, activity or property that processes or recovers source separated organic materials in a manner consistent with 14 CCR Sections 18984.1 and 18984.2.
- B. Self-Haulers that are commercial businesses shall keep a record of the amount of organic materials delivered to each solid waste facility, operation, activity or property that processes or recovers organic materials; this record shall be subject to inspection by the City. The records shall include the following information:
  1. Delivery receipts and weight tickets from the entity accepting the waste. If the material is transported to an entity that does not have scales on-site or employs scales incapable of weighing the self-hauler's vehicle in a manner that allows it to determine the weight of materials received, the self-hauler is not required to record the weight of material but shall keep a record of the entities that received the organic materials.
  2. The amount of material in cubic yards or tons transported by the generator to each facility.

3. Complete and retain on-site a self-hauling form certifying that all self-hauling activities will be completed in accordance with this chapter and any other applicable law or regulation.

**12.24.080 Duty of authorized collector.**

The authorized collector shall:

- A. Provide collection containers to residential and commercial generators in conformance with the color and labeling requirements set forth in 14 CCR Article 3 or as specified in the collection contract.
- B. Empty all containers in the City at least once each week, and in addition thereto as often as may be requested by the owner or occupant except for Sundays, or as may be necessary to dispose of all garbage, organic materials and recyclable materials as provided for in this chapter;
- C. Use only such containers and vehicles over the streets for the hauling of garbage as are watertight, and the authorized collector shall not permit any solid waste to fall or remain upon any street in the City;
- D. Dispose of all solid waste in a lawful manner outside the boundaries of the City;
- E. All containers and vehicles used by the collector in the hauling of garbage shall be kept in a clean and sanitary condition. [Ord. 1049 § 1, 1989.]
- F. The authorized collector shall give written notice to the City Manager of the address of any occupied premise within the city which is not subscribing to the collection and disposal service provided by the authorized collector.

**12.24.090 Disposal.**

Garbage, organic materials and recyclable materials shall be collected and disposed of only as provided for in this chapter, and it is unlawful for any person to burn, bury, throw away, carry over any street, or otherwise dispose of garbage, organic materials or recyclable materials contrary to the provisions of this chapter. [Ord. 1049 § 1, 1989.]

**12.24.100 Containers – Placement.**

A. No containers other than those owned by the City shall be placed or kept in or on any public street, sidewalk, footpath, or any public place whatsoever, but instead shall be placed on the premises so as to be easily accessible for removing and emptying by the authorized collector.

B. Notwithstanding subsection A of this section, garbage, organic materials and recyclable materials from business premises in the central commercial zoning district may be placed for collection on Bridgeway and on Princess Street in containers and at such times of day and days of the week as approved by the City. No such container shall be placed on the sidewalk without first having obtained a permit from the City Manager or his or her designee. [Ord. 1049 § 1, 1989.]

**12.24.110 Placing solid waste from private property in City-owned containers prohibited.**

It is unlawful for any person to place or cause to be placed in any container owned by the City, and located upon public streets or in public places, any solid waste originating within or upon any private property. [Ord. 1049 § 1, 1989.]

**12.24.120 Unlawful collection.**

It is unlawful for any person, except the authorized collector, or the authorized agents and employees thereof, to collect garbage, organic materials and recyclable materials from within the City. [Ord. 1049 § 1, 1989.]

**12.24.130 Dead animals.**

Dead animals must be disposed of in a lawful manner by the owner thereof outside the boundaries of the City per Section 6.04.195 of this municipal code. Should any owner fail or refuse to so dispose of the dead animal, then the City may do so and collect the charge or cost therefor from the owner thereof, and it shall be the duty of the owner to pay the cost or charge forthwith on being notified of the amount thereof. [Ord. 1049 § 1, 1989.]

**12.24.140 Contract.**

- A. The City Council, with or without inviting bids therefor, may enter into a contract with any responsible individual, firm or corporation for the collection, removal and disposal of solid waste collected and accumulated within the City, under such terms and conditions as may be prescribed by the City Council, and the right to make such collection shall be exclusive to the contractor, who shall be designated as the authorized collector under the provisions of this chapter. [Ord. 1049 § 1, 1989.]
- B. The City's authorized collector providing residential, commercial, or industrial organic materials collection services to generators within the City's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the City to collect organic materials:
  - a. Through written notice to the City annually on or before January 1, 2022, identify the facilities to which they will transport organic materials including facilities for source separated recyclable materials and source separated organic materials.
  - b. Transport source separated recyclable materials and source separated organic materials to a facility, operation, activity, or property that recovers organic materials as defined in 14 CCR, Division 7, Chapter 12, Article 2.
  - c. Obtain approval from the City to haul organic materials, unless it is transporting source separated organic materials to a community composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1.

**12.24.150 Minimum requirements and hours of collection.**

The provisions of this chapter shall be the minimum requirements for the protection of the public health, safety, convenience and general welfare; provided, however, no garbage pickup service shall be made between the hours of 7:00 p.m. and 6:00 a.m. [Ord. 1049 § 1, 1989.]

**12.24.160 Exceptions.**

- A. With the exception that the sanitary requirements hereof must be complied with, the provisions hereof shall not apply to persons collecting dead animals, bones or meat scraps for tallow plants, or industrial wastes. [Ord. 1049 § 1, 1989.]
- B. Nothing in this chapter limits the right of any person to donate, sell, or otherwise remove their recyclable materials so long as the removal otherwise complies with the provisions this chapter.
- C. Organic materials may be fed to animals on the premises where such organic materials is produced, provided that the premises are always kept in a sanitary condition to the satisfaction of the City Manager; and provided further that the keeping and feeding of such animals shall at all times conform to the Applicable Law including applicable regulations of those entities governing the same now in force or which thereafter may be enacted or promulgated.
- D. Organic materials may be used in on-site composting, or community composting, or other composting operation, pursuant to 14 CCR Section 18984.9(c), provided that such operation conforms to the applicable regulations of those entities governing the same now in force or which thereafter may be enacted or promulgated.

**12.24.170 Right of City to terminate contract.**

All conditions of the contract authorized by this chapter shall be deemed to be material. Failure to comply with any such conditions by the authorized collector shall be deemed a breach of the contract. Should the authorized collector neglect or fail to perform any of the conditions of the contract, the City Council shall have the right to declare the contract terminated. [Ord. 1049 § 1, 1989.]

**12.24.180 City actions upon breach or default of authorized collector.**

In the event of termination of the contract for breach or default of the authorized collector, the City shall have the right to forthwith take possession of and use for solid waste collection purposes all trucks and other equipment of the authorized collector used in the performance of the contract. The City shall have the right to retain possession of and

use for solid waste collection purposes such trucks and equipment until other arrangements can be made by the City for collection and disposal of solid waste from within the City. The City shall have access to the authorized collector's records for the purpose of billing and shall retain all fees received for the period during which the City is providing service. [Ord. 1049 § 1, 1989.]

**12.24.190 Service complaints.**

Service complaints shall be directed initially to the authorized collector. The authorized collector shall supply the City with copies of all complaint reports and information as to their disposition. [Ord. 1049 § 1, 1989.]

**12.24.200 Certified annual audit required – City right to inspect authorized collector records.**

The authorized collector shall provide the City with a certified annual audit of gross receipts for the fiscal period from July 1st to June 30th of each year that the contract is in effect. The City may specify the form and detail of the audit and may inspect the financial records of the collector at all reasonable times for any purpose relevant to the performance or enforcement of the contract. [Ord. 1049 § 1, 1989.]

**12.24.210 Commercial Edible Food Generator requirements.**

- A. Tier one commercial edible food generators must comply with the requirements of this section commencing January 1, 2022, and Tier two commercial edible food generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
- B. Operators of a large venue or large event (as defined in 14 CCR 18982(a)(38)) that are not providing food services, but allowing for food to be provided by others, shall require food facilities operating at the large venue or large event to comply with the requirements of this section, commencing January 1, 2024.
- C. Commercial edible food generators shall comply with the following requirements:
  1. Arrange to recover the maximum amount of edible food that would otherwise be disposed.
  2. Contract with or enter into a written agreement with food recovery organizations or food recovery services for: (a) the collection of edible food for food recovery; or (b) acceptance of the edible food that the commercial edible food generator self-hauls to the food recovery organization for food recovery.
  3. Shall not intentionally spoil edible food that is capable of being recovered by a food recovery organization or a food recovery service.
  4. Allow the City or designated enforcement agency to access the premises and review records pursuant to 14 CCR Section 18991.4.
  5. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
    - a. A list of each food recovery service or organization that collects or receives its edible food pursuant to a contract or written agreement established under 14 CCR section 18991.3(b).
    - b. A copy of all contracts or written agreements established under 14 CCR section 1891.3(b).
    - c. A record of the following information for each of those food recovery services or food recovery organizations:
      - i. The name, address and contact information of the food recovery service or food recovery organization.
      - ii. The types of food that will be collected by or self-hauled to the food recovery service or food recovery organization.

- iii. The established frequency that food will be collected or self-hauled.
  - iv. The quantity of food, measured in pounds recovered per month, collected or self-hauled to a food recovery service or food recovery organization for food recovery.
- D. Nothing in this Chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557, as amended from time to time.

**12.24.220 Food Recovery Organization and Food Recovery Services requirements.**

- A. Food recovery services collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
- 1. The name, address, and contact information for each commercial edible food generator from which the service collects edible food.
  - 2. The quantity in pounds of edible food collected from each commercial edible food generator per month.
  - 3. The quantity in pounds of edible food transported to each food recovery organization per month.
  - 4. The name, address, and contact information for each food recovery organization that the food Recovery Service transports edible food to for food recovery.
- B. Food recovery organizations collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
- 1. The name, address, and contact information for each commercial edible food generators from which the organization receives edible food.
  - 2. The quantity in pounds of edible food received from each commercial edible food generator per month.
  - 3. The name, address, and contact information for each food recovery service that the organization receives edible food from for food recovery.
- C. Food recovery organizations and food recovery services that have their primary address physically located in the city and contract with or have written agreements with one or more commercial edible food generators pursuant to 14 CCR Section 18991.3(b) shall annually report to the City it is located in the total pounds of edible food recovered in the previous calendar year from the tier one and tier two commercial edible food generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than April 1.
- D. Food recovery services and food recovery organizations shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, food recovery capacity that could be accessed by the City and its commercial edible food generators. A food recovery service or food recovery organization contacted by the City shall respond to such request for information within 60 days unless a shorter timeframe is otherwise specified by the City.

**12.24.230 Community composting operators- reporting requirements.**

- A. Community composting operators, upon the City's request, shall provide information to the City to support organic materials capacity planning, including, but not limited to, an estimate of the amount of organic materials anticipated to be handled at the Community Composting operation. Entities contacted by the City shall respond within 60 days.

**12.24.240 Inspections.**

- A. The City Manager, authorized collector, or designee is authorized to conduct any inspections, remote monitoring, or other investigations as reasonably necessary to further the goals of this chapter, subject to the provisions of the authorized collector's franchise agreement and applicable laws. This may include inspections and investigations, at random or otherwise, of any collection container, collection vehicle load, or transfer, processing, or disposal facility to confirm compliance with this chapter and the provisions of the franchise agreement, subject to applicable laws. This section does not allow entry in a private residential dwelling unit for inspection. For the purposes of inspecting collection containers for compliance, the City Manager or authorized collector may conduct container inspections for prohibited container contaminants using remote monitoring, and generators shall accommodate and cooperate with the remote monitoring.
- B. A Person subject to the requirements of this chapter shall provide or arrange for access during all inspections (with the exception of a private residential dwelling unit) and shall cooperate with the City Manager or authorized collector during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in collection containers, inspection of edible food recovery activities, review of required records, or other verification or inspection to confirm compliance with any other requirement of this chapter. Failure to provide or arrange for: (i) access to the premises; (ii) installation and operation of remote monitoring equipment, if a remote monitoring program is adopted; or (iii) access to records for any inspection or investigation is a violation of this chapter and may result in penalties.
- C. Any records obtained by the City Manager, authorized collector, or designee, during inspections, investigations, remote monitoring and other reviews shall be subject to the requirements and applicable disclosure exemptions of the California Public Records Act as set forth in Government Code Section 6250 et seq.
- D. The City, authorized collector or designee shall accept written complaints from persons regarding an entity that may be potentially non-compliant with this chapter.

**12.24.250 Penalty for violation.**

- A. Any violation of this chapter may be enforced as a nuisance, infraction, misdemeanor, or by any remedy available to the city under this code, or under state law.
- B. Enforcement Actions under this chapter may include issuance of an administrative citation and assessment of a fine. The city's procedures on imposition of administrative citations and fines as contained in Chapter 1 shall govern the imposition, enforcement, collection, and review of administrative citations and fines issued to enforce this chapter and any rule or regulation adopted pursuant to this chapter. Any section of this chapter may be enforced by Community Development Department, or such other department as may be designated by the City Manager, if agreed to, by the City's designated Enforcement Agency.
- C. A violation may be punishable by:
  - 1. A fine not exceeding one hundred dollars for a first violation;
  - 2. A fine not exceeding two hundred dollars for a second violation of the same provision of this code within any twelve consecutive month period;
  - 3. A fine not exceeding five hundred dollars for each additional violation of the same provision of this code within any twelve consecutive-month period. Any citation issued after the issuance of a third

citation or violation of the same provision of this code within any twelve consecutive-month period may be charged as a misdemeanor pursuant to the provisions of Chapter 1.42 of this code.

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

**12.24.260 Constitutionality.**

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the chapter. The City Council declares that it would have passed this chapter, and each sentence, clause and phrase thereof, irrespective of the fact that one or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. [Ord. 1049 § 1, 1989.]

**Section 2.** The adoption of this ordinance is categorically exempt from California Environmental Quality Act (“CEQA”) pursuant to Section 15308 of the CEQA Guidelines.

**Section 3.** This ordinance shall be in full force and effect thirty (30) days after the date of its adoption.

**Section 4.** This ordinance shall be published once within fifteen (15) days after its passage and adoption in a newspaper of general circulation in the City of Sausalito.

**Section 5.** If any section or portion of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.



**THE FOREGOING ORDINANCE** was read at a regular meeting of the Sausalito City Council on the 8th day of March 2022, and was adopted at a regular meeting of the City Council on the 22nd day of March, 2022, by the following vote:

AYES:	COUNCILMEMBER:	Sobieski, Cleveland-Knowles, Blaustein, Mayor Kellman
NOES:	COUNCILMEMBER:	None
ABSENT:	COUNCILMEMBER:	Hoffman
ABSTAIN:	COUNCILMEMBER:	None

DocuSigned by:  
*Janelle Kellman*  
8213F46FFE204E9...

JANELLE KELLMAN  
MAYOR OF THE CITY OF SAUSALITO

ATTEST:

DocuSigned by:  
*Serge Avila*  
638C337169D5410...  
SERGE AVILA  
ACTING CITY CLERK