ORDINANCE NO. 15-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA TO AMEND TITLE 8 OF THE COSTA MESA MUNICIPAL CODE BY AMENDING SECTIONS 8-76 (DEFINITIONS), 8-77 (PERMIT) AND 8-83 (REGULATIONS) OF ARTICLE I (SOLID WASTE COLLECTION) OF CHAPTER IV (GARBAGE, RUBBISH AND WEEDS)

THE CITY COUNCIL OF THE CITY OF COSTA MESA MAKES THE FOLLOWING FINDINGS WITH RESPECT TO THE ADOPTION OF THIS ORDINANCE:

WHEREAS, Assembly Bill 1826 requires that commencing April 1, 2016, the City require a business that generates a specified amount of organic waste per week to arrange for recycling services for that organic waste in a specified manner;

WHEREAS, Assembly Bill 1826 decreases the amount of organic waste under which a business would be subject to those requirements from 8 cubic yards or more to 4 cubic yards or more on January 1, 2017;

WHEREAS, Assembly Bill 1826 also requires a business that generates 4 cubic yards or more of commercial solid waste per week, on and after January 1, 2019, to arrange for organic waste recycling services and, if the Department of Resources Recycling and Recovery makes a specified determination, would decrease that amount to 2 cubic yards, on or after January 1, 2020;

WHEREAS, Assembly Bill 1826 requires that the City, on and after January 1, 2016, implement an organic waste recycling program to divert organic waste from the businesses subject to this act;

WHEREAS, Assembly Bill 1826 will require the City to report to the Department of Resources Recycling and Recovery on its progress in implementing the organic waste recycling program, and the department would be required to review whether a jurisdiction is in compliance with this act;

WHEREAS, Assembly Bill 1826 authorizes the City to charge and collect a fee from an organic waste generator to recover the local governmental agency's costs incurred in complying with this act; and

WHEREAS, this Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 (b)(3) (General Rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this Ordinance will have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES ORDAIN AS FOLLOWS:

Section 1: Sections 8-76, 8-77 and 8-83 of Article I of Chapter IV of Title 8 are amended to add sub-section (x) to section 8-76, sub-section (e)(5)(f) to section 8-77 and sub-sections (i), (j), (k) and (l) to section 8-83, to read as follows:

Sec. 8-76. – Definitions.

The following terms as used in this article shall, unless the context already indicates otherwise, have the respective meanings herein set forth:

(x) Organic Waste. Organic material including food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed with food waste.

Sec. 8-77. - Permit.

(e) Each permit application shall be filed with the public services department and shall include the following information:

(5) A written source reduction and recycling plan with details and time frame for implementation on how the permittee will provide the programs to its customers as required by the City of Costa Mesa Source Reduction and Recycling Element which include but are not limited to all of the following:

f. Organic waste recycling programs. In order to comply with the requirements of Chapter 12.9 of Part 3 of Division 30 of the Public Resources Code, the director of public services may require a permit applicant, seeking an A Tier hauler designation, to demonstrate their ability to provide organics recycling services as a condition of permit issuance.

Sec. 8-83. - Regulations.

(i) All businesses as defined by Public Resources Code section 42649.1 generating four-cubic-yards of trash per week, and all multi-family properties of 5 units or more, must arrange for the collection and recycling of solid waste as follows:

(1) Source separate recyclable materials from solid waste and subscribe to a basic level of recycling service that includes collection, self-hauling, or other arrangements for the pickup of the recyclable materials with a permittee.

(2) Subscribe to a recycling service with a permittee that may include mixed waste processing that yields diversion results comparable to source separation.

(j) On or before April 1, 2016, all businesses as defined by Public Resources Code section 42649.8 et seq., including multi-family residential dwellings of 5 or more units, must arrange for recycling services specifically for the organic waste that they generate in the manner specified in subsection k. as follows:

(1) On and after April 1, 2016, a business that generates eight cubic yards or more of organic waste per week shall arrange for recycling services specifically for organic waste;

(2) On and after January 1, 2017, a business that generates four cubic yards or more of organic waste per week shall arrange for recycling services specifically for organic waste;
(3) On and after January 1, 2019, a business that generates four cubic yards or more of commercial solid waste, as defined in Public Resources Code section 42649.1, per week, shall arrange for recycling services specifically for organic waste; and
(4) On or after January 1, 2020, if the state Department of Resources Recycling and Recovery determines that statewide disposal of organic waste has not been reduced to 50 percent of the level of disposal during 2014, a business that generates two cubic yards or more per week of commercial solid waste shall arrange for the organic waste recycling services specifically for organic waste, unless the Department of Resources Recycling and Recovery determines that this requirement will not result in significant additional reductions of organics disposal.

(k) All businesses as defined by Public Resources Code section 42649.8 et seq. including multi-family residential dwellings of 5 or more units located within the city shall do one or more of the following, except that a multifamily residential dwelling is not required to arrange for the organic waste recycling for food waste:

(1) Source separate organic waste from other waste and subscribe to a basic level of organic waste recycling service that includes collection and recycling of organic waste with a permittee that recycles organic waste;
(2) Recycle its organic waste onsite or self-haul its own organic waste for recycling;
(3) Subscribe to a mixed waste processing service from a permittee that recycles organic waste; and/or

(4) Donate or sell organic waste to a person or entity authorized by law to receive such waste.

(l) Property management companies that contract for trash service for any commercial, institutional, or multi-family properties subject to this article are required to contract or otherwise make available recycling services to comply with this section.

Section 2: Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

Section 3: Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the

validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, state, or federal law, regulation, or codes dealing with life safety factors.

Section 4: This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

Adopted this _____ day of _____, 2015

_____
Stephen Mensinger, Mayor

ATTEST:

_____
Brenda Green
City Clerk of the City of Costa Mesa

STATE OF CALIFORNIA)
COUNTY OF COSTA MESA)
CITY OF COSTA MESA)

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the ____ day of _____, 2015, and thereafter at the regular meeting of said City Council duly held on the _____ day of _____, 2015, was duly passed and adopted by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Brenda Green
City Clerk of the City of Costa Mesa

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