



**Additional Documents List
Regular City Council Meeting
November 17, 2021**

Item No.	Agenda Item Description	Distributor	Document
8	Presentation of City Council Minutes	Christina Muñoz, Acting Deputy City Clerk	Attachments provide minutes for 10/20/21 and edits to 10/06/2021 Minutes.
11	Adoption of Resolution Approving Salary Range for Community Services Director	Tara Schultz, Interim Human Resources and Risk Manager	Memo provides edits and attachments to the staff report.
14	First Reading and Introduction of an Ordinance, Amending Chapter 16 (Garbage and Waste) and Chapter 2 (Administration) of the South Pasadena Municipal Code to Implement a Mandatory Organic Waste Disposal Reduction Ordinance as required by SB 1383 and calrecycle	H. Ted Gerber, Acting Public Works Director	Memo provides revised ordinance and PowerPoint.



**City of South Pasadena
Management Services**

Memo

Date: November 3, 2021

To: The Honorable City Council

Via: Arminé Chaparyan, City Manager

From: Christina Muñoz, Acting Deputy City Clerk

Re: November 17, 2021 City Council Meeting Item No. 8 – Presentation of City Council Meeting Minutes

Please see attached minutes for 10/20/21 and edits to 10/06/2021 minutes.



**CITY OF SOUTH PASADENA
CITY COUNCIL
REGULAR MEETING MINUTES
WEDNESDAY, OCTOBER 20, 2021, 7:00 PM**

CALL TO ORDER:

The Regular Meeting of the South Pasadena City Council was called to order by Mayor Mahmud on Wednesday, October 20, 2021, at 7:11 p.m. The meeting was held In Person Hybrid and via Zoom webinar, in accordance with AB 361 at the City Council Chambers, 1424 Mission Street, South Pasadena, California.

ROLL CALL

PRESENT

Mayor Diana Mahmud
Mayor Pro Tem Michael Cacciotti
Councilmember Jack Donovan
Councilmember Jon Primuth
Councilmember Evelyn G. Zneimer

Susan Caputo, Senior Management Analyst, announced a quorum.

CITY STAFF PRESENT: Arminé Chaparyan, City Manager; Andrew Jared, City Attorney; Susan Caputo, Senior Management Analyst, and Christina Munoz, Acting Deputy City Clerk, were present at Roll Call. Other staff members presented reports or responded to questions as indicated in the minutes.

PLEDGE OF ALLEGIANCE

The Flag Salute was led by Councilmember Donovan.

1. Closed Session Announcements

City Attorney Jared reported the City Council recessed to Closed Session at 6:00 p.m. with all members present and recessed from Closed Session at 7:03 p.m. to discuss the items listed on the posted agendas.

A. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

(Government Code Section 54956.9(d)(1))

1. Smith v. City of South Pasadena (LASC Case No.19BBCV00118)

City Attorney Jared reported that Council met in Closed Session to receive a briefing on the item stated, no final action was taken, nothing further to report.

A. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

(Government Code Section 54956.9(d)(1))

1. Arcadia, et al. v. Southern California Edison Co. (Santa Barbara Co. Sup. Ct. Case No. 20CV02026)

City Attorney Jared reported that the second Closed Session Special Meeting was held to receive a briefing on the item stated, direction was provided on the matter, no final action was taken, nothing further to report.

2. Public Comment - General

Mayor Mahmud announced public comments are intended to address matters not on the agenda for the meeting.

Christina Munoz, Acting Deputy City Clerk, announced that no written comment cards have been received and two live public comment cards as listed below.

Live Public Comment:

- Sally Kilby addressed the Council regarding the Tournament of Roses Parade and the raffle for raising funds.
- Drew Simon Rooke regarding traffic issues on Fremont Avenue

Mayor Pro Tem Cacciotti inquired to whom the check should be made out to and Mayor Mahmud requested the record reflect she gave Ms. Kilby her check prior to the start of the meeting.

COMMUNICATIONS

3. Councilmembers Communications

Councilmember Primuth commented regarding the Public Safety Commission meeting discussing a proposed ordinance banning the sale of tobacco in the City. The Commission is split on proposing complete ban, propose a phased in interim ordinance or none at all; the Mobility and Transportation Infrastructure Commission (MTIC) meeting reviewing standing ad hoc committee issues including Ramona traffic analysis stating they are getting close to offering recommendations to alleviate traffic around Holy Family School.

Councilmember Zneimer commented regarding the South Pasadena Tournament of Roses testing of the float on October 30 at 8:00 a.m.

Councilmember Donovan commented on the Finance Commission meeting and reported that fossil fuel is officially eliminated from the investment portfolio and that the official staff/Council definition of fossil fuel is anticipated for future use; and commented on the Meridian Avenue traffic issues ensuring residents that solutions are in progress.

Mayor Pro Tem Cacciotti thanked a constituent for discovering a slight mistake in the report for disposal of surplus property in the police department indicating that the listing of a Ford Contour should have been a Ford Taurus; and shared photos of activity around the City including a new resident to South Pasadena that came by a planning meeting; Altadena Public Library gardeners using all electric equipment; replacement at tree that fell at Calvary Presbyterian Church; Ace Hardware electric equipment; a utility pole replacement north of Garfield Park;; Mayor Mahmud and Mayor Pro Tem Cacciotti at the High Desert Solar and Storage Facility in Victorville; and ribbon cuttings at Waverly Café and Bookstore and South Plantsadena Plant Shop.

Mayor Mahmud commented regarding the Planning Commission meeting she attended and the two Hillside Development Permits that were approved, one on Peterson Avenue and another on Monterey Road and commented on the outline presented on the Housing Element Draft and the upcoming community meetings; commented on the meeting of the Library Board of Trustees and the approval of the holiday operating hours and that the Library will only be open on the Tuesday between Christmas and New Year's and regarding the Library Board work on changes to the South Pasadena Municipal Code to better align with state law and with what they would like to do; commented on the meeting on the Los Angeles Blue Ribbon Committee on Homelessness to speak in support of the San Gabriel Valley Council of Governments (SCVCOG) White Paper which urges a more equitable distribution of Measure H funding; High Desert Solar and Storage Facility ribbon cutting in Victorville and the result of the avoidance of 46,000 tons of greenhouse gas emissions per year and commented on South Pasadena City Council approval of a 100% renewable rate for residential customers and hope that commercial customers will soon follow; and commented regarding her appointment by the League of California Cities President to a special working group for consideration for a proposed constitutional amendment and a proposed initiative to restore local control to cities over land use issues.

4. City Manager Communications

City Manager Arminé Chaparyan along with staff and consultant assistance, presented a video on redistricting.

5. Reordering of, Additions, or Deletions to the Agenda

None

CONSENT CALENDAR

- 6. APPROVAL OF PREPAID WARRANTS IN THE AMOUNT OF \$158,380.44; GENERAL CITY WARRANTS IN THE AMOUNT OF \$322,251.33; SUPPLEMENTAL ACH PAYMENTS IN THE AMOUNT OF \$1,736,682.60; TRANSFERS IN THE AMOUNT OF \$3,004,500.00; VOIDS IN THE AMOUNT OF (\$1,443.16); PAYROLL IN THE AMOUNT OF \$589,666.03**

Recommendation

It is recommended that the City Council approve the Warrants as presented.

7. DISPOSAL OF SURPLUS PROPERTY

Recommendation

It is recommended that the City Council approve the request to dispose of the attached surplus property as recommended by the South Pasadena Police and Fire Departments.

8. QUARTERLY BUDGET UPDATE

Recommendation

It is recommended that the City Council receive and file the Quarterly Budget Update for the first quarter of fiscal year 2021-2022.

9. THIS ITEM WAS PULLED TO BE DISCUSSED SEPARATELY

10. MONTHLY INVESTMENT REPORT FOR AUGUST 2021

Recommendation

It is recommended that the City Council receive and file the Monthly Investment Report for August 2021

11. REORGANIZATION OF THE CITY MANAGER'S DEPARTMENT AND CREATION OF A NEW MANAGEMENT SERVICES DEPARTMENT AND ADJUSTMENT TO FIRE CHIEF SALARY RANGE

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA REORGANIZING THE MANAGEMENT SERVICES DEPARTMENT TO CREATE A CITY MANAGER'S DEPARTMENT AND A MANAGEMENT SERVICES DEPARTMENT, ESTABLISH A NEW DEPUTY CITY MANAGER AND MANAGEMENT SERVICES DIRECTOR POSITION, AND ADOPTING NEW JOB

DESCRIPTIONS AND SALARY RANGES, AND ADJUSTING THE FIRE CHIEF'S SALARY RANGE

Recommendation

It is recommended that the City Council consider the following actions:

1. Approve the Reorganization of the City Manager's Department, establishing a new Deputy City Manager position; and
2. Approve the creation of a new Management Services Department and a new Management Services Director position and adjust the Fire Chief's salary range.
3. Appropriate \$85,716 to City Manager Department / Salaries – Permanent Account 101-2010-2011-7000-000 to cover the cost of the new Deputy City Manager.
4. Appropriate \$82,116 to Management Services Department / Salaries – Permanent Account 101-2030-2031-7000-000 to cover the cost of the new Management Services Director.
5. Appropriate \$10,530 to Fire Department/Salaries – Permanent Account 101-5010-5011-7000-000 to cover the cost of the increase the salary range for the Fire Chief.

12. AUTHORIZE STAFF TO ACCEPT FUNDING FROM THE 2020 URBAN AREA SECURITY INITIATIVE GRANT FUNDS IN THE AMOUNT OF \$62,680 FOR MOBILE DATA COMPUTERS

Recommendation

It is recommended that the City Council:

1. Authorize the City Manager or designee to accept a grant award of \$62,680 from the 2020 Urban Area Security Initiative (UASI) to reflect in the Homeland Security Grant revenue account 274-0000-0000-5036-000.
2. Authorize the City Manager or designee to execute the UASI 2020 Subaward Agreement and related documents to purchase equipment that supports regional homeland security goals.
3. Appropriate \$62,680 to account 274-4010-4019-8520-000 for portion of the Mobile Data Computers (MDCs).
4. Appropriate an additional \$4,000 to the Machinery & Equipment account 101-4010-4011-8520-000 for the remaining portion of the Mobile Data Computers from the General Fund Reserves.

13. AUTHORIZE THE CITY MANAGER TO EXECUTE THE REVISED AGREEMENT WITH ALTA PLANNING + DESIGN, INC. FOR A NOT-TO-EXCEED CONTRACT AMOUNT OF \$225,000 FOR THE SLOW STREETS PROGRAM

Recommendation

Authorize the City Manager to Execute the Revised Agreement with Alta Planning + Design, Inc. for a Not-to-Exceed Contract Amount of \$225,000 for the Slow Streets Program.

14. AUTHORIZE THE FOURTH CONTRACT AMENDMENT WITH WEST COAST ARBORIST INC. FOR FY 2021-22 URBAN FORESTRY SERVICES IN A TOTAL NOT-TO-EXCEED AMOUNT OF \$465,000.

Recommendation

It is recommended that the City Council authorize the City Manager to execute the fourth contract amendment with West Coast Arborists Inc. (WCA), in an amount not to exceed \$465,000, for FY 2021-22 urban forestry services.

COUNCIL ACTION AND MOTION

Councilmember Primuth requested that Item 9 be pulled.

Motion Mayor Pro Tem Cacciotti, second by Councilmember Primuth, approved by roll call vote to approve Consent Calendar Item(s) 6-8 and 10-14, as presented.

City Attorney Jared announced that Item 13 was previously heard by Council and that at that time Councilmember Zneimer recused herself and did not participate. The record will show that Councilmember Zneimer is not participating in that item but will participate in the remainder of the Consent Calendar.

Mayor Mahmud noted the supplemental documentation for Items 7 and 11 and confirmed with Mayor Pro Tem Cacciotti that his motion was made with reference to the supplemental documents.

Motion carried, 5-0.

CONSENT CALENDAR - AGENDA ITEM(S) PULLED FOR SEPARATE DISCUSSION

9. ADOPTION OF A RESOLUTION APPROVING THE CITY OF SOUTH PASADENA INVESTMENT POLICY FOR FISCAL YEAR 2021-22

Recommendation

It is recommended that the City Council adopt a resolution approving the Fiscal Year (FY) 2021-22 Investment Policy.

Acting Chief Financial Officer Ken Louie presented the item indicating two changes to the policy this year: 1) the number of days for certain investments to remain in compliance with Government Code and 2) the removal of investment of fossil fuels with support of the Finance Commission and minimal loss of accrued interest less than \$1000.

COUNCIL ACTION AND MOTION

Councilmember Primuth inquired regarding the Finance Commission addition of the word “business” to the Policy making it more specific. Mr. Louie responded that the change removed the word “related” as the Commission felt it was too broad.

Mayor Pro Tem Cacciotti inquired regarding the wording under Authorized Banks and Security Dealers that states: “From time to time, the Finance Director will review the broker-dealer relationships, fees and charges for reasonableness and competitiveness.” Mr. Louie indicating that the Finance Director needs to be in tandem and reviews what the recommendations of the brokerage firm. Mayor Pro Tem Cacciotti inquired as to costs of brokerage firms and Mayor Mahmud suggested that the information be returned to Council by February Semi-annual Budget update.

Councilmember Primuth indicated that he would not support the prohibition of investments in fossil fuels as it is policy that is both over and under inclusive in what it attempts to achieve noting that many companies are diversified energy companies aggressively investing in renewable while maintaining fossil fuel businesses and indicated that the fiscal responsibility to the City is ensure that investment opportunities are evaluated which could include diversified energy companies and fossil fuel and that the proposal was generic and required more analysis.

Following discussion regarding possible amended wording to policy, renewable energy components or lack of in fossil fuel companies and the magnitude of the cost of climate change, it was determined that the wording would be left as is and can be revisited in the future as more diversification takes place.

Motion by Mayor Pro Tem Cacciotti, second by Mayor Mahmud, to approve the South Pasadena Investment Policy, as presented.

Motion carried, 4-1 with Councilmember Primuth voting no.

PUBLIC HEARING

15. RESOLUTION ADOPTING THE 2020 URBAN WATER MANAGEMENT PLAN (UWMP) AND WATER SHORTAGE CONTINGENCY PLAN (WSCP)

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, ADOPTING THE 2020 URBAN WATER MANGMENT PLAN AND WATER SHORTAGE CONTINGENCY PLAN

Recommendation

It is recommended that the City Council:

1. Open a Public Hearing for the adoption of the 2020 Urban Water Management Plan (UWMP) and Water Shortage Contingency Plan (WSCP).

2. Adopt a resolution adopting the 2020 UWMP and WSCP.

COUNCIL ACTION AND MOTION

Deputy Public Works Director Ted Gerber gave a brief overview of the City's 2020 Urban Water Management Plan.

Councilmember Zneimer inquired regarding the average acre-feet per year (AFY) and Mr. Gerber indicated that the current demand is lower and the City conserved water compared to the 2015 assessment. Councilmember Zneimer inquired regarding the date that the Water Plan is to be filed with the California Department of Resources and Mr. Gerber clarified that it is within 30 days of the public hearing date and indicated that the actual date of October 20, 2021, will be reflected in the resolution. Also clarified was that water losses are about 4 to 8% of total production and aging infrastructure adds to losses as well.

Mayor Pro Tem Cacciotti inquired regarding the comments made by the Natural Resources and Environmental Commission and Mr. Gerber indicated that they were supportive noting that better visualization on the draft showing the trend of climate change effect over the next 25 years will be incorporated into the final draft.

Mayor Mahmud inquired regarding the discrepancy of Tables 4-2 and 4-3 and what accounts for the significant increase projected through 2025. Mr. Gerber clarified that Table 4-2 is projected water use and Table 4-3 is actual water use and the projected increase is due mainly to population growth and annual unconstrained usage evaluation is required and could update the current numbers.

Mayor Mahmud opened the public hearing.

With no requests to speak, the public hearing was closed.

Motion by Councilmember Zneimer, second by Councilmember Donovan, to approve the recommended action.

Motion carried, 5-0.

ACTION / DISCUSSION

Motion carried, 5-0.

INFORMATION REPORTS

ADJOURNMENT

There being no further matters, Mayor Mahmud adjourned the meeting of the City Council at 8:23 PM.

Respectfully submitted:

APPROVED:

DIANA MAHMUD
MAYOR

Attest:

Christina Muñoz
Acting Deputy City Clerk

Approved at City Council Meeting:



**CITY OF SOUTH PASADENA
CITY COUNCIL
REGULAR MEETING MINUTES
WEDNESDAY, OCTOBER 6, 2021, 7:00 PM**

CALL TO ORDER:

The Regular Meeting of the South Pasadena City Council was called to order by Mayor Mahmud on Wednesday, October 6, 2021, at 7:19 p.m. The meeting was held In Person Hybrid and via Zoom webinar, in accordance with AB 361. The City Council Chambers are located at 1424 Mission Street, South Pasadena, California.

ROLL CALL

PRESENT

- Mayor Diana Mahmud
- Mayor Pro Tem Michael Cacciotti
- Councilmember Jack Donovan
- Councilmember Jon Primuth
- Councilmember Evelyn G. Zneimer

Susan Caputo, Senior Management Analyst, announced a quorum.

CITY Arminé Chaparyan, City Manager; Andrew Jared, City Attorney; Susan
STAFF Caputo, Senior Management Analyst, and Christina Munoz, Acting
PRESENT: Deputy City Clerk, were present at Roll Call. Other staff members
presented reports or responded to questions as indicated in the minutes.

PLEDGE OF ALLEGIANCE

The Flag Salute was led by Mayor Pro Tem Cacciotti.

1. Closed Session Announcements

City Attorney Jared reported the City Council recessed to Closed Session at 6:00 p.m. and recessed from Closed Session at 7:05 p.m. to discuss the items listed on the posted agenda.

A. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

(Government Code Section 54956.9(d)(1))

1. Smith v. City of South Pasadena (LASC Case No.19BBCV00118)
2. Valles v. COSP (LASC Case No. 20STCV16088)
3. Leung v. COSP (LASC Case No. 20STCV23315)
4. State Farm Automobile Insurance Co. v. COSP
(LASC Case No. 20STLC05633)

City Attorney Jared reported that Council met in Closed Session to receive a briefing on the items stated, direction was provided on each of the items and no final action was taken, nothing further to report.

B. CONFERENCE WITH LEGAL COUNSEL- INITIATING LITIGATION

(Government Code Section 54956.9(d)(4))

Number of Cases: 2

City Attorney Jared reported that Council met in Closed Session to receive a briefing on the items stated, direction was provided on each of the items and no final action was taken, nothing further to report.

C. PUBLIC EMPLOYMENT - PERFORMANCE EVALUATION

(Government Code Section 54957)

Title: City Manager

City Attorney Jared reported that no action was taken that was required to be reported. Mr. Jared also noted that all members of the City Council were present for all of the items discussed in Closed Session.

2. Public Comment - General

Mayor Mahmud announced public comments are intended to address matters not on the agenda for the meeting.

Susan Caputo, Senior Management Analyst, announced that comments submitted via email are added to the record as "Additional Docs" as listed below.

Written Public Comment:

- Care First
- Andrew Blaiklock
- Sherry Plotkin
- Mathew Barbato
- Anna McCurdy
- Megan Adams
- Phung Huynh

- Michael Siegel
- Amber Jaeger

Live Public Comment:

- Victoria Patterson addressed the Council regarding hate crimes and concerns of race bias and an audit of the South Pasadena Police Department without public input.
- Omar Ferguson addressed the Council seeking resolution of previous requests regarding property adjacent to his driveway and concerns of selective enforcement of city ordinances.
- Action Katabi addressed the Council in support of conducting a racial bias audit of the South Pasadena Police Department.
- Ienika Acoushi addressed the Council in support of a racial bias audit of the South Pasadena Police Department.
- ~~Lori~~ Laurie Wheeler, President of the South Pasadena Chamber of Commerce addressed the Council inviting all to the Fall Arts Crawl on October 16, 2021, 4:00-8:00 p.m.
- Helen Tran representing Carefirst addressed the Council in support of a racial bias audit as well as an operational audit of the South Pasadena Police Department
- Ella ~~Hushgane~~ Hushagen addressed the Council in support of a racial bias audit of the South Pasadena Police Department.
- Alexander Akino addressed the Council in support of a racial bias audit as well as an operational audit of the South Pasadena Police Department.
- Katie Newhall addressed the Council in support of a racial bias audit of the South Pasadena Police Department
- Lavonie Hawk addressed the Council in support of a racial bias audit of the South Pasadena Police Department.
- John ~~Trevalis~~ Srebalus addressed the Council regarding advancing racial justice in South Pasadena and concerns regarding concealment of warrant register billings.
- Chris Smith addressed the Council in support of a racial bias audit as well as an operational audit of the South Pasadena Police Department.
- ~~Faren~~ Fahren James addressed the Council in support of a racial bias audit as well as an operational audit of the South Pasadena Police Department.

PRESENTATION

3. Introduction of Staff

Arminé Chaparyan, City Manager, introduced Community Development Director Angelica Frausto-Lupo.

4. Clean Air Day Proclamation

Mayor Mahmud read and presented the proclamation for Clean Air Day.

5. Peace Over Violence – Domestic Violence Awareness Month

Melodie Kruspodin, Director of Prevention and Policy at Peace Over Violence, gave a presentation on domestic violence highlighting services offered by Peace Over Violence to respond to and prevent domestic violence.

COMMUNICATIONS

6. Councilmembers Communications

Councilmember Primuth commented on a recent Mobility and Transportation Infrastructure Commission (MTIC) meeting where five cities were selected to receive the Safe Street Program funding; stated the next Public Safety Committee meeting will be held October 18 and the Arroyo Verdugo Communities JPA meeting will be held October 7; reported on the Ad Hoc Finance Committee meetings commenting that the committee is working on a report to identifying root causes of problems and changes required in the Finance Department and thanked former Interim City Manager Elaine Aguilar for her work and the changes she implemented in the department.

Councilmember Zneimer gave a presentation on the League of California Cities Annual Conference in Sacramento and commented that as the City’s voting delegate voted on bylaws amendments and resolutions for Online Sales Tax Equity and Securing Railroad Property Maintenance, respectively; commented on the meeting with the South Pasadena Tournament of Roses and the announcement of LaVar Burton as the Grand Marshall for the 2022 Rose Parade; and commented on the grand opening of the new Baskin-Robbins 31 Flavors on September 16.

Councilmember Donovan commented on the Finance Ad Hoc Committee Report Summary that will identify the cause of problems in the Finance Department and offer solutions to be incorporated in the new Finance Policy and stated the final report will be presented to Council in the near future; commented on the Athens trash odors and that Los Angeles County Water District is conducting weekly visits to the area to identify and resolve the cause; and commented on the walk he, staff, and residents of Meridian Road took from Monterey Road to Kendall Avenue to help mitigate the traffic issues on Meridian Avenue.

Mayor Pro Tem Cacciotti shared photos of Cal Trans Director Toks Omishaken speaking at UCLA; conversion of Volvo construction equipment to electric; and several other photos including Tesla charging station; a homeless family in Garfield Park that was able to be placed in a home and unhoused neighbors in various locations around the city; tour of Behavioral Health Urgent Care in City of Industry;

Edison working on a Saturday morning; his soccer team; sewer odor on Garfield; and an upcoming Green Economy event.

Mayor Mahmud expressed gratitude to Mayor Pro Tem Cacciotti for the Edison photo and commented on the recurring problem of Edison violating South Pasadena ordinances; commented on the increasing numbers of unhoused neighbors and inquired of Lieutenant Robledo of what appear to be increased needs for services and Lieutenant Robledo confirmed the increase and commented that the Police Department has approved overtime to support additional resources to assist with the needs of the unhoused. Mayor Mahmud expressed gratitude to Supervisor Barger on the formation of the Blue Robbin Commission to address the needs and allocation of funds to assist the unhoused and reported that the San Gabriel Valley Council of Governments (SCVCOG) President Becky Shevlin is one of two city council members in the county participating on the committee and expressed optimism for much needed funding to assist the unhoused in the San Gabriel Valley; reported on the Ad Hoc Athens Subcommittee Meeting to discuss the renegotiation of the Athens contract necessitated due to SB 1383 requiring residents and businesses to separate organics from regular trash; recognized South Pasadena resident Ellen Torres on being appointed to the California State PTA; congratulated South Pasadena High School Senior Ava Feldman on being named a Tournament of Roses Princess; and noted that Metropolitan Water District (MWD) anticipates a very dry year and commented on the record low of the two reservoirs that provide supplemental water to the San Gabriel Basin and emphasized the critically importance of water conservation at this time and encouraged all to view the water conservation page on the City’s website.

7. City Manager Communications

None

8. Reordering of, Additions, or Deletions to the Agenda

None

CONSENT CALENDAR

9. THIS ITEM WAS PULLED TO BE DISCUSSED SEPARATELY.

10. THIS ITEM WAS PULLED TO BE DISCUSSED SEPARATELY.

11. POLICIES AND PROCEDURES UPDATE.

Recommendation

It is recommended that the City Council approve the contract with Management Partners for the development of comprehensive Finance Department Policies and Procedures ("the Manual").

12. AUTHORIZE THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH MIG FOR CONTRACT PLANNING SERVICES.**Recommendation**

It is recommended that the City Council authorize the City Manager to execute a Professional Services Agreement (PSA) with MIG for contract planning services that includes one senior-level planner to assist with managing and processing planning applications.

13. REQUEST FOR APPROVAL OF A CO-SPONSORSHIP AND FEE WAIVER OF "HOMECOMING 2021" HOSTED BY SOUTH PASADENA HIGH SCHOOL ASSOCIATED STUDENT BODY.**Recommendation**

It is recommended that the City Council approve the South Pasadena High School Associated Student Body request for co-sponsorship of October 23, 2021, and waive associated fees.

14. RENAMING OF THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT TO THE COMMUNITY DEVELOPMENT DEPARTMENT AND ADOPTION OF RESOLUTION APPROVING A CLASSIFICATION AND SALARY RANGE FOR DEPUTY COMMUNITY DEVELOPMENT DIRECTOR AND CHANGING THE TITLE OF THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR POSITION TO COMMUNITY DEVELOPMENT DIRECTOR.**RESOLUTION**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA CHANGING THE NAME OF THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT TO COMMUNITY DEVELOPMENT DEPARTMENT, CHANGING THE TITLE OF THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO COMMUNITY DEVELOPMENT DIRECTOR AND ESTABLISHING THE POSITION OF DEPUTY COMMUNITY DEVELOPMENT DIRECTOR, AND ADOPTING NEW JOB DESCRIPTIONS AND SALARY RANGES

Recommendation

It is recommended that the City Council consider the following actions:

1. Rename the Planning and Community Development Department to Community Development Department; and
2. Adopt a resolution approving the classification and salary range for a new Deputy Community Development Director and change the title of the Planning and

Community Development Director to Community Development Director.

3. Appropriate \$4,085 to Community Development/ Salaries – Permanent Account 101-7011-7000-000 to cover the difference in cost for the new Deputy Community Development Director.

- 15. ADOPTION OF A RESOLUTION CONTINUING THE PROCLAMATION OF A LOCAL EMERGENCY DUE TO THE OUTBREAK OF COVID-19, AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTIONS AS THE DIRECTOR OF EMERGENCY SERVICES, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY.**

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, CONTINUING ITS PROCLAMATION OF A LOCAL EMERGENCY DUE TO THE OUTBREAK OF COVID19, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY THE MARCH 4TH DECLARATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF SOUTH PASADENA FOR THE PERIOD OF OCTOBER 6 THROUGH NOVEMBER 5, PURSUANT TO BROWN ACT PROVISIONS

Recommendation

It is recommended that the City Council approve the attached resolution continuing the proclamation of a local emergency due to the outbreak of COVID-19, authorizing the City Manager to take all necessary actions as the Director of Emergency Services, and authorizing remote teleconference meetings of the legislative bodies of the City.

- 16. AUTHORIZE THE THIRD AMENDMENT WITH STANTEC CONSULTING SERVICES, INC. EXTENDING THE AGREEMENT FOR SERVICES FOR ENGINEERING SUPPORT SERVICES RELATED TO THE GRAVES RESERVOIR PROJECT.**

Recommendation

It is recommended that the City Council authorize the City Manager to execute the third contract amendment with Stantec Consulting Services, Inc. (Stantec) to extend the agreement for engineering support services related to the Graves Reservoir Project.

- 17. THIS ITEM WAS PULLED TO BE DISCUSSED SEPARATELY.**

- 18. APPROVAL OF A MILLS ACT CONTRACT FOR PROPERTY LOCATED AT 1016 ORANGE GROVE AVENUE (ASSESSOR'S PARCEL NUMBER 5315-019- 037) PROJECT NO. 2383-MIL.**

Recommendation

It is recommended that the City Council enter into a Mills Act contract with the property owners of 1016 Orange Grove Avenue, which is Historic Landmark No. 57.

19. APPROVAL OF A MILLS ACT CONTRACT FOR PROPERTY LOCATED AT 807 BANK STREET (ASSESSOR'S PARCEL NUMBER 5314-019-021) PROJECT NO. 2397-MIL.**Recommendation**

It is recommended that the City Council enter into a Mills Act contract with the property owners of 807 Bank Street, which is Historic Landmark No. 56.

COUNCIL ACTION AND MOTION

Mayor Mahmud noted recommended that the motion to approve the Consent Calendar should be made with the reference to the supplemental documents for Agenda Items 9,11,12, and 15 and acknowledged receipt of emailed public comments from Chris Bray on Item 10 and comments on Items 15 and16.

Councilmember Zneimer requested that Item 10 be pulled for comment. Mayor Pro Tem Cacciotti requested that Items 9 and 17 be pulled.

Motion Mayor Pro Tem Cacciotti, second by Councilmember Zneimer, approved by roll call vote to approve Consent Calendar Item(s) 11-16 and 18-19, as presented.

Motion carried, 5-0.

CONSENT CALENDAR - AGENDA ITEM(S) PULLED FOR SEPARATE DISCUSSION

9. PRESENTATION OF CITY COUNCIL MEETING MINUTES.**Recommendation**

It is recommended that the City Council approve the minutes as listed on the agenda and as presented.

Mayor Pro Tem Cacciotti commented on the second bullet point on page 9-21, "Reallocate funds from AB 2766 for clean air vehicles in Police and Public Works in lieu of computer equipment." Stating that for the record he would like to ensure the funds do go to the Police for transitioning to clean vehicles as well as Public Works if needed.

Mayor Mahmud commented that the substance of staff response to Council inquiry could be reflected more thoroughly in the minutes and asked that this be done day forward.

Motion by Mayor Pro Tem Cacciotti, second by Councilmember Primuth, to approve the minutes as listed on the agenda.

Motion carried, 5-0.

10. APPROVAL OF PREPAID WARRANTS IN THE AMOUNT OF \$480,589.62; GENERAL CITY WARRANTS IN THE AMOUNT OF \$684,222.22; SUPPLEMENTAL ACH PAYMENTS IN THE AMOUNT OF \$20,378.81; TRANSFERS OUT IN THE AMOUNT OF \$72,591.41; VOIDS IN THE AMOUNT OF (\$2,650.00); PAYROLL IN THE AMOUNT OF \$614,821.84.

Recommendation

It is recommended that the City Council approve the Warrants as presented.

Councilmember Zneimer commented regarding an inquiry submitted to Interim Finance Director Ken Louie and was notified that City Attorney Jared would be making a formal response and noted that historically special projects were itemized and inquired as to what those projects are and noted that historically litigation warrants were itemized with case names and numbers and indicated that information would be useful for the public.

Councilmember Primuth inquired of the City Attorney of the level of disclosure permitted within the confidentiality of litigation warrants.

City Attorney Jared responded that a 2016 California Supreme Court Case states that for ongoing and pending litigation matters no part of the invoice including the total is required to be reported; for concluded matters the total amount of an invoice is required but the descriptions are not which is why the move to protect the sanctity of attorney/client privilege resulted.

Councilmember Zneimer commented that she would like to see the names of the cases on the warrants for transparency purposes.

Councilmember Primuth commented that legal recommendations versus transparency policies call for further discussion.

Motion by Councilmember Zneimer, second by Mayor Pro Tem Cacciotti, to approve the recommended action.

Motion carried, 5-0.

City Clerk staff confirmed there were no requests to speak on Items 15 or 16.

17. APPROVAL OF A MILLS ACT CONTRACT FOR PROPERTY LOCATED AT 917 PALM AVENUE (ASSESSOR'S PARCEL NUMBER 5313-008-024) PROJECT NO. 2382-MIL.

Recommendation

It is recommended that the City Council enter into a Mills Act contract with the property owners of 917 Palm Avenue, which is a contributor to the designated El Centro/Indiana/Palm Historic District.

Mayor Pro Tem Cacciotti expressed concerns regarding the ten-year reduction in property taxes and inquired of the City Attorney as to what happens after the ten years.

City Attorney Jared responded that the type of contract is an Evergreen Contract and that the ten-year period is a minimum period in to address the conservation issues specified in the Mills Act contract. Pursuant to South Pasadena Code, the contract automatically renews on the anniversary of the contract for an additional one-year period; Council can take action at year six to terminate adding another year which gives a termination date of ten years from Council action.

Mayor Cacciotti requested that the list of all the Mills Act contracts be returned to Council in 2022 to determine which should be terminated in effort to fairly balance the tax burden.

City Attorney stated that the reports are required to be brought before the Cultural Heritage Commission on a regular basis as well.

City Manager Chaparyan commented that staff is compiling a holistic list and will be brought to Council in 2022.

Mayor Mahmud suggested consideration of an audit given the financial ramifications.

Motion Mayor Pro Tem Cacciotti, second by Councilmember Donovan, to approve the recommended action.

Motion carried, 5-0.

PUBLIC HEARING

20. APPROVAL OF A HISTORIC LANDMARK DESIGNATION FOR PROPERTY LOCATED 1601 MARENGO AVENUE (ASSESSOR’S PARCEL NUMBER 5320-007-001) PROJECT NO. 2414-LMN.

Recommendation

It is recommended that the City Council conduct a public hearing and adopt a Resolution taking the following actions:

1. Find that the property at 1601 Marengo Avenue qualifies under criteria (1), (4), and (7) of the South Pasadena Municipal Code Section 2.63(b), for designation of a Historic Landmark; and
2. Designate the property at 1601 Marengo Avenue as a Historic Landmark (Historic Landmark No. 58) pursuant to South Pasadena Municipal Code

COUNCIL ACTION AND MOTION

Assistant Planner Marina Khrustaleva presented a staff report.

Mayor Mahmud opened the public hearing.

With no requests to speak, the public hearing was closed.

Motion by Councilmember Zneimer, second by Mayor Pro Tem Cacciotti to approve the recommended action.

Motion carried, 5-0.

ACTION / DISCUSSION

21. CALTRANS SURPLUS PROPERTIES DISPOSITION UPDATE; ESTABLISHING AD HOC FOR IMPLEMENTATION PHASE; AUTHORIZING ISSUANCE OF REQUEST FOR PROPOSALS FOR PROPERTY INSPECTION AND REPAIR ESTIMATES; AND AUTHORIZING EVALUATION OF FUNDING OPTIONS FOR ACQUISITION AND REHABILITATION OF PROPERTIES

Recommendation

It is recommended that the City Council:

1. Consider establishing a City Council ad hoc Implementation Committee for the next phase of the California Department of Transportation (Caltrans) Surplus Properties Disposition; and
2. Authorize issuance of a Request for Proposals (RFP) for property inspection and repair estimate professionals for homes presently unoccupied homes, and homes being considered for acquisition when existing tenants choose not to purchase; and
3. Authorize evaluation of funding opportunities for acquisition and rehabilitation and prepare a home and portfolio financial feasibility analysis to support the acquisition and rehabilitation of the Caltrans properties.

COUNCIL ACTION AND MOTION

City Manager Arminé Chaparyan presented a staff report.

Mayor Mahmud confirmed that recommendation 1 is withdrawn as the ad hoc committee consisting of Mayor Pro Tem Cacciotti and Councilmember Primuth is the Implementation Committee.

Mayor Pro Tem Cacciotti requested to be removed from the Implementation Committee as it would be better served by a representative of the area.

Mayor Mahmud inquired of the City Attorney as to any possible Brown Act violations if Councilmember ~~Primuth~~ Donovan was to serve on the second ad hoc committee since the first is dissolved.

City Attorney Jared requested to review the facts and issues and return at a later date.

Councilmember Primuth inquired regarding an update on the Cal Trans letter stating that they want to work with staff.

City Manager Chaparyan commented that there has been communication with Cal Trans inquiring as to what next steps are.

Further inquiry was made by Councilmember Primuth regarding taking a strategic pause to figure out how the ad hoc committee will be composed going forward.

Mayor Pro Tem inquired regarding the current waterfall regulations for the vacant homes.

Interim Director of Planning and Community Development responded that it would be previous owner, then previous tenants that were in good standing, and then made available to housing related entities.

Mayor Mahmud inquired regarding SB 381 obligating Cal Trans to offer the homes to South Pasadena.

Staff (Adam Eliason from Civicstone) confirmed and stated that other housing entities would follow should South Pasadena decline.

Mayor Mahmud opened the public comment period.

Written comments were received by the following:

- ~~Elaine Delaine~~ Shane
- Linda ~~Espisite~~ Esposito
- Andrea ~~Winebrecht~~ Weinbrecht

Live comment was received by the following:

- Greg ~~Winebrecht~~ Weinbrecht expressed concern for tenants of Caltrans homes.
- Victoria Patterson expressed concern for representation of the tenants of Caltrans homes.
- Mark Gallatin expressed concern for the integrity of the buildings of the Caltrans homes.

With no other requests to speak, the public comment period was closed.

City Manager Chaparyan noted that the Senator Portantino’s office has agreed to community meeting to discuss the bills.

Motion made by Mayor Mahmud to defer action on the item and return to Council the first meeting in November, second by Councilmember Zneimer.

Councilmember Primuth inquired with the City Manager as to timeline.

City Manager Chaparyan requested specific clarification on what Council wishes returned for consideration.

Mayor Pro Tem Cacciotti commented that the same issues be returned with more specificity following the community meetings.

Councilmember Primuth offered an amendment to the motion to return to Council following a community meeting. Mayor Mahmud and Councilmember Zneimer accepted the amendment to the motion.

Motion carried, 5-0.

INFORMATION REPORTS

22. RECEIVE AND FILE REPORT ON UNARMED TRAFFIC ENFORCEMENT OFFICERS.

Recommendation

It is recommended that the City Council receive and file the report on Unarmed Traffic Enforcement.

Public Safety Commissioner Ed Donnelly presented the staff report.

Council received report.

ADJOURNMENT

There being no further matters, Mayor Mahmud adjourned the meeting of the City Council at 10:23 PM.

Respectfully submitted:

APPROVED:

DIANA MAHMUD
MAYOR

Attest:



Memo

Date: November 16, 2021
To: The Honorable City Council
Via: Arminé Chaparyan, City Manager
From: Tara Schultz, Interim Human Resources and Risk Manager
Re: November 17, 2021, City Council Meeting Item No. 11 Additional Document – Adoption of Resolution Approving Salary Range for Community Services Director

Attached is an additional document which provides a correction to agenda page 11-1 under Fiscal Impact.

Page 11-1

Fiscal Impact

The Deputy Community ~~Development-Services~~ Director is a new position, with a proposed monthly salary range of \$8,449 - \$11,323, mirroring that of the Deputy Directors in Public Works and Community Development. The estimated annual fully burdened cost of this position is \$163,345. This position is proposed to be funded through both Prop C (75%) and General Fund (25%).

Staff is also providing additional background information with salary comparisons and job duties of the newly proposed Deputy Community Services Director position.

Salary Comparison for Deputy Directors

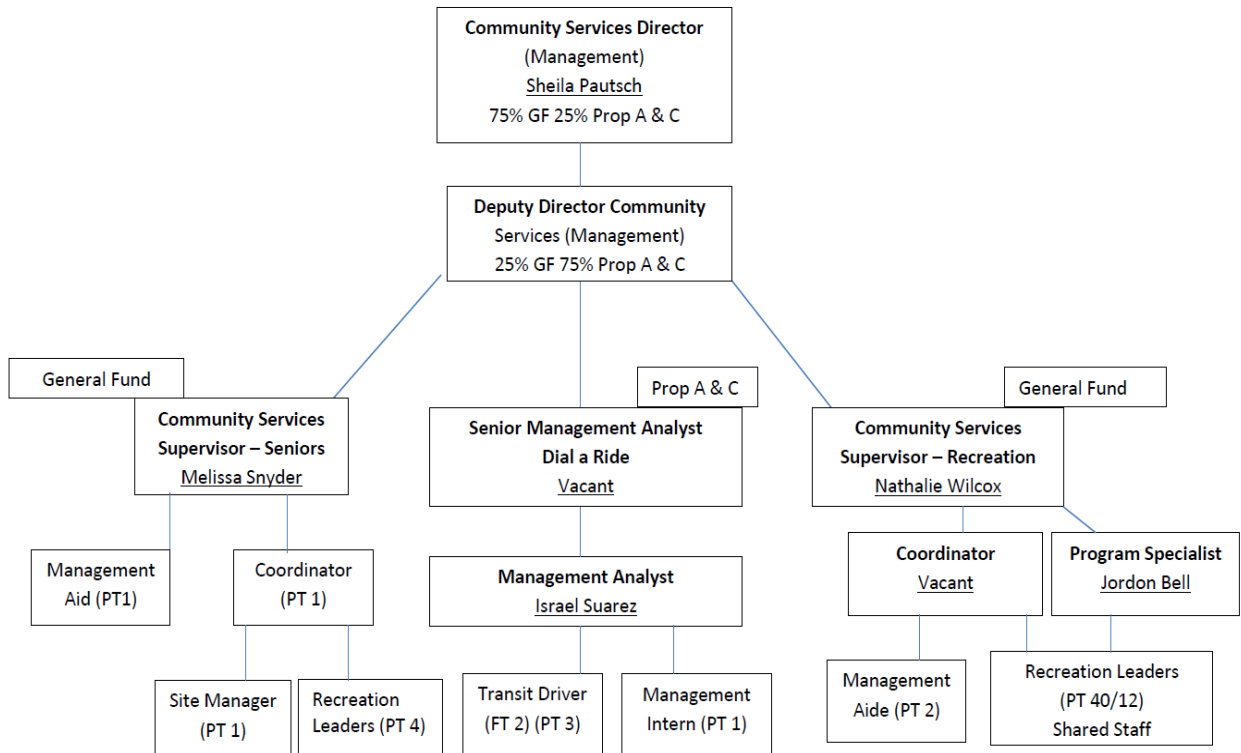
Staff has also prepared a chart comparing Deputy Director salaries from neighboring cities. Please see Attachment A.

Clarification on Grant Funding and Job Duties

The Deputy Community Services Director position will be 75% grant funded from Prop C and 25% from the General Fund. Specific job function applicable to use of Prop C funds are detailed in Attachment B, and a proposed organization chart is listed below.

Community Services Department

21-22 Reorganization Proposal



Attachment A

City	Title	Range		Title	Range	
South Pasadena	Deputy Director for Community Services	\$ 8,449.00	\$ 11,323.00	Community Services Director	\$ 9,449.00	\$ 12,663.00
Alhambra	Deputy Director of Parks & Facilities Assistant Director of Recreation & Community Services	\$ 8,247.75	\$ 10,736.98	Director of Parks & Recreation	\$ 10,987.47	\$ 10,987.47
Arcadia	N/A	\$ 8,361.00	\$ 10,443.00	Director of Recreation & Community Services	\$ 10,972.00	\$ 13,702.00
Azusa	N/A			Director of Recreation & Family Services	\$ 13,333.33	\$ 13,333.33
Covina	Parks & Recreation Manager	\$ 7,868.31	\$ 10,544.28	Director of Parks & Recreation & Library	\$ 10,601.43	\$ 14,215.38
Monterey Park	Recreation Manager	\$ 8,283.00	\$ 10,597.00	Director of Recreation & Community Services	\$ 9,639.33	\$ 12,380.00
San Gabriel	N/A			Community Services Director	\$ 12,113.00	\$ 14,724.00
San Marino	Recreation Manager Parks & Recreation Services Manager and Family & Human Services Manager	\$ 8,363.00	\$ 10,427.00	Community Services Director	\$ 10,522.00	\$ 13,304.00
Santa Fe Springs		\$ 7,833.00	\$ 9,705.00	Community Services Director	\$ 10,971.00	\$ 13,589.00
Average of Comparison Cities		\$ 8,159.34	\$ 10,408.88		\$ 11,142.45	\$ 13,279.40

Arcadia as a new MOU that is a 3/3/4 from 7/21 thru 6/24

Monterey Park a 2/2/2 for Execs for 5/21, 12/21, & 12/22 and a MOU for Mid Managers for 12/20, 7/21, 7/22, & 1/23

- The 2% increase on 12/25/21 for the Director Position will increase the range to \$9832.16 - \$12,628.41, changing the overall average to \$11,166.55
- \$13,310.45.

Attachment B



Community Services Department

Administration

Director: Oversee Transit, Senior and Recreation

- Supervise Community Services Supervisors and Management Analyst
- Oversee Department Budget
- Oversee Contract Management:
 - Arroyo Seco Golf Course
 - Tennis Center
 - All-Star Batting Cages
 - San Pascual Stables
 - Iron Works Museum
- Staff Liaison to the Parks and Recreation Commission, the South Pasadena Tournament of Roses Committee, Festival of Balloons Committee and Ad Hoc Recreation Lease Facility Committee
- Oversee Prop A and C Management
- Manage Cell Tower Lease
- Manage Grants for Department (Prop A and C, Prop A Parks, Prop 68 Per Capita)
- Manage Department CIP Oversight (Pocket Parks)
- Co-sponsorship Program
- Memorial Bench Program
- Children's Healing Garden Project
- Safety Committee Department Rep

Community Services Event Team (Director, Supervisors, Coordinators, and Specialist)

- Special Events
 - Eggstravaganza
 - Movies in the Park Night (2)
 - Shakespeare in the Park (2)
 - Spooktacular
 - Breakfast with Santa
 - Snow Day
 - Concerts in the Park (5)
 - Be Kind to Animals (new)
 - Memorial Day Celebration
 - New event to create for next FY such as employee events or assist other departments

Community Services Department

Youth & Recreation Division

Community Services Supervisor: Nathalie Wilcox

- Oversee Camp Med – afterschool and summer camp programs
- Manages Budget and follow through with Capital Projects
- Field Reservations
 - Coordination with ongoing user groups
 - Billing organizations as needed
- Oversee facility's CIPs
- Write and implement Division Policies and Procedures
- Personnel – Hiring, training, evaluating, discipline and hiring of staff
- Skate Park oversight and maintenance
- Supervision of Community Services Coordinator and Program Specialist
- Special Projects assigned by Director
- Oversee Division finances – deposits and petty cash reimbursements
- Eagle Scouts Projects
- Park Gazebo Rentals
- Staff Liaison Youth Committee
 - Youth Commission
 - Monthly meeting
 - Prepare minutes and agenda
 - Communication
 - Walk or Bike to School Day
- Facility Rentals – War Memorial Building, Youth House, Orange Grove and Senior Center
 - Weekly facility tour for maintenance and upkeep
 - Schedule staff for facility reservations – create a system to assist in scheduling staff for facility reservation and WhentoWork
 - Journal entries for staff
- Part of Community Services Event Team

Community Services Department

Youth & Recreation Division

Community Services Coordinator: *Vacant*

duties split between both supervisors as the position is vacant

- **Oversee Community Services Guide and Contract Classes:**
 - Coordinating Specialty Camps (Summer)
 - Coordinate all aspects of contract classes including obtaining new classes, meet with prospective new instructors, updating and sending out instructor packets
 - Design/updates of class guide quarterly
 - Quarterly Constant e-Newsletter
- Facility Rentals – War Memorial Building, Youth House, Orange Grove and Senior Center
- Weekly facility tour for maintenance and upkeep
- Schedule staff for facility reservations – create a system to assist in scheduling staff for facility reservation and WhentoWork
- Prepares and schedules long term reservations through contracts
- Continuous inventory of tables, chairs and other equipment needed for reservations
- Park Gazebo Rentals
- Weekly park tours of gazebos, playground and park in general
- Part of Community Services Event Team

Community Services Department

Youth & Recreation Division

Program Specialist: Jordon Bell

- Supervision of Camp year round including supervision of Recreation Leaders (Camp) staff schedules
- Bi-Monthly staff meeting with Recreation Leaders
- Summer Camp Coordination
 - Weekly Field Trip planning – transportation and tickets
 - Summer Camp Flyer
 - Planning Parent Night
 - Summer Staff Training
 - Camp Applications for each season
- Parent Communication
 - Emails to distribution List
 - Phone calls
 - Memo notices
- Order all camp supplies
- Weekly Camp Attendance & Budget
- Maintain Camp Med school year roster
- Assist with personnel – hiring, training, evaluating, and discipline of part time staff
- Assist with CS Budget where it applies as well as Recreation and Camp Med
- Assist with supervision of Management Aide and Recreation Leaders in absences of Supervisor/Coordinator
- Answering phones
- Class registrations and park reservations as needed
- Part of the Community Services Event Team

Community Services Department

Youth & Recreation Division

2 – 28 hour -Management Aides: (2 vacant positions)

- Manage Office
- Answer phones
- Counter contacts
- Class Registration
- Park Reservations
- Facility Reservations
- Sportsman
 - Park reservation updates
 - Trouble shooting
 - Opening/closing Tills
- Maintain and update Constant Contact email addresses
- Articles for newsletter
- Order office supplies
- Deposits
- Monthly E-Neighbors Articles/Press Releases
- Warrants
 - Special events
 - All Department warrants and RFPs
- Autopay for Camp Payment – on a monthly basis
- Camp payments and camp balances
 - Maintain past due balances for Camp
- Monthly Camper Reports with attendance
- Contract Classes
 - Send out class rosters
 - Quarterly class updates
 - Specialty camps and contract instructor RFPs
 - Assist with the guide and class input – quarterly
- Assist in designing classes and program guide – quarterly
- Create flyers
- Update Social media outlets

Community Services Department

Senior Services Division

Community Services Supervisor: Melissa Snyder

- Manage the Senior Center
 - Oversee all activities – monthly and special events, leisure classes and programs
 - Newsletter (quarterly)
 - Travel program
 - Solicit donations
 - Policies and procedures review
- Senior Meal Program
 - Home Delivery and onsite meal program
 - Menu planning for events
 - Manage caterer contract
 - CDBG audit, client registration and duplication and quarterly reports
- Senior volunteers and HD volunteers
 - Recruitment and recognition
- Financials
 - Budget and capital items
 - Cash management
 - Deposit reconciliation
- Staff Liaison to Senior Citizen Commission
- Staff Liaison to Senior Foundation
- Oversee Community Services Guide and Contract Classes:
 - Coordinating Specialty Camps (Summer)
 - Coordinate all aspects of contract classes including obtaining new classes, meet with prospective new instructors, updating and sending out instructor packets
 - Design/updates of class guide quarterly
 - Quarterly Constant e-Newsletter
- Personnel – hire, train, evaluate, discipline, and fire part time staff
- Sportsman oversight
- Metro Tap and bus pass payments and machine
- Supervision of Management Aide, Site Manager, Recreation Leaders, and volunteers
- Outreach and marketing of the Senior Center
- Teen Activities
- Be a part of the Community Services Event Team

Community Services Department

Senior Services Division

Community Services Coordinator: (Part-time 28 hours) Katrina Faulmino

- Sportsman
 - Updates
 - Input – Register users
 - Trouble shoot
- Order supplies
 - Staples
 - Copy machine
 - Postage machine
 - AED Machine
- Deposits
 - Collect money
 - Count money and balance till at the end of the day
- Warrants
 - Prepare, log, and Senior Services (including instructors)
- Prepare commission packets
- Office management – (phone messages, copier services, etc.)
- Track Lunches sold daily
 - Bill no shows
 - Home Delivery Billing
 - Assist with CDBG
- Newsletter
 - Calendar
 - Labels/Mailing (coordinate with volunteers)
- Volunteer coordination and assignments
- Work with public works on center repairs and cleaning
- Assist in planning of Senior Center Events and create flyers
- Collect time cards – send out email reminder, review, and copy
- Assist when Supervisor is absent
- Part of the Community Services Event Team

Community Services Department Senior Services Division

Management Aide: (Part-Time 18 hours) Sierra Betinis

- Answer phones
- Counter contact – all walk-ins
- Track Lunches sold daily
- Membership
 - Renewal notices
 - Update info
- Set up/breakdown for activities
- Coordinate appointments with doctor offices, legal screenings
- All reminder calls
- Assist in planning of Senior Center Events and create flyers

Community Services Department

Senior Services Division

Recreation Leader: (Part-time (1) 28 hour staff (3) 18 hour staff) *(3 vacant Rec Leader positions)*

- Research new classes and lectures
- Create flyers
- Assist with preparation of monthly menu
- Assist with set ups/breakdown of activities/classes and arrange for equipment
- Assist with front office operations
- Movies
 - Locate films
 - Information for newsletter
- Picks up donations or event supplies as needed
- Update bulletin board with flyers
- Suggestion box
- Assist with planning events
- Nutrition Program
 - Enforce Nutrition Program policies
 - Assist with serving as needed

Community Services Department

Senior Services Division

Site Manager: Part time (18 hours) *Vacant*

- Home Delivery/Meals Program
 - Back up billing
 - Routing
 - Volunteer coverage
 - Order meals – plan special event menu
- Promote program among participants
- Maintain cleanliness of kitchen and coffee area
- Prepare tables for daily use
- Report unsafe conditions
- Work with volunteers

Community Service Department

Transit Division

Deputy Director Community Services to fill

Senior Management Analyst: (Vacant)

Prop A and C

- Oversee Dial a Ride program
- Supervise all drivers and dispatcher
- Manage citywide Prop A and C budget
- CHP Annual Inspection
- MTA/FTA and city meetings
- FTA Random Drug Program Training
- Personnel – hire, train, evaluate, discipline and fire
- NTD and MTA Audit
- Community Outreach – newsletters and articles
- Approval of vehicle maintenance
- Purchase and prepare RFP/PO for supplies – vehicle, uniforms and office
- Review all paperwork from Drivers
- Maintenance of two-way radio system
- Expert on RouteMatch software
- Handle all complaints for DAR
- Oversee Budget
- Handle incident and accidents
- Monthly staff schedules and meetings

General Fund

- Oversee CDBG for senior lunches
- Ensure guidelines are followed for lunch program
- Assist with grant management of Prop A and C, CDBG and Los Angeles County Maint & Services
- Mentor Senior Center Supervisor and Dial a Ride Management Analyst

Community Services Department

Transit Division

Management Analyst – Israel Suarez

- Manage day to day operations of program
- Dispatch
- Review, organize, file and input fuel consumption
- Maintain vehicle maintenance log
- Ensure all vehicles have completed the CHP 45 day inspections and CNG tank certifications
- Weekly tour of City CNG yard and report issues
- Vehicle cleaning coordination
- Schedule appointments
- Phone and in person contacts
- Review drivers paperwork
- Sportsman – input fares
- Assist in training new drivers
- New member registration log
- Assist with NTD & MTA audit preparations
- Assist with CHP Inspection
- Social Media and Publicity

Community Services Department Transit Division

Management Intern: *Vacant*

- Dispatch
- Prepare for all audits – assist supervisor
- Daily deposits into Sportsman
- Organize and file data
- Input data
- Assist with Budget for Transit
- Assignments given by Supervisor

Community Services Department

Transit Division

Transportation Driver: Two full-time and three part-time (28 hours) *(1 vacant PT driver)*

- Assist passengers boarding and disembarking from vehicles
- Door to door services
- Transport youth to afterschool program
- Maintain vehicles – pre/post trip inspections and preventative maintenance
- Complete trip sheets, vehicle inspection logs and fuel consumption logs
- Turn in DAR money
- Check emails for correspondents
- Assist with Phones when needed



City of South Pasadena Public Works Department

Memo

Date: November 17, 2021

To: The Honorable City Council

Via: Arminé Chaparyan, City Manager

From: H. Ted Gerber, Acting Public Works Director

Re: November 17, 2021 City Council Meeting Additional Document for Item No. 14: FIRST READING AND INTRODUCTION OF AN ORDINANCE, AMENDING CHAPTER 16 (GARBAGE AND WASTE) AND CHAPTER 2 (ADMINISTRATION) OF THE SOUTH PASADENA MUNICIPAL CODE TO IMPLEMENT A MANDATORY ORGANIC WASTE DISPOSAL REDUCTION ORDINANCE AS REQUIRED BY SB 1383 AND CALRECYCLE (CONTINUED PUBLIC HEARING).

Please see attached revised ordinance amending and retitling Chapter 16, amending Chapter 2, and now also amending Chapter 5 of the South Pasadena Municipal Code (SPMC). The changes will be explained during the City Council meeting presentation.

The attachments include a redlined version of the ordinance, demonstrating the changes to the SPMC, and a full changes version of the ordinance, demonstrating changes from the November 3rd introduction as well as changes to the SPMC.

Memo also provides PowerPoint presentation.

ATTACHMENT 1

Redlined Ordinance Amending Chapter 16 (Garbage and Waste)
and Chapter 2 (Administration)
and Chapter 5 (Animals and Fowl)

**CITY OF SOUTH PASADENA
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, AMENDING SOUTH PASADENA MUNICIPAL CODE CHAPTER 16 “GARBAGE AND WASTE” BY RENAMING AS “ORGANIC WASTE AND NON-ORGANIC WASTE”, BY MAKING SUCH AMENDMENTS TO CHAPTER 16 RELATING TO STATEWIDE MANDATORY ORGANIC WASTE DISPOSAL REGULATIONS, AND ADDING A NEW ARTICLE V (“ORGANIC WASTE DISPOSAL”) CONSISTENT WITH THE STATE’S MODEL MANDATORY ORGANIC WASTE DISPOSAL REDUCTION ORDINANCE AND ADDING A NEW SECTION 2.99-29C (“RECOVERED ORGANIC WASTE PRODUCT AND RECYCLED-CONTENT PAPER PROCUREMENT REQUIREMENTS”) TO CHAPTER 2 (“ADMINISTRATION”) OF THE SOUTH PASADENA MUNICIPAL CODE RELATING TO RECYCLED AND ORGANIC WASTE PROCUREMENT AND AMENDING SECTION 5.22 (“DEAD ANIMALS”) IN CHAPTER 5 (“ANIMALS AND FOWL”) OF THE SOUTH PASADENA MUNICIPAL CODE RELATING TO DISPOSAL OF DEAD ANIMALS.

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

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

WHEREAS, State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9

(commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires cities to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires cities to implement a Mandatory Commercial Organics Recycling program; and

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

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

WHEREAS, the adopted South Pasadena Green Action Plan (2019) and Climate Action Plan (2020) include action to implement and enforce SB 1383 organics and recycling requirements to reduce landfilled organics waste emissions by 50% by 2022 and 75% by 2025, reduce residential and commercial waste sent to landfills by 50% by 2030 and 100% by 2045, and increase organics diversion from landfills.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The title of South Pasadena Municipal Code Chapter 16 is amended as follows:

Chapter 16 ("Organic Waste and Non-Organic Waste ~~Garbage and Waste~~")

SECTION 2. Section 16.1 ("Definitions") of Chapter 16 of the South Pasadena Municipal Code is amended to read as follows:

16.1 Definitions.

The following words and phrases, wherever used in this chapter, shall be construed as follows:

"Black/gray container" has the same meaning as in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of "black/gray container waste".

“Black/gray container waste” means “solid waste” that is collected in a “black/gray container” that is part of a two-container or three-container “organic waste” collection service that prohibits the placement of “organic waste” in the “black/gray container” as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).

“Blue container” has the same meaning as in 14 CCR Section 18982(a)(5) and shall be used for the purpose of storage and collection of “source separated recyclable materials” or “source separated blue container organic waste”.

“CalRecycle” means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on cities (and others).

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

~~Combustible waste matter. The term “combustible waste matter” shall include and mean newspapers, magazines, books, clothes, shoes, hats, trimmings from lawns, trees, shrubs and flower gardens, pasteboard boxes, rags, paper, straw, sawdust, packing material shavings, wooden boxes and objects and all rubbish and refuse that will incinerate at one thousand four hundred to one thousand five hundred degrees Fahrenheit, except animal carcasses. No person shall place any such carcasses in any combustible waste matter receptacle.~~

“Commercial business” or “commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multi-family residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A “multi-family residential dwelling” that consists of fewer than five (5) units is not a “commercial business” for purposes of implementing this ordinance.

“Commercial edible food generator” includes a “tier one” or a “tier two commercial edible food generator” as defined in this ordinance or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, “food recovery organizations” and “food recovery services” are not “commercial edible food generators” pursuant to 14 CCR Section 18982(a)(7).

“Compliance review” means a review of records by the city or its designee to determine compliance with this ordinance.

“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).

“Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this ordinance, that “compost” means the product resulting from the

controlled biological decomposition of organic “solid wastes” that are “source separated” from the municipal “solid waste” stream, or which are separated at a centralized facility.

“Container contamination” or “contaminated container” means a container, regardless of color, that contains “prohibited container contaminants”, or as otherwise defined in 14 CCR Section 18982(a)(55).

~~“Contractor”.~~ The word “contractor” shall be construed to mean the person to whom the city council shall have awarded a contract, or shall have been otherwise authorized to receive, collect, carry, haul, transport and dispose of any and all garbage and waste matter within the city.

“C&D” means construction and demolition debris.

“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 contractor, a private entity, or a combination of those entities.

“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 ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the “recovery of edible food” that does not meet the food safety requirements of the California Retail Food Code.

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

“Excluded waste” means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the city and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in city’s, or its “designee’s” reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose city, or its “designee”, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in “single-family” or “multi-family solid waste” after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code.

“Food distributor” means a company that distributes food to entities including, but not limited to, “supermarkets” and “grocery stores”, or as otherwise defined in 14 CCR Section 18982(a)(22).

“Food facility” has the same meaning as in Section 113789 of the Health and Safety Code.

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

“Food recovery organization” means an entity that engages in the collection or receipt of “edible food” from “commercial edible food generators” and distributes that “edible food” to the public for “food recovery” either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

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

A “food recovery organization” is not a “commercial edible food generator” for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

If the definition in 14 CCR Section 18982(a)(25) for “food recovery organization” differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this ordinance.

“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 ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

“Food scraps” means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. “Food scraps” excludes fats, oils, and grease when such materials are “source separated” from other “food scraps”.

“Food service provider” 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, or as otherwise defined in 14 CCR Section 18982(a)(27).

“Food-soiled paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.

“Food waste” means “food scraps”, “food-soiled paper”, and 100% fiber-based compostable dinnerware.

~~Garbage.-The word “garbage” shall include and mean household refuse and leavings, offal, swill and any accumulation of animal and vegetable and other matter that attends the preparation, consumption, decay or dealing in or storage of meat, fish, fowl, birds, fruits and vegetables. “Garbage” does not include waste matter as defined in this section. Animal carcasses shall not be included in this definition and shall not be deposited in any garbage receptacle, except carcasses of animals eaten on the premises.~~

“Green container” has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of “source separated green container organic waste”.

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

“Hauler” means the person to whom the city council shall have awarded a contract, or shall have been otherwise authorized to receive, collect, carry, haul, transport and dispose of any and all organic waste and non-organic waste within the city pursuant to Section 16.5.

“Hauler route” means the designated itinerary or sequence of stops for each segment of the city’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

“High diversion organic waste processing facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average “mixed waste” organic content “recovery” rate of fifty (50) percent between January 1, 2022 and December 31, 2024, and seventy-five (75) percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for “organic waste” received from the “mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).

“Inspection” means a site visit where the city or its “designee” reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of “organic waste or edible food” handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).

“Large event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this ordinance.

“Large venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this 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”. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this ordinance.

“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).

“Mixed refuse/recyclable waste stream” or “mixed refuse/recyclable waste” means “solid waste” that is collected in a “black/gray container” that is part of a two-container “organic waste” collection service that includes “black/gray container waste”, “source separated recyclable materials,” or “source separated blue container organic waste” which are separated at a centralized facility.

“Mixed waste organic collection stream” or “mixed waste” means “organic waste” collected in a container that is required by 14 CCR Sections 18984.1, 18984.2 or 18984.3 to be taken to a “high diversion organic waste processing facility” or as otherwise defined in 14 CCR Section 17402(a)(11.5).

“Multi-family residential dwelling” or “multi-family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. “Multi-family” premises do not include hotels, motels, or other transient occupancy facilities, which are considered “commercial businesses”.

~~Noncombustible household refuse. The term “noncombustible household refuse” shall mean and include bottles, cans, jars, crockery and similar noncombustibles which shall accumulate from general household usage and which have contained, or are designed to contain food. It shall not include unusually large or weighty items.~~

~~Noncombustible waste matter. The term “noncombustible waste matter” shall include and mean glass, broken brick, metal containers, plaster, crockery, stones, ashes, auto parts, cans or bottles, except those cans or bottles which have contained food, as defined above, and all rubbish, refuse and waste matter that will not incinerate through flames of fourteen hundred to fifteen hundred degrees Fahrenheit. The term shall not include items which, in the discretion of the city manager, are unusually large or weighty.~~

“Non-compostable paper” includes, but is not limited to, paper that is coated in a plastic material that will not break down in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).

“Non-local entity” means the following entities that are not subject to the city’s enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42), including special districts located within the boundaries of the city, including: South Pasadena Unified School District.

“Non-organic recyclables” means non-putrescible and non-hazardous recyclable wastes including, but not limited to, bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).

“Non-organic waste” means “solid waste” excluding matter defined as “organic waste” by this section.

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

“Organic waste” means “solid wastes” containing material originated from living organisms and their metabolic waste products, including, but not limited to, food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, “paper products”, “printing and writing paper”, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46), excluding animal carcasses not eaten on the premises such as small rodents (e.g. mice and rats). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

“Organic waste generator” means a person or entity that is responsible for the initial creation of “organic waste”, or as otherwise defined in 14 CCR Section 18982(a)(48).

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

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

“Prohibited container contaminants”

(1) Where a three-container collection service has been implemented consisting of a “black/gray container”, a “green container”, and a “blue container”, “prohibited container contaminants” means the following: (i) discarded materials placed in the “blue container” that are not identified as acceptable “source separated recyclable materials” for the city’s “blue container”; (ii) discarded materials placed in the “green container” that are not identified as acceptable “source separated green container organic waste” for the city’s

“green container”; (iii) discarded materials placed in the “black/gray container” that are identified as acceptable “source separated recyclable materials” and/or “source separated green container organic wastes”, which are to be separately collected in city’s “green container” and/or “blue container”; and, (iv) “excluded waste” placed in any container.

(2) Where a two-container collection service has been implemented for “source separated green container organic waste” and “mixed refuse/recyclable waste”, “prohibited container contaminants” means the following: (i) discarded materials placed in a “green container” that are not identified as acceptable “source separated green container organic waste” for the city’s “green container”; (ii) discarded materials placed in the “black/gray container” that are identified as acceptable “source separated green container organic waste”, which are to be separately collected in city’s “green container”; and, (iii) “excluded waste” placed in any container.

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

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

“Recycled-content paper” means “paper products” and “printing and writing paper” that consists of at least thirty (30) percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).

“Regional agency” means regional agency as defined in Public Resources Code Section 40181.

“Regional or county agency enforcement official” means a regional or county agency enforcement official, designated by the city with responsibility for enforcing the ordinance in conjunction or consultation with the city manager or their “designee”.

“Remote monitoring” means the use of the internet of things (IoT) and/or wireless electronic devices mounted on the “hauler’s”, the city’s, or the city’s “designee’s” vehicles or carried by “hauler”, city, or the city’s designee to visualize the contents of “blue containers”, “green containers”, and/or “black/gray containers” for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of “prohibited container contaminants.”

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

“Route review” means a visual “inspection” of containers along a “hauler route” for the purpose of determining “container contamination”, and may include mechanical “inspection” methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

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

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

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

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

- (1) Hazardous waste, as defined in the State 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 State 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 State Health and Safety Code). Untreated medical waste shall not be disposed of in a “solid waste” landfill, as defined in State 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 State Public Resources Code.
- (4) Animal carcasses, except carcasses of animals eaten on the premises or carcasses of small rodents (e.g. mice and rats).

“Source separated” means materials, including commingled recyclable materials, that have been separated or kept separate from the “solid waste” stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of the ordinance, “source separated” shall include separation of materials by the generator, property owner, property owner’s employee, property manager, or property manager’s

employee into different containers for the purpose of collection such that “source separated” materials are separated from “black/gray container waste” or other “solid waste” for the purposes of collection and processing.

“Source separated blue container organic waste” means “source separated organic wastes” that can be placed in a “blue container” that is limited to the collection of those “organic wastes and non-organic recyclables” as defined in Section 18982(a)(43), or as otherwise defined by Section 17402(a)(18.7).

“Source separated green container organic waste” means “source separated organic waste” that can be placed in a “green container” that is specifically intended for the separate collection of “organic waste” by the generator, excluding “source separated blue container organic waste”, carpets, “non-compostable paper”, and textiles.

“Source separated recyclable materials” means “source separated non-organic recyclables” and “source separated blue container organic waste”.

“State” means the State of California.

“Street”. The word “street” shall include means all streets, highways, avenues, lanes, alleys, courts, places, squares, and other public ways in the city.

“Supermarket” means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).

“Tier one commercial edible food generator” means a “commercial edible food generator” that is one of the following:

- (1) “Supermarket”.
- (2) “Grocery store” with a total facility size equal to or greater than 10,000 square feet.
- (3) “Food service provider”.
- (4) “Food distributor”.
- (5) “Wholesale food vendor”.

If the definition in 14 CCR Section 18982(a)(73) of “tier one commercial edible food generator” differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this ordinance.

“Tier two commercial edible food generator” means a “commercial edible food generator” that is one of the following:

(1) “Restaurant” with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.

(2) Hotel with an on-site food facility and 200 or more rooms.

(3) Health facility with an on-site food facility and 100 or more beds.

(4) “Large venue”.

(5) “Large event”.

(6) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.

(7) A “local education agency” facility with an on-site “food facility”.

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

~~Waste matter. The term “waste matter” shall include combustible and noncombustible waste matter and noncombustible household refuse as defined in this section.~~

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

16.2 Burying, dumping, etc., prohibited.

It shall be unlawful for any person to bury on any lot, land or public way within the city any organic waste or non-organic waste ~~garbage or waste matter~~. It shall be unlawful for any person to dump or place any organic waste or non-organic waste ~~garbage or waste matter~~ on any public way or on any lot or land not owned or leased by such person. This section shall not apply to land used by the city for a collection or disposal site.

It shall be unlawful for any person to dump or spread organic waste or non-organic waste ~~garbage~~ on the surface of the ground for drying, composting or mulching.

16.3 Illegal accumulations.

It shall be unlawful for any person owning or occupying any building, lot or premises in the city to allow organic waste or non-organic waste ~~garbage or waste matter~~ to collect except in receptacles of the type specified in this chapter. This provision shall not apply to organic waste or non-organic waste ~~waste matter~~ of building operations during the course of construction and within a reasonable time thereafter, ~~or~~ to wood neatly piled for kitchen or household use, or to the piling of brush, tree, etc., trimmings and stumps as described in Section 16.14.

16.4 Burning.

It shall be unlawful for any person at any time to burn organic waste or non-organic waste ~~garbage~~ within the city, except as permitted by ordinance, the fire chief or the rules and regulations of the South Coast Air Quality Management District.

~~It shall likewise be unlawful for any person to burn waste matter within the city except as permitted by ordinance, the fire chief or the rules and regulations of the air pollution control board.~~

No organic waste or non-organic waste ~~waste matter~~ shall be burned which shall, in burning, emit a dense or offensive smoke or odor.

16.5 Collection and removal generally.

The city reserves unto itself or its haulerecontractor the exclusive right to collect, transport and dispose of, or cause to be collected, transported and disposed of, all organic waste or non-organic waste ~~garbage and waste matter~~ produced or found within the corporate limits of the city, and it is hereby declared to be unlawful for any person, except as in this chapter provided, to collect, transport or dispose of any organic waste or non-organic waste ~~garbage or waste matter~~ produced or found within the city.

The collection, removal and disposal of all organic waste or non-organic waste ~~garbage and waste matter~~ shall be performed exclusively by the city or its haulerecontractor under the supervision of the city manager; provided, however, that:

(1) ~~P~~persons engaging in the business of gardening or tree trimming or tree removal shall, within twenty-four hours from the completion of the job, be permitted to remove and dispose of the garden and tree trimmings which form the immediate by-product of their operations; and provided further, that or,

(2) ~~A~~any person is hereby permitted to collect, transport and dispose of building material residue resulting from structural work under a proper building permit issued by the city.

16.6 Collection contract or license.

The city council may enter into contracts, agreements or licenses with any person for the removal of organic waste or non-organic waste ~~garbage or waste matter~~ or both. The council, in the exercise of its discretion, hereby determines that it will not be necessary, before entering into such contracts, agreements or licenses to ask for bids. However, each person to whom such a contract, agreement or license is awarded shall file a bond in a sum and form satisfactory to the city council conditioned on the faithful performance of the duties imposed by this chapter or any amendment thereof and by the terms of the contract, agreement or license.

16.7 Frequency of collections.

The city manager may make such regulations concerning the number of collections and removal of organic waste or non-organic waste ~~garbage and waste matter~~ as may be necessary to carry out the provisions of this chapter. In no case shall collections be less often than once a week for organic waste or non-organic waste ~~garbage and waste matter~~. Extra collections or collections of excessive amounts of organic waste or non-organic waste ~~garbage or waste matter~~ shall be allowed in accordance with the contract in effect at that time between the city and the hauler ~~at a charge agreed upon by the producer and contractor~~.

16.8 Charges for collection of garbage and waste matter.

(a) The collection of organic waste or non-organic waste ~~garbage and waste matter~~ is a compulsory service rendered to the citizens of the city and the cost of regular collections of same shall be determined in accordance with the contract in effect at that time between the city and the hauler ~~contractor~~.

(b) For extra collections or for collections of excessive amounts of organic waste or non-organic waste ~~garbage and waste matter~~ or from locations other than those specified and the cost of extra collections of same shall be determined in accordance with the contract in effect at that time between the city and the hauler ~~contractor~~ the cost of same shall be agreed upon between the producer and contractor subject to the approval of the city manager as provided in Section 16.11 hereof.

(c) Payment of such collection charges for services described in (a) and (b) of this section shall be the responsibility of the generator.

(d) Billing and collection of such collection charges for services described in (a) and (b) of this section shall be the responsibility of the hauler.

16.9 ~~(Repealed.)~~ It is unlawful for any person to deposit the carcass of any animal in the organic waste or non-organic waste receptacles, except the carcass of an animal of the type used for human consumption, or the carcass of a small rodent. Small rodent carcasses are considered non-organic waste as defined by this chapter.

16.10 ~~[Reserved]~~ Billing for collection charges:

~~Bills for water service shall be the medium for billing and collecting the regular garbage and waste matter collection charges. When any water bill is rendered for a particular location and there appears thereon a charge for garbage or waste matter collection, the total sum shown on the bill shall be paid as a unit and all the provisions of Chapter 35 of this Code pertaining to the collection of fees for water service shall apply to the total amount shown on the bill for these items. Every person producing garbage and waste matter for which the collection charge is not paid by a landlord or some other person, and whose name does not appear on the water accounts of the city, shall, before collections are started, deposit with the director of finance an amount equal to twice the minimum monthly waste collection charge established for the type of collection services rendered or made available. In the event a person who, having made such a deposit, ceases to be obligated to pay such a collection charge, a pro rata~~

~~refund of the unused portion of such deposit shall be made by the director of finance upon receipt of a validly based claim for said refund.~~

- 16.11 ~~[Reserved] Credit for portion of month collection; disposition of moneys collected; cancelling or adjusting charges; appeals; permitting licensed collector to make collections upon dissatisfaction with contractor's services.~~

~~No credit shall be allowed for a portion of a month's service in collecting garbage and waste matter. The director of finance shall be responsible for all moneys collected, shall deposit the same in the general fund of the city and shall keep accurate records showing service and collections at each location.~~

~~Waiver. Waiver of refuse collection charges may be granted by the director of public works only for premises on which there is new construction, or remodeling so extensive that the premises are not occupied, and provided the property owner first files a written request therefor. The director must find that the premises are unoccupied and that no collection is required. He or she shall immediately notify the director of finance of such fact, who shall forthwith cancel all such charges as provided for in the waiver.~~

- 16.12 Liability for fees.

The city council hereby finds that the regular periodic collection of organic waste or non-organic waste ~~refuse~~ from all units in the city benefits all occupants or owners, ~~as the case may be~~, of said places and premises in the city and therefore all occupants or owners, ~~as the case may be~~, of said places are made liable for the organic waste or non-organic waste ~~refuse~~ collection fees prescribed in this article, except as otherwise provided herein. The failure or refusal of any occupant or owner, ~~as the case may be~~, of any unit to allow city collection of organic waste or non-organic waste ~~refuse~~ to be effected from any family residential unit shall not relieve such occupant or owner from liability for payment of such service.

- 16.13 Transportation along streets-

No person shall remove or transport, or cause to be removed or transported, any organic waste or non-organic waste ~~garbage or waste matter~~ upon or along any public street or way or other public place in the city; provided, however, that the provisions of this section shall not apply to any person in the employ of the city who shall be assigned by the city manager to such removal, or to any person with whom the city has entered into a contract for the collection, removal or transportation or purchase of organic waste or non-organic waste ~~garbage or waste matter~~, or to any employee of such contractor during such time as such contract shall be in force, or to any person conveying through the city organic waste or non-organic waste ~~garbage or waste matter~~ collected outside the city.

- 16.14 Piling of brush, tree, etc., trimmings and stumps.

Brush, tree and garden trimmings and stumps may be kept in a pile for collection. No item of the pile shall exceed four inches in diameter or three feet in length or weigh more than eighty pounds. The size of the pile shall not exceed three feet in any direction, or shall not exceed

the collection volume limit identified for that site's organic waste and non-organic waste services, whichever is less.

16.15 Placing of ashes for collection.

All ashes, when placed for collection, shall be cold and free from fire, live coals or other substances which might ignite.

16.16 Disposal of articles from infected premises.

Wearing apparel, bedding and other articles from any home or place where an infectious or contagious disease has prevailed shall not be placed in a garbage or waste matter receptacle or otherwise disposed of except under the direction of the health officer.

16.17 Generally.

Every owner, tenant or occupant of any premises where organic waste or non-organic waste ~~garbage~~ is created shall provide upon such premises one or more organic waste and non-organic waste ~~galvanized metal garbage~~ receptacles, provided with outside handles and with tight-fitting ~~galvanized metal~~ covers, unless provided a receptacle or container by the City or its Designee for receiving and holding all organic waste or non-organic waste ~~garbage~~ created upon such premises between the times of collection. ~~Each receptacle at places other than an industrial establishment shall have a capacity of not less than five nor more than fifteen gallons. Receptacles shall not exceed the container volume limit identified for that site's organic waste and non-organic waste services. Receptacles provided by the city or its designee shall have a capacity as determined by the city manager or their designee.~~ No organic waste or non-organic waste ~~garbage~~ receptacle shall be required where a ~~garbage disposal receptacle~~ has been installed on the premises under a permit obtained from the building department and approved by the city manager.

~~Every owner, tenant or occupant of any premises where waste matter is created shall provide, in addition to garbage receptacles, one or more receptacles, each of a capacity of not more than forty five gallons or which will weigh, when filled, not to exceed eighty pounds, for receiving and holding all waste matter created upon such premises between the times of collection.~~

All containers shall be maintained in good condition and repair. Any container which does not conform to the provisions of this article or which may have ragged or sharp edges, or any other defect liable to hamper or injure the person collecting the contents thereof, shall be promptly replaced by the owner upon written notice mailed from the office of the city manager, unless the receptacle or container has been provided by the City, in which case the owner, tenant or occupant shall contact the City or its Designee to replace the receptacle.

16.18 Location

All receptacles shall at all times be located in a readily accessible backyard location, or other location as designated by the City or its designee, and as close as possible to the driveway, street or walk available to the collector's ~~cart~~.

Containers should be located where a ~~man~~person can handle them easily and should at no time be more than 10 feet from ~~collector's access path~~the cart when collecting.

16.19 Unauthorized removal or interference with.

No person other than the owner thereof or any officer or employee of the city or the ~~haulerecontractor~~, or other person authorized by the City shall move, remove or interfere with any organic waste or non-organic waste ~~garbage or waste matter~~ receptacle or the contents thereof.

16.20 Not to be used for inflammables or explosives.

Highly inflammable or explosive materials shall not be placed in receptacles provided for in this article at any time, but shall be disposed of as directed by the chief of the fire department at the expense of the owner or possessor thereof.

16.21 To be kept clean and sanitary.

All receptacles provided for in this article shall be kept in a clean and sanitary condition by the owner or tenant using the same. After the receptacle has been emptied and cleaned, but before it is again used, the lid may be removed to allow airing and drying, if all food particles have been removed in the cleaning process.

16.22 Covering of garbage receptacles; wrapping garbage.

All organic waste or non-organic waste ~~garbage~~ receptacles shall be kept tightly covered at all times, except when organic waste or non-organic waste ~~garbage~~ is being deposited therein or removed therefrom, and the owner shall at no time allow access to the contents by flies, rats or other insects or animals. ~~All garbage placed therein shall first be wrapped in newspaper.~~

SECTION 3. The following new Article V (“Organic Waste Disposal”) is added to Chapter 16 of the South Pasadena Municipal Code, which reads as follows:

ARTICLE V. ORGANIC WASTE DISPOSAL

16.50 Requirements for Single-Family Generators

(a) Single-family organic waste generators shall comply with the following requirements

(1) Shall subscribe to city's organic waste collection services for all organic waste generated as described below. City shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, single-family generators shall adjust its service level for its collection services as requested by the city. Generators may additionally manage their organic waste by

preventing or reducing their organic waste, managing organic waste on site, and/or using a community composting site pursuant to 14 CCR Section 18984.9(c), except where limited by Sections 16.5 and 16.13.

(2) Shall participate in the city's organic waste collection service(s) by placing designated materials in designated containers as described below, and shall not place prohibited container contaminants in collection containers.

(A) Where a three-container collection service has been implemented consisting of a black/gray container, a green container, and a blue container, generator shall place source separated green container organic waste, including food waste, in the green container; source separated recyclable materials in the blue container; and black/gray container waste in the black/gray container. Generators shall not place materials designated for the black/gray container into the green container or blue container.

(B) Where a two-container collection service has been implemented for source separated green container organic waste and mixed refuse/recyclable waste, generator shall place only source separated green container organic waste in a green container. Generator shall place all other materials (mixed refuse/recyclable waste) in a black/gray container.

16.51 Requirements for Commercial Business

(a) Generators that are commercial businesses, including multi-family residential dwellings, shall:

(1) Subscribe to city's three-container or two-container collection services and comply with requirements of those services as described below. City shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, commercial businesses shall adjust their service level for their collection services as requested by the city.

(2) Participate in the city's organic waste collection service(s) by placing designated materials in designated containers as described below.

(A) Where a three-container collection service has been implemented consisting of a black/gray container, a green container, and a blue container, generator shall place source separated green container organic waste, including food waste, in the green container; source separated recyclable materials in the blue container; and gray container waste in the black/gray container. Generator shall not place materials designated for the black/gray container into the green container or blue container.

(B) Where a two-container collection service has been implemented for source separated green container organic waste and mixed refuse/recyclable waste, generator shall place only source separated green container organic waste in a

green container. Generator shall place all other materials (mixed refuse/recyclable waste) in a black/gray container.

(c) Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming with Sections 16.51(d)(1) and 16.51(d)(2) below) for employees, contractors, tenants, and customers, consistent with city's blue container, where applicable, green container, and black/gray container collection service.

(d) Excluding multi-family residential dwellings, provide containers for the collection of source separated green container organic waste and source separated recyclable materials, where applicable, in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a commercial business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:

(1) A body or lid that conforms with the container colors provided through the collection service provided by city, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A commercial business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

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

(e) Multi-family residential dwellings are not required to comply with container placement requirements or labeling requirements in Section 16.51(d) pursuant to 14 CCR Section 18984.9(b).

(f) To the extent practical through education, training, inspection, and/or other measures, excluding multi-family residential dwellings, prohibit employees from placing materials in a container not designated for those materials per the city's blue container, green container, and black/gray container collection service.

(g) Excluding multi-family residential dwellings, periodically inspect blue containers, where applicable, green containers, and black/gray containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).

(h) Annually provide information to employees, contractors, tenants, and customers about organic waste recovery requirements and about proper sorting of source separated green container organic waste and source separated recyclable materials, where applicable.

(i) Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep source separated green container organic waste and source separated recyclable materials, where applicable, separate from black/gray container waste and the location of containers and the rules governing their use at each property.

(j) Provide or arrange access for city or its agent to their properties during all inspections conducted in accordance with Section 16.57 of this ordinance to confirm compliance with the requirements of this ordinance

(k) Accommodate and cooperate with city's remote monitoring program for inspection of the contents of containers for prohibited container contaminants, which may be implemented at a later date, to evaluate generator's compliance with Section 16.51(b)(2). The remote monitoring program shall involve installation of remote monitoring equipment on or in the blue containers, where applicable, green containers, and black/gray containers.

(l) At commercial business's option and subject to any approval required from the city, implement a remote monitoring program for inspection of the contents of its blue containers, where applicable, green containers, and black/gray containers for the purpose of monitoring the contents of containers to determine appropriate levels of service and to identify prohibited container contaminants. Generators may install remote monitoring devices on or in the blue containers, green containers, and black/gray containers subject to written notification to or approval by the city or its designee.

(m) Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing organic waste on site, or using a community composting site pursuant to 14 CCR Section 18984.9(c), except where limited by Sections 16.5 and 16.13.

(n) Commercial businesses that are tier one or tier two commercial edible food generators shall comply with food recovery requirements, pursuant to Section 16.53.

16.52 Waivers for Generators

(a) De minimis waivers. The city may waive a commercial business' obligation (including multi-family residential dwellings) to comply with some or all of the organic waste requirements of this ordinance if the commercial business provides documentation that the business generates below a certain amount of organic waste material as described below. Commercial businesses requesting a de minimis waiver shall:

(1) Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted below.

(2) Provide documentation that either:

(A) The commercial business' total solid waste collection service is two cubic yards or more per week and organic waste subject to collection in a blue container or green container comprises less than 20 gallons per week per applicable container of the business' total waste; or,

(B) The commercial business' total solid waste collection service is less than two cubic yards per week and organic waste subject to collection in a blue container or green container comprises less than 10 gallons per week per applicable container of the business' total waste.

(3) Notify city if circumstances change such that commercial business's organic waste exceeds threshold required for waiver, in which case waiver will be rescinded.

(4) Provide written verification of eligibility for de minimis waiver every five years, if city has approved de minimis waiver.

(b) Physical space waivers. City may waive a commercial business' or property owner's obligations (including multi-family residential dwellings) to comply with some or all of the recyclable materials and/or organic waste collection service requirements if the city has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the organic waste collection requirements of Section 16.51.

A commercial business or property owner may request a physical space waiver through the following process:

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

(2) Provide documentation that the premises lacks adequate space for blue containers, where applicable, and/or green containers including documentation from its hauler, licensed architect, or licensed engineer

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

16.53 Requirements for commercial edible food generators

(a) Tier one commercial edible food generators must comply with the requirements of this Section commencing January 1, 2022, and tier two commercial edible food generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.

(b) Large venue or large event operators not providing food services, but allowing for food to be provided by others, shall require food facilities operating at the large venue or large event to comply with the requirements of this Section, commencing January 1, 2024.

(c) Commercial edible food generators shall comply with the following requirements:

(1) 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 city's designated enforcement entity or designated third party enforcement entity 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 18991.3(b).

(C) A record of the following information for each of those food recovery services or food recovery organizations:

(i) The name, address and contact information of the food recovery service or food recovery organization.

(ii) The types of food that will be collected by or self-hauled to the food recovery service or food recovery organization.

(iii) The established frequency that food will be collected or self-hauled.

(iv) The quantity of food, measured in pounds, recovered per month, collected or self-hauled to a food recovery service or food recovery organization for food recovery.

(6) No later than July 1 of each year commencing no later than July 1, 2022 for tier one commercial edible food generators and July 1, 2024 for tier two commercial edible food generators, provide an annual food recovery report to the city that includes the information recorded as required in Section 16.53(c)(5) as well as the amount and type of edible food that was not accepted by food recovery organizations or services for donation.

(d) Nothing in this ordinance 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 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

16.54 Requirements for Food Recovery Organizations and Services and Regional Agencies

(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 generator from which the organization receives edible food.

(2) The quantity in pounds of edible food received from each commercial edible food generator per month.

(3) The name, address, and contact information for each food recovery service that the organization receives edible food from for food recovery.

(c) Food recovery organizations and food recovery services shall inform generators about California and Federal Good Samaritan Food Donation Act protection in written communications, such as in their contract or agreement established under 14 CCR Section 18991.3(b).

(d) Food recovery organizations and food recovery services that have their primary address physically located in the city and contract with or have written agreements with one or more commercial edible food generators pursuant to 14 CCR Section 18991.3(b) shall report to 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 July 1.

(e) Food recovery capacity planning

(1) Food recovery services and food recovery organizations. In order to support edible food recovery capacity planning assessments or other studies conducted by the county, city, special district that provides solid waste collection services, or its designated entity, food recovery services and food recovery organizations operating in the city shall provide information and consultation to the city, upon request, regarding existing, or proposed new or expanded, food recovery capacity that could be accessed by the city and its commercial edible food generators. A food recovery service or food recovery organization contacted by the city shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the city.

16.55 Requirements for haulers and facility operators

(a) Requirements for haulers

(1) Exclusive franchised hauler providing residential, commercial, or industrial organic waste 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 waste:

(A) Through written notice to the city annually on or before July 1, identify the facilities to which they will transport organic waste including facilities for source separated recyclable materials, source separated green container organic waste, and mixed refuse/recyclable waste.

(B) Transport source separated recyclable materials, source separated green container organic waste, and mixed refuse/recyclable waste to a facility, operation, activity, or property that recovers organic waste as defined in 14 CCR, Division 7, Chapter 12, Article 2

(C) Obtain approval from the city to haul organic waste, unless it is transporting source separated organic waste to a community composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, and Section 16.56 of this ordinance.

(2) Exclusive franchised hauler authorization to collect organic waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement, permit, license, or other agreement entered into with city.

(b) Requirements for facility operators and community composting operations

(1) Owners of facilities, operations, and activities that recover organic waste, including, but not limited to, compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon city's request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the city shall respond within 60 days.

(2) Community composting operators, upon city request, shall provide information to the city to support organic waste capacity planning, including, but not limited to, an estimate of the amount of organic waste anticipated to be handled at the community composting operation. Entities contacted by the city shall respond within 60 days.

16.56 Compliance with CALGreen Recycling Requirements

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

Project applicants shall refer to Chapter 9 for complete CALGreen requirements.

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

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

(2) New commercial construction or additions resulting in more than 30% of the floor area shall provide readily accessible areas identified for the storage and collection of blue container and green container materials, consistent with the three-container or two-container collection program offered by the city, or shall comply with provision of adequate space for recycling for multi-family and commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.

(3) Comply with CALGreen requirements and applicable law related to management of C&D, including diversion of organic waste in C&D from disposal. Comply with city's C&D ordinance, and all written and published city policies and/or administrative guidelines regarding the collection, recycling, diversion, tracking, and/or reporting of C&D.

16.57 Inspections and Investigations by City

(a) City representatives and/or its designated entity, including designees are authorized to conduct inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or source separated materials to confirm compliance with this ordinance by organic waste generators, commercial businesses (including multi-family residential dwellings), property owners, commercial edible food generators, haulers, food recovery services, and food recovery organizations, subject to applicable laws. This Section does not allow city to enter the interior of a private residential property for inspection. For the purposes of inspecting commercial business containers for compliance with Section 16.51(a)(2) of this ordinance, city may conduct container inspections for prohibited container contaminants using remote monitoring, and commercial businesses shall accommodate and cooperate with the remote monitoring pursuant to Section 16.51(k) of this ordinance.

(b) Regulated entity shall provide or arrange for access during all inspections (with the exception of residential property interiors) and shall cooperate with the city's employee or its designated entity/designee during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, edible food recovery activities, records, or any other requirement of this ordinance described herein. Failure to provide or arrange for:

(1) access to an entity's premises;

(2) installation and operation of remote monitoring equipment; or

(3) access to records for any inspection or investigation is a violation of this ordinance and may result in penalties described.

(c) Any records obtained by city during its inspections, remote monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.

(d) City representatives, its designated entity, and/or designee are authorized to conduct any inspections, remote monitoring, or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.

(e) City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 regulations, including receipt of anonymous complaints.

16.58 Enforcement

(a) Violation of any provision of this ordinance shall constitute grounds for issuance of a notice of violation and assessment of a fine by the city manager or their designee or representative. Enforcement actions under this ordinance are issuance of an administrative citation and assessment of a fine, as governed by Chapter 1A of the City Code regarding Administrative Citations.

(b) Process for enforcement

(1) For incidences of prohibited container contaminants found in containers, city or its designee will issue a notice of violation and/or a notice of contamination to any generator found to have prohibited container contaminants in a container. Such notice will be provided via a cart tag or other communication immediately upon identification of the prohibited container contaminants or within two (2) days after determining that a violation has occurred. If the city or its assignee observes prohibited container contaminants in a generator's containers on more than two (2) consecutive occasion(s), beginning January 1, 2024, the city or its designee have the right to assess contamination processing fees or contamination service charges on the generator, per the current franchise hauler rate schedule. This contamination service charge shall not be considered an administrative fine or penalty. Any disputes arising from the assessment of a contamination service charge shall be adjudicated pursuant to the customer complaint resolution process provided under the terms of any contract, agreement, or similar contractual authorization between the hauler and the city to collect organic waste.

(2) Absent compliance by the respondent within the deadline set forth in the notice of violation, city shall commence an action to impose penalties, via an administrative citation and fine, pursuant to Chapter 1A (Administrative Citations) of the city's municipal code. Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the city or if no such address is available, to the owner at the address of the dwelling or commercial property or to the party responsible for paying for the collection services, depending upon available information.

(c) Penalty amounts for types of violations

The penalty levels are as follows:

(1) For a first violation, the amount of the base penalty shall be \$100 per violation.

(2) For a second violation, the amount of the base penalty shall be \$200 per violation.

(3) For a third or subsequent violation, the amount of the base penalty shall be \$500 per violation.

(d) Education period for non-compliance

Beginning January 1, 2022 and through December 31, 2023, city will conduct inspections, remote monitoring, route reviews or waste evaluations, and compliance reviews, depending upon the type of regulated entity, to determine compliance, and if city determines that organic waste generator, hauler, tier one commercial edible food generator, food recovery

organization, food recovery service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this ordinance and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

(e) Civil penalties for non-compliance

Beginning January 1, 2024, if the city determines that an organic waste generator, hauler, tier one or tier two commercial edible good generator, food recovery organization, food recovery service, or other entity is not in compliance with this ordinance, it shall document the noncompliance or violation, issue a notice of violation, and take enforcement action pursuant to this Section, as needed.

SECTION 4. The following new Section (2.99-29C) is added to Chapter 2 Administration, Article XI Purchasing, which reads as follows:

2.99-29C Recovered Organic Waste Product and Recycled-Content Paper procurement requirements.

(a) City departments, and direct service providers to the city, as applicable, must comply with the city's recovered organic waste product procurement policy effective January 1, 2022 and recycled-content paper procurement policy effective on January 1, 2022.

SECTION 5. Section 5.22 ("Dead animals") of Chapter 5 of the South Pasadena Municipal Code is amended to read as follows:

5.22 Dead animals.

It is declared to be a nuisance and is unlawful for any person to permit the carcass of any animal to remain upon any property owned, controlled or occupied by such person in the city for a period of more than twenty-four hours after the death of the animal, except the carcass of an animal kept for human consumption. It is unlawful for any person to bury the carcass of any animal upon property, public or private, in the city. It is unlawful for any person to deposit the carcass of any animal in the organic waste or non-organic waste~~garbage or waste matter~~ receptacles as defined in Chapter 16 of this code, except the carcass of an animal of the type used for human consumption, or the carcass of a small rodent (e.g. mice and rats).

SECTION 6. This ordinance shall take effect January 1, 2022, and within fifteen (15) days after its passage, the City Clerk of the City of South Pasadena shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

Ord. No. _____, Chapters 16, 2, & 5 Amendments, Date: December 1, 2021

PASSED AND ADOPTED by the City Council of the City of South Pasadena, State of California, on December _____, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Diana Mahmud, Mayor

Attest:

City Clerk

ATTACHMENT 2

Full Changes Ordinance Amending Chapter 16 (Garbage and Waste)
and Chapter 2 (Administration)
and Chapter 5 (Animals and Fowl)

**CITY OF SOUTH PASADENA
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, AMENDING SOUTH PASADENA MUNICIPAL CODE CHAPTER 16 “GARBAGE AND WASTE” BY RENAMING AS “ORGANIC WASTE AND NON-ORGANIC WASTE”, BY MAKING SUCH AMENDMENTS TO CHAPTER 16 RELATING TO STATEWIDE MANDATORY ORGANIC WASTE DISPOSAL REGULATIONS, AND ADDING A NEW ARTICLE V (“ORGANIC WASTE DISPOSAL”) CONSISTENT WITH THE STATE’S MODEL MANDATORY ORGANIC WASTE DISPOSAL REDUCTION ORDINANCE AND ADDING A NEW SECTION 2.99-29C (“RECOVERED ORGANIC WASTE PRODUCT AND RECYCLED-CONTENT PAPER PROCUREMENT REQUIREMENTS”) TO CHAPTER 2 (“ADMINISTRATION”) OF THE SOUTH PASADENA MUNICIPAL CODE RELATING TO RECYCLED AND ORGANIC WASTE PROCUREMENT AND AMENDING SECTION 5.22 (“DEAD ANIMALS”) IN CHAPTER 5 (“ANIMALS AND FOWL”) OF THE SOUTH PASADENA MUNICIPAL CODE RELATING TO DISPOSAL OF DEAD ANIMALS.

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

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

WHEREAS, State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9

(commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires cities to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires cities to implement a Mandatory Commercial Organics Recycling program; and

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

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

WHEREAS, the adopted South Pasadena Green Action Plan (2019) and Climate Action Plan (2020) include action to implement and enforce SB 1383 organics and recycling requirements to reduce landfilled organics waste emissions by 50% by 2022 and 75% by 2025, reduce residential and commercial waste sent to landfills by 50% by 2030 and 100% by 2045, and increase organics diversion from landfills.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The title of South Pasadena Municipal Code Chapter 16 is amended as follows:

Chapter 16 (“**Organic Waste and Non-Organic Waste** ~~Garbage and Waste~~”)

SECTION 2. Section 16.1 (“Definitions”) of Chapter 16 of the South Pasadena Municipal Code is amended to read as follows:

16.1 Definitions.

The following words and phrases, wherever used in this chapter, shall be construed as follows:

“Black/gray container” has the same meaning as in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of “black/gray container waste”.

“Black/gray container waste” means “solid waste” that is collected in a “black/gray container” that is part of a two-container or three-container “organic waste” collection service that prohibits the placement of “organic waste” in the “black/gray container” as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).

“Blue container” has the same meaning as in 14 CCR Section 18982(a)(5) and shall be used for the purpose of storage and collection of “source separated recyclable materials” or “source separated blue container organic waste”.

“CalRecycle” means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on cities (and others).

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

~~Combustible waste matter. The term “combustible waste matter” shall include and mean newspapers, magazines, books, clothes, shoes, hats, trimmings from lawns, trees, shrubs and flower gardens, pasteboard boxes, rags, paper, straw, sawdust, packing material shavings, wooden boxes and objects and all rubbish and refuse that will incinerate at one thousand four hundred to one thousand five hundred degrees Fahrenheit, except animal carcasses. No person shall place any such carcasses in any combustible waste matter receptacle.~~

“Commercial business” or “commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multi-family residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A “multi-family residential dwelling” that consists of fewer than five (5) units is not a “commercial business” for purposes of implementing this ordinance.

“Commercial edible food generator” includes a “tier one” or a “tier two commercial edible food generator” as defined in this ordinance or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, “food recovery organizations” and “food recovery services” are not “commercial edible food generators” pursuant to 14 CCR Section 18982(a)(7).

“Compliance review” means a review of records by the city or its designee to determine compliance with this ordinance.

“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).

“Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this ordinance, that “compost” means the product resulting from the controlled biological decomposition of organic “solid wastes” that are “source separated” from the municipal “solid waste” stream, or which are separated at a centralized facility.

“Container contamination” or “contaminated container” means a container, regardless of color, that contains “prohibited container contaminants”, or as otherwise defined in 14 CCR Section 18982(a)(55).

~~“Contractor”:~~ The word “contractor” shall be construed to mean the person to whom the city council shall have awarded a contract, or shall have been otherwise authorized to receive, collect, carry, haul, transport and dispose of any and all garbage and waste matter within the city.

“C&D” means construction and demolition debris.

“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 contractor, a private entity, or a combination of those entities.

“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 ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the “recovery of edible food” that does not meet the food safety requirements of the California Retail Food Code.

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

“Excluded waste” means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the city and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in city’s, or its “designee’s” reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose city, or its “designee”, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in “single-family” or “multi-family solid waste” after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code.

“Food distributor” means a company that distributes food to entities including, but not limited to, “supermarkets” and “grocery stores”, or as otherwise defined in 14 CCR Section 18982(a)(22).

“Food facility” has the same meaning as in Section 113789 of the Health and Safety Code.

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

“Food recovery organization” means an entity that engages in the collection or receipt of “edible food” from “commercial edible food generators” and distributes that “edible food” to the public for “food recovery” either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

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

A “food recovery organization” is not a “commercial edible food generator” for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

If the definition in 14 CCR Section 18982(a)(25) for “food recovery organization” differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this ordinance.

“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 ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

“Food scraps” means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. “Food scraps” excludes fats, oils, and grease when such materials are “source separated” from other “food scraps”.

“Food service provider” 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, or as otherwise defined in 14 CCR Section 18982(a)(27).

“Food-soiled paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.

“Food waste” means “food scraps”, “food-soiled paper”, and 100% fiber-based compostable dinnerware.

~~Garbage. The word “garbage” shall include and mean household refuse and leavings, offal, swill and any accumulation of animal and vegetable and other matter that attends the preparation, consumption, decay or dealing in or storage of meat, fish, fowl, birds, fruits and vegetables. “Garbage” does not include waste matter as defined in this section. Animal carcasses shall not be included in this definition and shall not be deposited in any garbage receptacle, except carcasses of animals eaten on the premises.~~

“Green container” has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of “source separated green container organic waste”.

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

“Hauler” means the person to whom the city council shall have awarded a contract, or shall have been otherwise authorized to receive, collect, carry, haul, transport and dispose of any and all organic waste and non-organic waste within the city pursuant to Section 16.5.

“Hauler route” means the designated itinerary or sequence of stops for each segment of the city’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

“High diversion organic waste processing facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average “mixed waste” organic content “recovery” rate of fifty (50) percent between January 1, 2022 and December 31, 2024, and seventy-five (75) percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for “organic waste” received from the “mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).

“Inspection” means a site visit where the city or its “designee” reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of “organic waste or edible food” handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).

“Large event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this ordinance.

“Large venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this 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”. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this ordinance.

“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).

“Mixed refuse/recyclable waste stream” or “mixed refuse/recyclable waste” means “solid waste” that is collected in a “black/gray container” that is part of a two-container “organic waste” collection service that includes “black/gray container waste”, “source separated recyclable materials,” or “source separated blue container organic waste” which are separated at a centralized facility.

“Mixed waste organic collection stream” or “mixed waste” means “organic waste” collected in a container that is required by 14 CCR Sections 18984.1, 18984.2 or 18984.3 to be taken to a “high diversion organic waste processing facility” or as otherwise defined in 14 CCR Section 17402(a)(11.5).

“Multi-family residential dwelling” or “multi-family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. “Multi-family” premises do not include hotels, motels, or other transient occupancy facilities, which are considered “commercial businesses”.

Nonecombustible household refuse. The term “nonecombustible household refuse” shall mean and include bottles, cans, jars, crockery and similar nonecombustibles which shall accumulate from general household usage and which have contained, or are designed to contain food. It shall not include unusually large or weighty items.

~~Noncombustible waste matter. The term “noncombustible waste matter” shall include and mean glass, broken brick, metal containers, plaster, crockery, stones, ashes, auto parts, cans or bottles, except those cans or bottles which have contained food, as defined above, and all rubbish, refuse and waste matter that will not incinerate through flames of fourteen hundred to fifteen hundred degrees Fahrenheit. The term shall not include items which, in the discretion of the city manager, are unusually large or weighty.~~

“Non-compostable paper” includes, but is not limited to, paper that is coated in a plastic material that will not break down in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).

“Non-local entity” means the following entities that are not subject to the city’s enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42), including special districts located within the boundaries of the city, including: South Pasadena Unified School District.

“Non-organic recyclables” means non-putrescible and non-hazardous recyclable wastes including, but not limited to, bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).

“Non-organic waste” means “solid waste” excluding matter defined as “organic waste” by this section.

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

“Organic waste” means “solid wastes” containing material originated from living organisms and their metabolic waste products, including, but not limited to, food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, “paper products”, “printing and writing paper”, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46), excluding animal carcasses not eaten on the premises such as small rodents (e.g. mice and rats). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

“Organic waste generator” means a person or entity that is responsible for the initial creation of “organic waste”, or as otherwise defined in 14 CCR Section 18982(a)(48).

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

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

“Prohibited container contaminants”

(1) Where a three-container collection service has been implemented consisting of a “black/gray container”, a “green container”, and a “blue container”, “prohibited container contaminants” means the following: (i) discarded materials placed in the “blue container” that are not identified as acceptable “source separated recyclable materials” for the city’s “blue container”; (ii) discarded materials placed in the “green container” that are not identified as acceptable “source separated green container organic waste” for the city’s “green container”; (iii) discarded materials placed in the “black/gray container” that are identified as acceptable “source separated recyclable materials” and/or “source separated green container organic wastes”, which are to be separately collected in city’s “green container” and/or “blue container”; and, (iv) “excluded waste” placed in any container.

(2) Where a two-container collection service has been implemented for “source separated green container organic waste” and “mixed refuse/recyclable waste”, “prohibited container contaminants” means the following: (i) discarded materials placed in a “green container” that are not identified as acceptable “source separated green container organic waste” for the city’s “green container”; (ii) discarded materials placed in the “black/gray container” that are identified as acceptable “source separated green container organic waste”, which are to be separately collected in city’s “green container”; and, (iii) “excluded waste” placed in any container.

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

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

“Recycled-content paper” means “paper products” and “printing and writing paper” that consists of at least thirty (30) percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).

“Regional agency” means regional agency as defined in Public Resources Code Section 40181.

“Regional or county agency enforcement official” means a regional or county agency enforcement official, designated by the city with responsibility for enforcing the ordinance in conjunction or consultation with the city manager or their “designee”.

“Remote monitoring” means the use of the internet of things (IoT) and/or wireless electronic devices mounted on the “hauler’s”, the city’s, or the city’s “designee’s” vehicles or carried by “hauler”, city, or the city’s designee to visualize the contents of “blue containers”, “green containers”, and/or “black/gray containers” for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of “prohibited container contaminants.”

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

“Route review” means a visual “inspection” of containers along a “hauler route” for the purpose of determining “container contamination”, and may include mechanical “inspection” methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

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

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

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

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

(1) Hazardous waste, as defined in the State 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 State 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 State Health and Safety Code). Untreated medical waste shall not be disposed of in a “solid waste” landfill, as defined in State 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 State Public Resources Code.

(4) Animal carcasses, except carcasses of animals eaten on the premises or carcasses of small rodents (e.g. mice and rats).

“Source separated” means materials, including commingled recyclable materials, that have been separated or kept separate from the “solid waste” stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of the ordinance, “source separated” shall include separation of materials by the generator, property owner, property owner’s employee, property manager, or property manager’s employee into different containers for the purpose of collection such that “source separated” materials are separated from “black/gray container waste” or other “solid waste” for the purposes of collection and processing.

“Source separated blue container organic waste” means “source separated organic wastes” that can be placed in a “blue container” that is limited to the collection of those “organic wastes and non-organic recyclables” as defined in Section 18982(a)(43), or as otherwise defined by Section 17402(a)(18.7).

“Source separated green container organic waste” means “source separated organic waste” that can be placed in a “green container” that is specifically intended for the separate collection of “organic waste” by the generator, excluding “source separated blue container organic waste”, carpets, “non-compostable paper”, and textiles.

“Source separated recyclable materials” means “source separated non-organic recyclables” and “source separated blue container organic waste”.

“State” means the State of California.

“Street”. ~~The word “street” shall include means~~ all streets, highways, avenues, lanes, alleys, courts, places, squares, and other public ways in the city.

“Supermarket” means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).

“Tier one commercial edible food generator” means a “commercial edible food generator” that is one of the following:

(1) “Supermarket”.

(2) “Grocery store” with a total facility size equal to or greater than 10,000 square feet.

(3) “Food service provider”.

(4) “Food distributor”.

(5) “Wholesale food vendor”.

If the definition in 14 CCR Section 18982(a)(73) of “tier one commercial edible food generator” differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this ordinance.

“Tier two commercial edible food generator” means a “commercial edible food generator” that is one of the following:

(1) “Restaurant” with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.

(2) Hotel with an on-site food facility and 200 or more rooms.

(3) Health facility with an on-site food facility and 100 or more beds.

(4) “Large venue”.

(5) “Large event”.

(6) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.

(7) A “local education agency” facility with an on-site “food facility”.

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

~~Waste matter. The term “waste matter” shall include combustible and noncombustible waste matter and noncombustible household refuse as defined in this section.~~

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

16.2 Burying, dumping, etc., prohibited.

It shall be unlawful for any person to bury on any lot, land or public way within the city any **organic waste or non-organic waste** ~~garbage or waste matter~~. It shall be unlawful for any person to dump or place any **organic waste or non-organic waste** ~~garbage or waste matter~~ on any public way or on any lot or land not owned or leased by such person. This section shall not apply to land used by the city for a collection or disposal site.

It shall be unlawful for any person to dump or spread **organic waste or non-organic waste** ~~garbage~~ on the surface of the ground for drying, composting or mulching.

16.3 Illegal accumulations.

It shall be unlawful for any person owning or occupying any building, lot or premises in the city to allow ~~organic waste or non-organic waste garbage or waste matter~~ to collect except in receptacles of the type specified in this chapter. This provision shall not apply to ~~organic waste or non-organic waste waste matter~~ of building operations during the course of construction and within a reasonable time thereafter, ~~or~~ to wood neatly piled for kitchen or household use, or to the piling of brush, tree, etc., trimmings and stumps as described in Section 16.14.

16.4 Burning.

It shall be unlawful for any person at any time to burn ~~organic waste or non-organic waste garbage~~ within the city, except as permitted by ordinance, the fire chief or the rules and regulations of the South Coast Air Quality Management District.

~~It shall likewise be unlawful for any person to burn waste matter within the city except as permitted by ordinance, the fire chief or the rules and regulations of the air pollution control board.~~

No ~~organic waste or non-organic waste waste matter~~ shall be burned which shall, in burning, emit a dense or offensive smoke or odor.

16.5 Collection and removal generally.

The city reserves unto itself or its ~~haulerecontractor~~ the exclusive right to collect, transport and dispose of, or cause to be collected, transported and disposed of, all ~~organic waste or non-organic waste garbage and waste matter~~ produced or found within the corporate limits of the city, and it is hereby declared to be unlawful for any person, except as in this chapter provided, to collect, transport or dispose of any ~~organic waste or non-organic waste garbage or waste matter~~ produced or found within the city.

The collection, removal and disposal of all ~~organic waste or non-organic waste garbage and waste matter~~ shall be performed exclusively by the city or its ~~haulerecontractor~~ under the supervision of the city manager; provided, however, that:

(1) ~~P~~persons engaging in the business of gardening or tree trimming or tree removal shall, within twenty-four hours from the completion of the job, be permitted to remove and dispose of the garden and tree trimmings which form the immediate by-product of their operations; ~~and provided further, that~~ or,

(2) ~~A~~ny person is hereby permitted to collect, transport and dispose of building material residue resulting from structural work under a proper building permit issued by the city.

16.6 Collection contract or license.

The city council may enter into contracts, agreements or licenses with any person for the removal of ~~organic waste or non-organic waste garbage or waste matter~~ or both. The council, in the exercise of its discretion, hereby determines that it will not be necessary, before entering into such contracts, agreements or licenses to ask for bids. However, each

person to whom such a contract, agreement or license is awarded shall file a bond in a sum and form satisfactory to the city council conditioned on the faithful performance of the duties imposed by this chapter or any amendment thereof and by the terms of the contract, agreement or license.

16.7 Frequency of collections.

The city manager may make such regulations concerning the number of collections and removal of organic waste or non-organic waste ~~garbage and waste matter~~ as may be necessary to carry out the provisions of this chapter. In no case shall collections be less often than once a week for organic waste or non-organic waste ~~garbage and waste matter~~. Extra collections or collections of excessive amounts of organic waste or non-organic waste ~~garbage or waste matter~~ shall be allowed in accordance with the contract in effect at that time between the city and the hauler at a charge agreed upon by the producer and contractor.

16.8 Charges for collection of garbage and waste matter.

(a) The collection of organic waste or non-organic waste ~~garbage and waste matter~~ is a compulsory service rendered to the citizens of the city and the cost of regular collections of same shall be determined in accordance with the contract in effect at that time between the city and the hauler ~~contractor~~.

(b) For extra collections or for collections of excessive amounts of organic waste or non-organic waste ~~garbage and waste matter~~ or from locations other than those specified and the cost of extra collections of same shall be determined in accordance with the contract in effect at that time between the city and the hauler ~~contractor~~ the cost of same shall be agreed upon between the producer and contractor subject to the approval of the city manager as provided in Section 16.11 hereof.

(c) Payment of such collection charges for services described in (a) and (b) of this section shall be the responsibility of the generator.

(d) Billing and collection of such collection charges for services described in (a) and (b) of this section shall be the responsibility of the hauler.

16.9 ~~(Repealed.)~~ It is unlawful for any person to deposit the carcass of any animal in the organic waste or non-organic waste receptacles, except the carcass of an animal of the type used for human consumption, or the carcass of a small rodent. Small rodent carcasses are considered non-organic waste as defined by this chapter.

16.10 ~~[Reserved]~~ Billing for collection charges:

~~Bills for water service shall be the medium for billing and collecting the regular garbage and waste matter collection charges. When any water bill is rendered for a particular location and there appears thereon a charge for garbage or waste matter collection, the total sum shown on the bill shall be paid as a unit and all the provisions of Chapter 35 of this Code pertaining to the collection of fees for water service shall apply to the total~~

~~amount shown on the bill for these items. Every person producing garbage and waste matter for which the collection charge is not paid by a landlord or some other person, and whose name does not appear on the water accounts of the city, shall, before collections are started, deposit with the director of finance an amount equal to twice the minimum monthly waste collection charge established for the type of collection services rendered or made available. In the event a person who, having made such a deposit, ceases to be obligated to pay such a collection charge, a pro rata refund of the unused portion of such deposit shall be made by the director of finance upon receipt of a validly based claim for said refund.~~

16.11 ~~[Reserved] Credit for portion of month collection; disposition of moneys collected; cancelling or adjusting charges; appeals; permitting licensed collector to make collections upon dissatisfaction with contractor's services.~~

~~No credit shall be allowed for a portion of a month's service in collecting garbage and waste matter. The director of finance shall be responsible for all moneys collected, shall deposit the same in the general fund of the city and shall keep accurate records showing service and collections at each location.~~

~~Waiver. Waiver of refuse collection charges may be granted by the director of public works only for premises on which there is new construction, or remodeling so extensive that the premises are not occupied, and provided the property owner first files a written request therefor. The director must find that the premises are unoccupied and that no collection is required. He or she shall immediately notify the director of finance of such fact, who shall forthwith cancel all such charges as provided for in the waiver.~~

16.12 Liability for fees.

The city council hereby finds that the regular periodic collection of organic waste or non-organic waste ~~refuse~~ from all units in the city benefits all occupants or owners, ~~as the case may be~~, of said places and premises in the city and therefore all occupants or owners, ~~as the case may be~~, of said places are made liable for the organic waste or non-organic waste ~~refuse~~ collection fees prescribed in this article, except as otherwise provided herein. The failure or refusal of any occupant or owner, ~~as the case may be~~, of any unit to allow city collection of organic waste or non-organic waste ~~refuse~~ to be effected from any family residential unit shall not relieve such occupant or owner from liability for payment of such service.

16.13 Transportation along streets-

No person shall remove or transport, or cause to be removed or transported, any organic waste or non-organic waste ~~garbage or waste matter~~ upon or along any public street or way or other public place in the city; provided, however, that the provisions of this section shall not apply to any person in the employ of the city who shall be assigned by the city manager to such removal, or to any person with whom the city has entered into a contract for the collection, removal or transportation or purchase of organic waste or non-organic ~~wastegarbage or waste matter~~, or to any employee of such contractor during such time as

such contract shall be in force, or to any person conveying through the city organic waste or non-organic waste ~~garbage or waste matter~~ collected outside the city.

16.14 Piling of brush, tree, etc., trimmings and stumps.

Brush, tree and garden trimmings and stumps may be kept in a pile for collection. No item of the pile shall exceed four inches in diameter or three feet in length or weigh more than eighty pounds. **The size of the pile shall not exceed three feet in any direction, or shall not exceed the collection volume limit identified for that site's organic waste and non-organic waste services, whichever is less.**

16.15 Placing of ashes for collection.

All ashes, when placed for collection, shall be cold and free from fire, live coals or other substances which might ignite.

16.16 Disposal of articles from infected premises.

Wearing apparel, bedding and other articles from any home or place where an infectious or contagious disease has prevailed shall not be placed in a garbage or waste matter receptacle or otherwise disposed of except under the direction of the health officer.

16.17 Generally.

Every owner, tenant or occupant of any premises where organic waste or non-organic waste ~~garbage~~ is created shall provide upon such premises one or more organic waste and non-organic waste ~~galvanized metal~~ ~~garbage~~ receptacles, provided with outside handles and with tight-fitting ~~galvanized metal~~ covers, **unless provided a receptacle or container by the City or its Designee** for receiving and holding all organic waste or non-organic waste ~~garbage~~ created upon such premises between the times of collection. ~~Each receptacle at places other than an industrial establishment shall have a capacity of not less than five nor more than fifteen gallons. Receptacles shall not exceed the container volume limit identified for that site's organic waste and non-organic waste services. Receptacles provided by the city or its designee shall have a capacity as determined by the city manager or their designee.~~ No organic waste or non-organic waste ~~garbage~~ receptacle shall be required where a ~~garbage~~ disposal receptacle has been installed on the premises under a permit obtained from the building department and approved by the city manager.

~~Every owner, tenant or occupant of any premises where waste matter is created shall provide, in addition to garbage receptacles, one or more receptacles, each of a capacity of not more than forty-five gallons or which will weigh, when filled, not to exceed eighty pounds, for receiving and holding all waste matter created upon such premises between the times of collection.~~

All containers shall be maintained in good condition and repair. Any container which does not conform to the provisions of this article or which may have ragged or sharp edges, or any other defect liable to hamper or injure the person collecting the contents thereof, shall be promptly replaced by the owner upon written notice mailed from the office of the city

manager, **unless the receptacle or container has been provided by the City, in which case the owner, tenant or occupant shall contact the City or its Designee to replace the receptacle.**

16.18 Location

All receptacles shall at all times be located in a readily accessible backyard location, **or other location as designated by the City or its designee,** and as close as possible to the driveway, street or walk available to the collector's ~~cart~~.

Containers should be located where a **manperson** can handle them easily and should at no time be more than 10 feet from **collector's access path**~~the cart when collecting.~~

16.19 Unauthorized removal or interference with.

No person other than the owner thereof or any officer or employee of the city or the **haulercontractor,** or other person authorized by the City shall move, remove or interfere with any **organic waste or non-organic waste garbage or waste matter** receptacle or the contents thereof.

16.20 Not to be used for inflammables or explosives.

Highly inflammable or explosive materials shall not be placed in receptacles provided for in this article at any time, but shall be disposed of as directed by the chief of the fire department at the expense of the owner or possessor thereof.

16.21 To be kept clean and sanitary.

All receptacles provided for in this article shall be kept in a clean and sanitary condition by the owner or tenant using the same. After the receptacle has been emptied and cleaned, but before it is again used, the lid may be removed to allow airing and drying, if all food particles have been removed in the cleaning process.

16.22 Covering of garbage receptacles; wrapping garbage.

All **organic waste or non-organic waste garbage**-receptacles shall be kept tightly covered at all times, except when **organic waste or non-organic waste garbage** is being deposited therein or removed therefrom, and the owner shall at no time allow access to the contents by flies, rats or other insects or animals. ~~All garbage placed therein shall first be wrapped in newspaper.~~

SECTION 3. The following new Article V (“Organic Waste Disposal”) is added to Chapter 16 of the South Pasadena Municipal Code, which reads as follows:

ARTICLE V. ORGANIC WASTE DISPOSAL

16.50 Requirements for Single-Family Generators

(a) Single-family organic waste generators shall comply with the following requirements

(1) Shall subscribe to city’s organic waste collection services for all organic waste generated as described below. City shall have the right to review the number and size of a generator’s containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, single-family generators shall adjust its service level for its collection services as requested by the city. Generators may additionally manage their organic waste by preventing or reducing their organic waste, managing organic waste on site, and/or using a community composting site pursuant to 14 CCR Section 18984.9(c), except where limited by Sections 16.5 and 16.13.

(2) Shall participate in the city’s organic waste collection service(s) by placing designated materials in designated containers as described below, and shall not place prohibited container contaminants in collection containers.

(A) Where a three-container collection service has been implemented consisting of a black/gray container, a green container, and a blue container, generator shall place source separated green container organic waste, including food waste, in the green container; source separated recyclable materials in the blue container; and black/gray container waste in the black/gray container. Generators shall not place materials designated for the black/gray container into the green container or blue container.

(B) Where a two-container collection service has been implemented for source separated green container organic waste and mixed refuse/recyclable waste, generator shall place only source separated green container organic waste in a green container. Generator shall place all other materials (mixed refuse/recyclable waste) in a black/gray container.

16.51 Requirements for Commercial Business

(a) Generators that are commercial businesses, including multi-family residential dwellings, shall:

(1) Subscribe to city’s three-container or two-container collection services and comply with requirements of those services as described below. City shall have the right to review the number and size of a generator’s containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and,

commercial businesses shall adjust their service level for their collection services as requested by the city.

(2) Participate in the city's organic waste collection service(s) by placing designated materials in designated containers as described below.

(A) Where a three-container collection service has been implemented consisting of a black/gray container, a green container, and a blue container, generator shall place source separated green container organic waste, including food waste, in the green container; source separated recyclable materials in the blue container; and gray container waste in the black/gray container. Generator shall not place materials designated for the black/gray container into the green container or blue container.

(B) Where a two-container collection service has been implemented for source separated green container organic waste and mixed refuse/recyclable waste, generator shall place only source separated green container organic waste in a green container. Generator shall place all other materials (mixed refuse/recyclable waste) in a black/gray container.

(c) Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming with Sections 16.51(d)(1) and 16.51(d)(2) below) for employees, contractors, tenants, and customers, consistent with city's blue container, where applicable, green container, and black/gray container collection service.

(d) Excluding multi-family residential dwellings, provide containers for the collection of source separated green container organic waste and source separated recyclable materials, where applicable, in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a commercial business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:

(1) A body or lid that conforms with the container colors provided through the collection service provided by city, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A commercial business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

(2) Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container,

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

(e) Multi-family residential dwellings are not required to comply with container placement requirements or labeling requirements in Section 16.51(d) pursuant to 14 CCR Section 18984.9(b).

(f) To the extent practical through education, training, inspection, and/or other measures, excluding multi-family residential dwellings, prohibit employees from placing materials in a container not designated for those materials per the city's blue container, green container, and black/gray container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 16.56.

(g) Excluding multi-family residential dwellings, periodically inspect blue containers, where applicable, green containers, and black/gray containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).

(h) Annually provide information to employees, contractors, tenants, and customers about organic waste recovery requirements and about proper sorting of source separated green container organic waste and source separated recyclable materials, where applicable.

(i) Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep source separated green container organic waste and source separated recyclable materials, where applicable, separate from black/gray container waste and the location of containers and the rules governing their use at each property.

(j) Provide or arrange access for city or its agent to their properties during all inspections conducted in accordance with Section 16.57~~8~~ of this ordinance to confirm compliance with the requirements of this ordinance

(k) Accommodate and cooperate with city's remote monitoring program for inspection of the contents of containers for prohibited container contaminants, which may be implemented at a later date, to evaluate generator's compliance with Section 16.51(b)(2). The remote monitoring program shall involve installation of remote monitoring equipment on or in the blue containers, where applicable, green containers, and black/gray containers.

(l) At commercial business's option and subject to any approval required from the city, implement a remote monitoring program for inspection of the contents of its blue containers, where applicable, green containers, and black/gray containers for the purpose of monitoring the contents of containers to determine appropriate levels of service and to identify prohibited container contaminants. Generators may install

remote monitoring devices on or in the blue containers, green containers, and black/gray containers subject to written notification to or approval by the city or its designee.

~~(m) If a Commercial Business wants to self haul, meet the Self-Hauler requirements in Section 16.56 of this ordinance.~~

~~(nm) Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing organic waste on site, or using a community composting site pursuant to 14 CCR Section 18984.9(c), except where limited by Sections 16.5 and 16.13.~~

~~(on) Commercial businesses that are tier one or tier two commercial edible food generators shall comply with food recovery requirements, pursuant to Section 16.53.~~

16.52 Waivers for Generators

(a) De minimis waivers. The city may waive a commercial business' obligation (including multi-family residential dwellings) to comply with some or all of the organic waste requirements of this ordinance if the commercial business provides documentation that the business generates below a certain amount of organic waste material as described below. Commercial businesses requesting a de minimis waiver shall:

(1) Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted below.

(2) Provide documentation that either:

(A) The commercial business' total solid waste collection service is two cubic yards or more per week and organic waste subject to collection in a blue container or green container comprises less than 20 gallons per week per applicable container of the business' total waste; or,

(B) The commercial business' total solid waste collection service is less than two cubic yards per week and organic waste subject to collection in a blue container or green container comprises less than 10 gallons per week per applicable container of the business' total waste.

(3) Notify city if circumstances change such that commercial business's organic waste exceeds threshold required for waiver, in which case waiver will be rescinded.

(4) Provide written verification of eligibility for de minimis waiver every five years, if city has approved de minimis waiver.

(b) Physical space waivers. City may waive a commercial business' or property owner's obligations (including multi-family residential dwellings) to comply with some or all of the recyclable materials and/or organic waste collection service requirements if the city

has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the organic waste collection requirements of Section 16.51.

A commercial business or property owner may request a physical space waiver through the following process:

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

(2) Provide documentation that the premises lacks adequate space for blue containers, where applicable, and/or green containers including documentation from its hauler, licensed architect, or licensed engineer

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

16.53 Requirements for commercial edible food generators

(a) Tier one commercial edible food generators must comply with the requirements of this Section commencing January 1, 2022, and tier two commercial edible food generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.

(b) Large venue or large event operators not providing food services, but allowing for food to be provided by others, shall require food facilities operating at the large venue or large event to comply with the requirements of this Section, commencing January 1, 2024.

(c) Commercial edible food generators shall comply with the following requirements:

(1) 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 city’s designated enforcement entity or designated third party enforcement entity 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 18991.3(b).

(C) A record of the following information for each of those food recovery services or food recovery organizations:

(i) The name, address and contact information of the food recovery service or food recovery organization.

(ii) The types of food that will be collected by or self-hauled to the food recovery service or food recovery organization.

(iii) The established frequency that food will be collected or self-hauled.

(iv) The quantity of food, measured in pounds, recovered per month, collected or self-hauled to a food recovery service or food recovery organization for food recovery.

(6) No later than July 1 of each year commencing no later than July 1, 2022 for tier one commercial edible food generators and July 1, 2024 for tier two commercial edible food generators, provide an annual food recovery report to the city that includes the information recorded as required in Section 16.53(c)(5) as well as the amount and type of edible food that was not accepted by food recovery organizations or services for donation.

(d) Nothing in this ordinance 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 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

16.54 Requirements for Food Recovery Organizations and Services and Regional Agencies

(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 generator from which the organization receives edible food.

(2) The quantity in pounds of edible food received from each commercial edible food generator per month.

(3) The name, address, and contact information for each food recovery service that the organization receives edible food from for food recovery.

(c) Food recovery organizations and food recovery services shall inform generators about California and Federal Good Samaritan Food Donation Act protection in written communications, such as in their contract or agreement established under 14 CCR Section 18991.3(b).

(d) Food recovery organizations and food recovery services that have their primary address physically located in the city and contract with or have written agreements with one or more commercial edible food generators pursuant to 14 CCR Section 18991.3(b) shall report to 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 July 1.

(e) Food recovery capacity planning

(1) Food recovery services and food recovery organizations. In order to support edible food recovery capacity planning assessments or other studies conducted by

the county, city, special district that provides solid waste collection services, or its designated entity, food recovery services and food recovery organizations operating in the city shall provide information and consultation to the city, upon request, regarding existing, or proposed new or expanded, food recovery capacity that could be accessed by the city and its commercial edible food generators. A food recovery service or food recovery organization contacted by the city shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the city.

16.55 Requirements for haulers and facility operators

(a) Requirements for haulers

(1) Exclusive franchised hauler providing residential, commercial, or industrial organic waste 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 waste:

(A) Through written notice to the city annually on or before July 1, identify the facilities to which they will transport organic waste including facilities for source separated recyclable materials, source separated green container organic waste, and mixed refuse/recyclable waste.

(B) Transport source separated recyclable materials, source separated green container organic waste, and mixed refuse/recyclable waste to a facility, operation, activity, or property that recovers organic waste as defined in 14 CCR, Division 7, Chapter 12, Article 2

(C) Obtain approval from the city to haul organic waste, unless it is transporting source separated organic waste to a community composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, and Section 16.567 of this ordinance, and City's C&D ordinance.

(2) Exclusive franchised hauler authorization to collect organic waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement, permit, license, or other agreement entered into with city.

(b) Requirements for facility operators and community composting operations

(1) Owners of facilities, operations, and activities that recover organic waste, including, but not limited to, compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon city's request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the city shall respond within 60 days.

(2) Community composting operators, upon city request, shall provide information to the city to support organic waste capacity planning, including, but not limited to, an estimate of the amount of organic waste anticipated to be handled at the community composting operation. Entities contacted by the city shall respond within 60 days.

16.56 Compliance with CALGreen Recycling Requirements

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

Project applicants shall refer to Chapter 9 for complete CALGreen requirements.

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

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

(2) New commercial construction or additions resulting in more than 30% of the floor area shall provide readily accessible areas identified for the storage and collection of blue container and green container materials, consistent with the three-container or two-container collection program offered by the city, or shall comply with provision of adequate space for recycling for multi-family and commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.

(3) Comply with CALGreen requirements and applicable law related to management of C&D, including diversion of organic waste in C&D from disposal. Comply with city's C&D ordinance, and all written and published city policies and/or administrative guidelines regarding the collection, recycling, diversion, tracking, and/or reporting of C&D.

16.57 Inspections and Investigations by City

(a) City representatives and/or its designated entity, including designees are authorized to conduct inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or source separated materials to confirm compliance with this ordinance by organic waste generators, commercial businesses (including multi-family residential dwellings), property owners, commercial edible food generators, haulers, food recovery services, and food recovery organizations, subject to applicable laws. This Section does not allow city to enter the interior of a private residential property for inspection. For the purposes of inspecting commercial business containers for compliance with Section 16.51(a)(2) of this ordinance, city may conduct container inspections for prohibited container contaminants using remote monitoring, and commercial businesses shall accommodate and cooperate with the remote monitoring pursuant to Section 16.51(k) of this ordinance.

(b) Regulated entity shall provide or arrange for access during all inspections (with the exception of residential property interiors) and shall cooperate with the city's employee or its designated entity/designee during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, edible food recovery activities, records, or any other requirement of this ordinance described herein. Failure to provide or arrange for:

(1) access to an entity's premises;

(2) installation and operation of remote monitoring equipment; or

(3) access to records for any inspection or investigation is a violation of this ordinance and may result in penalties described.

(c) Any records obtained by city during its inspections, remote monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.

(d) City representatives, its designated entity, and/or designee are authorized to conduct any inspections, remote monitoring, or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.

(e) City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 regulations, including receipt of anonymous complaints.

16.58 Enforcement

(a) Violation of any provision of this ordinance shall constitute grounds for issuance of a notice of violation and assessment of a fine by the city manager or their designee or representative. Enforcement actions under this ordinance are issuance of an

administrative citation and assessment of a fine, as governed by Chapter 1A of the City Code regarding Administrative Citations.

(b) Process for enforcement

(1) For incidences of prohibited container contaminants found in containers, city or its designee will issue a notice of violation and/or a notice of contamination to any generator found to have prohibited container contaminants in a container. Such notice will be provided via a cart tag or other communication immediately upon identification of the prohibited container contaminants or within two (2) days after determining that a violation has occurred. If the city or its assignee observes prohibited container contaminants in a generator's containers on more than two (2) consecutive occasion(s), beginning January 1, 2024, the city or its designee have the right to assess contamination processing fees or contamination service charges on the generator, per the current franchise hauler rate schedule. This contamination service charge shall not be considered an administrative fine or penalty. Any disputes arising from the assessment of a contamination service charge shall be adjudicated pursuant to the customer complaint resolution process provided under the terms of any contract, agreement, or similar contractual authorization between the hauler and the city to collect organic waste.

(2) Absent compliance by the respondent within the deadline set forth in the notice of violation, city shall commence an action to impose penalties, via an administrative citation and fine, pursuant to Chapter 1A (Administrative Citations) of the city's municipal code. Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the city or if no such address is available, to the owner at the address of the dwelling or commercial property or to the party responsible for paying for the collection services, depending upon available information.

(c) Penalty amounts for types of violations

The penalty levels are as follows:

(1) For a first violation, the amount of the base penalty shall be \$100 per violation.

(2) For a second violation, the amount of the base penalty shall be \$200 per violation.

(3) For a third or subsequent violation, the amount of the base penalty shall be \$500 per violation.

(d) Education period for non-compliance

Beginning January 1, 2022 and through December 31, 2023, city will conduct inspections, remote monitoring, route reviews or waste evaluations, and compliance reviews, depending upon the type of regulated entity, to determine compliance, and if city determines that organic waste generator, hauler, tier one commercial edible food

generator, food recovery organization, food recovery service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this ordinance and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

(e) Civil penalties for non-compliance

Beginning January 1, 2024, if the city determines that an organic waste generator, hauler, tier one or tier two commercial edible good generator, food recovery organization, food recovery service, or other entity is not in compliance with this ordinance, it shall document the noncompliance or violation, issue a notice of violation, and take enforcement action pursuant to this Section, as needed.

SECTION 4. The following new Section (2.99-29C) is added to Chapter 2 Administration, Article XI Purchasing, which reads as follows:

2.99-29C Recovered Organic Waste Product and Recycled-Content Paper procurement requirements.

(a) City departments, and direct service providers to the city, as applicable, must comply with the city's recovered organic waste product procurement policy effective January 1, 2022 and recycled-content paper procurement policy effective on January 1, 2022.

SECTION 5. Section 5.22 ("Dead animals") of Chapter 5 of the South Pasadena Municipal Code is amended to read as follows:

5.22 Dead animals.

It is declared to be a nuisance and is unlawful for any person to permit the carcass of any animal to remain upon any property owned, controlled or occupied by such person in the city for a period of more than twenty-four hours after the death of the animal, except the carcass of an animal kept for human consumption. It is unlawful for any person to bury the carcass of any animal upon property, public or private, in the city. It is unlawful for any person to deposit the carcass of any animal in the ~~organic waste or non-organic wastegarbage or waste matter~~ receptacles as defined in Chapter 16 of this code, except the carcass of an animal of the type used for human consumption, **or the carcass of a small rodent (e.g. mice and rats).**

SECTION 65. This ordinance shall take effect January 1, 2022, and within fifteen (15) days after its passage, the City Clerk of the City of South Pasadena shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

Ord. No. ____, Chapters 16, 2, & 5 Amendments, Date: December 1, 2021

PASSED AND ADOPTED by the City Council of the City of South Pasadena, State of California, on December ____, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Diana Mahmud, Mayor

Attest:

City Clerk



ORGANIC WASTE DISPOSAL REDUCTION ORDINANCE

Public Works Department

November 3, 2021 – First reading of original ordinance

November 17, 2021 – First reading of revised ordinance

Senate Bill No. 1383

- Statewide effort to reduce organic waste
 - Achieve a 75% reduction in disposal of organic waste by 2025
 - Rescue at least 20% of currently disposed edible food by 2025
- Organic waste = food waste, landscape and pruning waste, lumber wood, paper products, etc.
- Aligns with City goals
- Unfunded state mandate
- Regulations take effect January 1, 2022

2022



Provide Organics Collection Service to All Residents and Businesses



Establish Edible Food Recovery Program



Conduct Education and Outreach



Procurement



Capacity Planning



Revised Organic Waste Ordinance

1. Updated definitions to eliminate outdated terms, and clarify definitions of similar and redundant terms.
2. Eliminated references to self-hauling that would conflict with the City's existing municipal code and conflict with the City's exclusive refuse service agreement with its contracted hauler.
3. Ensures consistency between sections with regard to references and supporting language.
4. Added a definition of "Non-organic Waste", changed the title of Chapter 16 from "Garbage and Waste" to "Organic Waste and Non-organic Waste", and updated related terms throughout Chapter 16.
5. Amended related sections of Chapter 5 concerning disposal of animals.



Implementation and Enforcement

- Beginning January 1, 2022, residents will be required to utilize current barrels at their location to separate food waste and combine it with yard waste
- Residents do **NOT** need to purchase new barrels
- Athens will “flip lids” to detect contamination
- Penalties imposed on residents and businesses are delayed until January 1, 2024
- Athens will work with residents before issuing any citations



Outreach

- SB1383 webpage coming soon
- Athens to mail out educational materials to all waste generators immediately
- Extensive outreach efforts to assist waste generators in understanding the separation of food waste
- Signage depicting what can and cannot be disposed in each barrel will be provided
- Athens Recycling Coordinators to visit and assess the space and service level of commercial and multifamily accounts and provide recommendations and training



Questions